Common Council Regular Session Agenda
City of Bloomington, Indiana

Wednesday, May 20, 2026 at 6:30pm
Council Chambers #115, City Hall
401 N. Morton Street, Bloomington, IN 47404

The meeting may be accessed remotely[1]

1. **Roll Call**

2. **Agenda Summation**

3. **Minutes for Approval**

4. **Reports** *(A maximum of twenty minutes is set aside for each part of this section)*
   A. Councilmembers
   B. The Mayor, City Clerk, City Offices, and City Boards and Commissions
      - Commission on the Status of Black Males
      - Commission on the Status of Children and Youth
   C. Council Committees
   D. Public Comment*

5. **Appointments to Boards and Commissions**

6. **Legislation for First Readings**
   A. Ordinance 2026-12 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" to Seasonally Provide a Carless Kirkwood

7. **Legislation for Second Readings and Resolutions**
   A. Resolution 2026-05 A Resolution to Initiate a Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code in order to Improve Sustainability and Housing Affordability

   B. Resolution 2026-06 A Resolution Directing the Housing and Neighborhood Development Department to Develop a Framework for Long-Term Housing Affordability

   C. Ordinance 2026-07 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection," and to Establish a Conservation District - "Cottage Grove Conservation District"

[1] https://bloomington.zoom.us/j/88471035815?pwd%3DxWBtIamTscm2PUX7IMfPoTbNZ0cRUx.1

Amendments and Technical Corrections to the Unified Development Ordinance:

D. Ordinance 2026-08 To Amend and Provide Technical Corrections to Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance"

E. Ordinance 2026-09 To Amend and Provide Technical Corrections to Chapter 4: Development Standards & Incentives of Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance"

F. Ordinance 2026-10 To Amend and Provide Technical Corrections to Chapter 6 Administration & Procedures of Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance"

G. Ordinance 2026-11To Amend and Provide Technical Corrections to Chapter 2 Zoning Districts, Chapter 3 Use Regulations, Chapter 5 Subdivision Standards, and Chapter 7 Definitions of Title 20 of the Bloomington Municipal Code, Entitled "Unified Development Ordinance"

8. **Additional Public Comment*** *(A maximum of twenty-five minutes is set aside for this section)*

9. **Council Schedule**

10. **Adjournment**

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

- Community Access Television Services[2] (CATS)
- Bloomington YouTube Channel[3]

Materials for this meeting[4] are available on Council's website.

*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.

The City of Bloomington is committed to providing equal access to information. If you encounter difficulties accessing packet materials, please contact the Bloomington Common Council office at council@bloomington.in.gov or (812) 349-3409. Please provide your name, contact information, and a description of the packet material with which you are having problems.

[2] https://catstv.net/
[3] https://www.youtube.com/@citybloomington
[4] https://bloomington.in.gov/council/meetings/2026

Bloomington Common Council Ordinance No. 2026-12 - To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” to Create a Chapter for Streets and Alleys that are Closed to Vehicular Traffic

Preamble

Whereas, the City of Bloomington originally implemented the seasonal conversion of certain blocks of Kirkwood Avenue to a carless street to support local businesses, enhance pedestrian safety, and foster community vibrancy; and

Whereas, the Common Council, in Resolution 2025-05, signaled a commitment to a predictable seasonal schedule, and still seeks to provide long-term certainty to businesses, residents, and visitors regarding the summer street closure, allowing them to plan, adapt, and invest with confidence; and

Whereas, the Common Council recognizes that while daily visit rates may fluctuate due to construction or weather, the documented increase in "dwell time" suggests that a pedestrian-oriented Kirkwood Avenue creates a higher quality of engagement and a more meaningful "third space" for the community; and

Whereas, this Ordinance seeks to harmonize the administration's goal of a "comprehensive vision" with the public’s desire for a car-less Kirkwood, ensuring that the street remains a safe, inclusive, and vibrant destination during the peak visitor months of April through November; and

Whereas, by formalizing this closure within Title 15, the City establishes a transparent framework for governance, allowing the of the City Engineer to manage emergencies while maintaining a consistent and predictable standard for the public; and

Whereas, the City Council is committed to activating Kirkwood Avenue as a premier destination for commerce, pedestrians, civic engagement, and community life, fostering economic vitality and social interaction; and

Whereas, this ordinance does not preclude the City of Bloomington from advancing additional investments in Kirkwood Avenue as outlined in the Transportation Plan and Safe Streets for All Plan, ensuring future improvements align with the city’s vision for a vibrant, accessible, and multimodal corridor.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1.
Title 15, entitled “Vehicles and Traffic,” is amended to add the following chapter:

15.65 – STREETS AND ALLEYS CLOSED TO VEHICULAR TRAVEL.
Upon those streets and parts of streets described in Schedule X, attached hereto and made a part hereof, motor vehicular traffic shall be prohibited on such dates as are indicated therein. In case of emergency, the City Engineer may temporarily restore motor vehicle traffic as authorized in 15.08.040 - Temporary, experimental or emergency traffic regulations. If the City Engineer proposes to restore motor vehicular traffic for more than 90 days (consecutive days, or cumulative over the span of the annual closure), the restoration must be approved by the City Council.

SCHEDULE X

Restricted Streets

Street	From	To	Closure Period
E Kirkwood Ave.	S Walnut St.	S Washington St.	April 1 to November 15, annually
E Kirkwood Ave.	S Washington St.	S Lincoln St.	April 1 to November 15, annually
E Kirkwood Ave.	S Lincoln St.	S Grant St.	April 1 to November 15, annually
E Kirkwood Ave.	S Grant St.	S Dunn St.	April 1 to November 15, annually
E Kirkwood Ave.	S Dunn St.	S Indiana Ave.	April 1 to November 15, annually

Upon those alleys and parts of alleys described in Schedule Y, attached hereto and made a part hereof, motor vehicular traffic shall be prohibited on such dates as are indicated therein. In case of emergency, or other practical difficulties, the City Engineer may temporarily restore motor vehicle traffic as authorized in 15.08.040 - Temporary, experimental or emergency traffic regulations. If the City Engineer proposes to restore motor vehicular traffic for more than 90 days (consecutive days, or cumulative over the span of the annual closure), the restoration must be approved by the City Council.

SCHEDULE Y

Restricted Alleys

Alley-Between	From	To	Closure Period
E Kirkwood Ave. and E 4thSt.	S Walnut St	~100’ east of S Walnut St.	Annually

Passed
Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the ___ day of _____, 2026.

Isak Nti Asare
President, Bloomington Common Council

Attestation of Bloomington City Clerk:

Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this ___ day of _____, 2026:

Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor

Signed and approved by me upon this upon the ___ day of _____, 2026:

Kerry Thomson
Mayor, City of Bloomington

Synopsis

This ordinance seeks to codify streets and alleys in Bloomington that disallow vehicular traffic. Specifically, this ordinance codifies the seasonal carless schedule of specific blocks of Kirkwood Avenue. With this ordinance, businesses and residents can expect a permanent seasonal carless Kirkwood, allowing businesses the predictability to invest in outdoor infrastructure for guests. The City Administration has provided valuable operational feedback in its 2026 memorandum, identifying important challenges regarding infrastructure, sanitation, public safety, and accessibility that naturally arise as temporary programs transition toward permanent city fixtures. With that, this ordinance aims to provide the necessary legal and budgetary certainty

for the City to move beyond "incomplete solutions" and invest in more permanent infrastructure, such as more ADA-compliant features and high-quality seating, recommended by staff.

Resolution 2026-05 - A Resolution to Initiate a Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code in order to Improve Sustainability and Housing Affordability

Preamble

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 the Mayor signed and approved this ordinance; and

Whereas, the minimum lot widths and areas required by the UDO in several residential zones do not align well with the historic and existing form of the relevant zoning districts, and these requirements unduly restrict housing development, exacerbating housing availability and affordability challenges; and

Whereas, the Climate Action Plan calls for a decrease in the use of on-site fossil fuel combustion systems citywide through electrification (Goal EB-4) and specifically to “Explore the establishment of policies or ordinances supporting all electric buildings, such as an all electric requirement for buildings receiving PUD or Conditional Use Permit approvals;” and

Whereas, decades of policies that require minimum parking space allotments for development projects have contributed significantly to urban sprawl, car dependency, and a lack of abundant and affordable housing, all of which further exacerbate local contributions to climate change and are broadly counter to the goals contained in the city’s Comprehensive Plan and Climate Action Plan; and

Whereas, the Common Council wishes to initiate a proposal to amend the UDO to increase sustainability and reduce greenhouse gas emissions in the built environment, specifically through building electrification, building energy efficiency, more efficient land use and reduced sprawl, and reduced vehicle miles traveled; and

Whereas, pursuant to Indiana Code 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, in preparing and considering this proposal, the Plan Commission and Common Council shall pay reasonable regard to: the Comprehensive Plan; current conditions and character of current structures and uses in each district; the most desirable use for which land in each district is adapted; and the conservation of property values throughout the jurisdiction; and responsible development and growth;

Be It Resolved by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1
The Common Council directs the Plan Commission to prepare a proposal to amend the text of the UDO to reduce minimum lot widths and minimum lot areas in zones R1, R2, R3 and R4, in order to better align these requirements with: (1) the dimensions of preexisting, lawfully nonconforming lots within Bloomington neighborhoods of the same zoning district, and (2) the dimensions in recent PUDs where houses were built along the B-Line trail between Dodds St. and Allen St. and on S. Dunn St. between Grimes Ln. and Hillside Dr. The Plan Commission may also consider and propose to reduce minimum lot widths and minimum lot areas in other zones.

Section 2
Based on reduced minimum lot widths and lot areas proposed pursuant to Section 1, the Plan Commission shall consider reductions in setback requirements to: (1) better align with the historic form and development patterns within the relevant zoning districts; and (2) make lot subdivision and small-scale development more feasible. Concurrently, the Plan Commission may also consider and propose additional text changes that would further support small-scale development and affordability, including but not limited to: impervious surface coverage maximums, lot frontage requirements, and subdivision standards.

Section 3
The Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the Unified Development Ordinance (UDO) section 20.04.110(d) (Sustainable Development) to add a new requirement for projects seeking to be eligible for the Sustainable Development incentives. This new requirement should express that projects brought by petitioners seeking to utilize the Sustainable Development incentives established in section 20.04.110(d)(3), via Option 1 or Option 2, must only include buildings that use either electricity or on-site renewable energy sources for all significant energy needs, including for space heating, water heating, and cooking. The Plan Commission may consider and propose exceptions for specific uses based on best practices in all-electric building codes.

Section 4
The Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO section 20.02.050(b) (Planned Unit Development (PUD) district) to add a new Qualifying Standard for proposed Planned Unit Developments (PUDs) requiring that the development is subject to the applicable standards established in section 20.04.110(d) ("Sustainable Development").

Section 5
The Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO section 20.04.060 (Parking, loading, and storage) to eliminate minimum parking requirements in all zones and to make any additional parking-related text changes necessitated by this policy change.

Section 6
Upon passage of this resolution, the Plan Commission shall review and recommend amendments to the Unified Development Ordinance to the Common Council in response to this resolution. Pursuant to Indiana Code 36-7-4-602, the Plan Commission is instructed to prepare and submit this amendment in the same manner as any other amendment to the Unified Development Ordinance. The Plan Commission is instructed to prepare and submit the amendment within 90 days from the effective date of this resolution, unless granted an additional extension of time, of specified duration, in which to prepare and submit the amendment.

Section 7
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
Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of Bloomington Common Council President:

Isak Nti Asare
President, Bloomington Common Council

Attestation of Bloomington City Clerk:

Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:
Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , 2026:

Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor:
Signed and approved by me upon this upon the day of , 2026:

Kerry Thomson
Mayor, City of Bloomington

Synopsis

This resolution, sponsored by Councilmember Flaherty, directs the Plan Commission to prepare amendments to the Unified Development Ordinance regarding: (1) a reduction of minimum lot widths, lot areas, and building setback requirement to better align with Bloomington's historic form and character; (2) sustainability incentives and planned unit development requirements for building electrification; and (3) the elimination of minimum parking requirement to facilitate housing development and reduce housing costs.

Amendment Form

- Resolution: 2026-05
- Amendment: 1
- Submitted by: Councilmember Flaherty
- Date: April 1, 2026

Proposed Amendment:

Section 6 of the resolution shall be updated to read as follows:

Section 6
Upon passage of this resolution, the Plan Commission shall review and recommend amendments to the Unified Development Ordinance to the Common Council in response to this resolution. Pursuant to Indiana Code 36-7-4-602 and 36-7-4-607, the Plan Commission is instructed to prepare and submit this amendment in the same manner as any other amendment to the Unified Development Ordinance. The Plan Commission shall, within 60 days from the effective date of this resolution, hold a public hearing in accordance with IC 36-7-4-604. The Plan Commission shall vote on the proposal within 60 days of holding the public hearing.

Synopsis:

This amendment updates Section 6 of the resolution to align with current procedural requirements under Indiana Code 36-7-4-602 and 36-7-4-607. Specifically, while the process formerly required Plan Commission action within 90 days, the current requirements phase Plan Commission action into two windows of up to 60 days: first to hold a public hearing; and second, to vote on a proposal.

04/01/2026 Regular Session Action: Pending

Redline markup showing the proposed changes to Section 6:

Section 6

Upon passage of this resolution, the Plan Commission shall review and recommend amendments to the Unified Development Ordinance to the Common Council in response to this resolution. Pursuant to Indiana Code 36-7-4-602 and 36-7-4-607, the Plan Commission is instructed to prepare and submit this amendment in the same manner as any other amendment to the Unified Development Ordinance. ~~The Plan Commission is instructed to prepare and submit the amendment within 90 days from the effective date of this resolution, unless granted an additional extension of time, of specified duration, in which to prepare and submit the amendment.~~ The Plan Commission shall, within 60 days from the effective date of this resolution, hold a public hearing in accordance with IC 36-7-4-604. The Plan Commission shall vote on the proposal within 60 days of holding the public hearing.

This resolution would

- **Current Step:**

Proposed Change:

(2) Dimensional Standards

The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-4: R3 District Dimensional Standards

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

339
600
346
349
520
518
346
W Smith Ave
W Smith Ave
W Smith Ave
S Rogers St
623
619
620
618
612
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521
519
509
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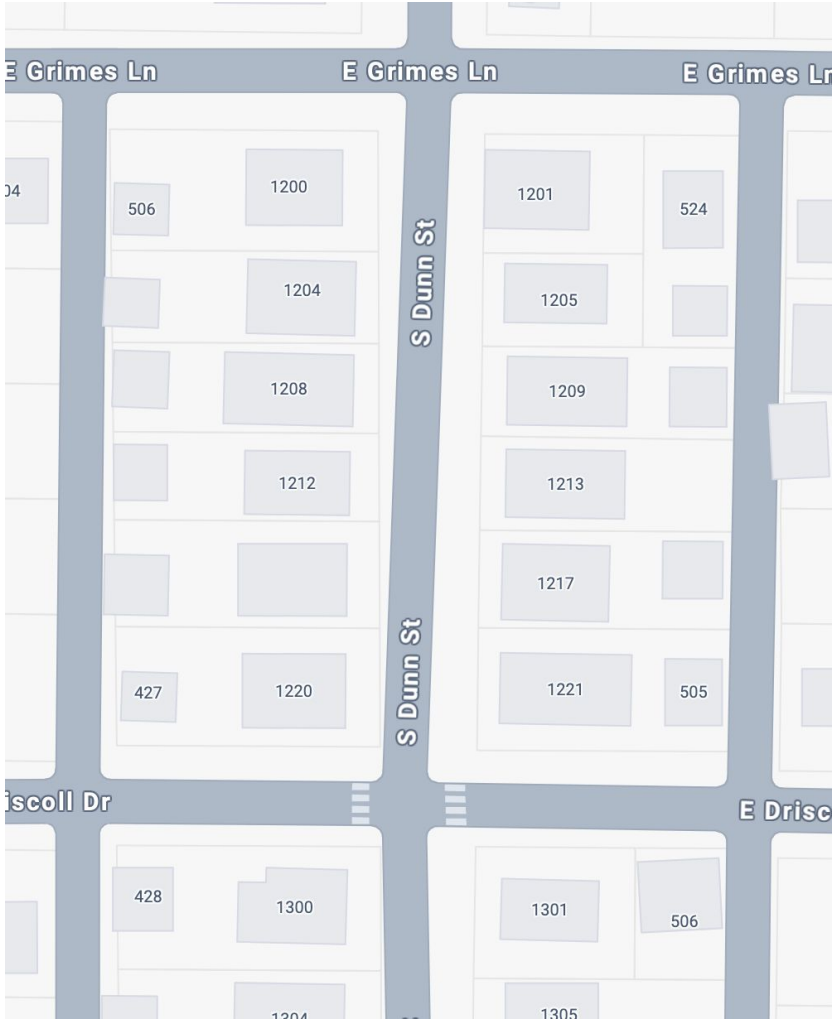
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Proposed Change

Cities that Eliminated

South Bend, IN

A few closing thoughts…

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Resolution No. 2026-06

A Resolution Directing the Housing and Neighborhood Development Department to Develop a Framework for Long-Term Housing Affordability

Preamble

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, 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, the Comprehensive Plan identifies housing affordability as a critical priority and calls for the preservation and expansion of long-term affordable housing opportunities for residents of all income levels; and

WHEREAS, the City of Bloomington, through its Housing and Neighborhood Development Department ("HAND"), administers programs and incentives designed to support the creation and preservation of affordable owner-occupied housing; and

WHEREAS, many affordable owner-occupied housing units created through public subsidy or regulatory incentives do not remain affordable in perpetuity, resulting in the loss of affordable housing stock over time,and communities across the United States have implemented mechanisms such as silent second mortgages and recorded rights-of-first-refusal to attempt to ensure long-term or permanent affordability of housing units; and

WHEREAS, a consistent, citywide framework for long-term affordability would provide clarity to developers, protect public investment, and ensure that affordable housing benefits are preserved for future residents; and

WHEREAS, the Common Council desires to assist and encourage HAND in the development of policies and tools that ensure owner-occupied housing units supported by public resources remain affordable over the long term, including upon resale or transfer; and

WHEREAS, pursuant to IC 36-7-4 et seq. and other applicable provisions of Indiana law, the City may establish policies governing the use of public funds and the disposition of housing supported by such funds;

Be It Resolved by the Common Council of the City of Bloomington, Monroe County, Indiana, that:

Section 1: Directing the Housing and Neighborhood Development Department.

The Common Council directs the Housing and Neighborhood Development Department (HAND) to develop and present a proposal establishing a consistent framework for incentivizing and ensuring long-term affordability of owner-occupied housing units that developers choose to create or preserve through City programs, subsidies, incentives, or other forms of public support including recommendations for any necessary amendments to Title 20 of the Bloomington Municipal Code.

Section 2: Evaluation of Tools.

This framework shall include, but not be limited to, the evaluation and potential implementation of legally-available tools such as silent second mortgages, homeowner association covenants & restrictions, shared equity models, and rights-of-first refusal in favor of the City, its designee, or other entities created for the purpose of developing and maintaining affordable housing.

Section 3: Development of Clear Standards

The framework shall establish clear standards for the duration of affordability, eligibility requirements for purchasers or occupants, resale procedures, and enforcement mechanisms to ensure continued compliance over time.

Section 4: Review of Best Practices.

HAND is directed to review best practices from peer cities and organizations, and to engage relevant stakeholders, including affordable housing developers, community organizations, and financial institutions, in the development of this framework.

Section 5: Presentation of Findings.

HAND shall present its findings and recommendations to the Common Council within one hundred twenty (120) days of the effective date of this resolution, unless granted an extension by the Common Council.

Section 6: Next Steps.

Upon receipt of the recommendations, the Common Council may consider additional legislative or administrative actions necessary to implement the proposed framework of incentives and options

Section 7: Severability

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

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the _____ day of _____, 2026.

Signature of Bloomington Common Council President:

_____
Isak Nti Asare
President, Bloomington Common Council

Attestation of Bloomington City Clerk:

_____
Nicole Bolden
Clerk, City of Bloomington

Presentation by Bloomington City Clerk:
Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2026:

_____
Nicole Bolden
Clerk, City of Bloomington

Approval by Mayor:
Signed and approved by me upon this upon the _____ day of _____, 2026:

_____
Kerry Thomson
Mayor, City of Bloomington

Synopsis

This resolution sponsored by Councilmember Zulich directs the Housing and Neighborhood Development Department (HAND) to develop a legally-permissible framework for ensuring the long-term affordability of housing units supported by the City, including the use of tools such as silent second mortgages, rights-of-first-refusal, and other shared equity mechanisms, and to provide recommendations for any necessary amendments to the Unified Development Ordinance and related provisions of the Bloomington Municipal Code.

City of Bloomington
Common Council

MEMORANDUM

To: Members of the Common Council
From: Councilmember Flaherty
Date: March 26, 2026
Re: Resolution 2026-05 to initiate proposals to amend the text of the UDO

Summary
This memo addresses Resolution 2026-05, which would initiate proposals to amend the text of the city's Unified Development Ordinance ("UDO"). A prior version of this memo was written by Ash Kulak, the former Deputy Administrator / Deputy Attorney for the Common Council in order to accompany a prior version of this Resolution. In this update of the memo, most details regarding the UDO text amendment process remain the same, while minor updates were made to reflect the substance of this Resolution. **Additional edits were made to this memo after its initial inclusion in the March 25, 2026 council packet to reflect changes to Indiana Code 36-7-4, 600 series (see bolded text below).**

Resolution 2026-05 addresses lot dimensional requirements and sustainable development incentives by asking the Plan Commission to prepare a UDO text amendment that would:

1. Reduce minimum lot widths and lot areas; and propose any related changes to setback requirements, impervious surface coverage maximums, lot frontage requirements, and subdivision standards.
2. Add a new electric-building or on-site renewable energy requirement for PUDs and development projects seeking to be eligible for the sustainable development incentives; and
3. Eliminate marking minimums.

UDO Text Amendment Process
Indiana Code (IC) 36-7-4-602(b) allows either the Plan Commission or the Common Council to initiate this process to amend the text of the UDO. When the Council wishes

to consider a text amendment, it may initiate the proposal via resolution and direct the Plan Commission to prepare it. This resolution directs the Plan Commission to prepare and recommend UDO amendments in response to the resolution. The Plan Commission must first hold a public hearing in accordance with IC 36-7-4-604 and then vote on the proposal within 60 days of holding the public hearing.

Upon passage of these resolutions, the Plan Commission will begin the process of preparing the proposal and its recommendation, which entails drafting the text changes, providing required notices to property owners, and holding the required public hearing on the proposal. Once the Plan Commission determines its recommendation on the proposal, it will certify the proposal to the Council. At this point, the process normally followed by the Council for UDO text amendments will begin. Proposals to amend the text of the UDO are governed by state law under IC 36-7-4 in the "600 Series – Zoning Ordinance".

As a threshold matter, state law provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

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

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

1. the Comprehensive Plan (https://bloomington.in.gov/planning/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.

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

- **After receiving the proposal, the Plan Commission must hold a public hearing within 60 days. The Plan Commission must then vote on the proposal within 60 days of holding the public hearing.**
- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. The Council must consider the recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment(s) or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment(s) or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within 45 days after the Plan Commission certifies its disapproval.
- These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

ORD 2026-07 - HD-26-01 Cottage Grove Conservation District

Staff Report: Bloomington Historic Preservation Commission

The Cottage Grove Neighborhood qualifies for local designation under the following highlighted criteria found in Bloomington Municipal Code 8.08.010(e)(1)(C) and (2) (E) and (G):

1) Historic:
   a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
   b) Is the site of an historic event; or
   c) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

2) Architectural:
   a) Embodies distinguishing characteristics of an architectural or engineering type; or
   b) Is the work of a designer whose individual work has significantly influenced the development of the community; or
   c) Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
   d) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
   e) Contains any architectural style, detail, or other element in danger of being lost; or
   f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of the city; or
   g) Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

Case Background

The push to designate a Conservation District in the Cottage Grove neighborhood was initiated by neighborhood residents in response to an increasing number of demolitions in the surrounding area including the proposed demolition of 115 E 12th St, located

within the proposed district. Because of the historic significance of this house's association with prominent local sculptor Ivan Adams, the Bloomington Historic Preservation Commission nominated the property for designation to the Bloomington Common Council, and it was individually designated on December 17, 2025. Meanwhile, a group of residents began seeking designation for the wider area, sending letters to property owners and hosting a series of public meetings at the Monroe County Public Library to discuss the prospect of nominating a Conservation District. On December 17, 2025, petitioner Dr. John Butler submitted an application to the Bloomington Historic Preservation Commission. Due to difficulties in achieving quorum, and delays over the holiday season, the public hearing and vote of the Bloomington Historic Preservation Commission on this matter was postponed until February 12, 2026.

Historic Surveys and Rating Historic Properties

The "Cottage Grove Historic District" was identified in early Indiana Division of Historic Preservation and Archaeology surveys as an area eligible for designation on the National Register of Historic Places. Despite being labeled in the Indiana Historic Sites and Structures Inventory as a Historic District, the neighborhood has never been designated on the local, state, or national level. The area received local recognition for its architectural significance in 1974 when the 1852 Greek Revival Mansion of General Morton C. Hunter was demolished amidst much public outcry.

Although only a couple of buildings of this era remain in the district, the neighborhood was recognized by state historians for the density and integrity of early 20th century houses. Aside from some mid-century infill, most of the buildings in the proposed district date to the early 20th century. As of the current City survey of historic structures, 15 of the 122 houses in the proposed district are rated Notable for their architectural significance, one is rated as Outstanding, and 90 as Contributing. This would place the Cottage Grove Historic District among the Bloomington neighborhoods with the most consistent architectural significance.

The boundaries included in the state survey differ slightly from the proposed local district boundary. They include the northeast corner of Walnut and 10th St, which had not yet been redeveloped, as well as the south side of Cottage Grove between Grant and Dunn, which has also been mostly redeveloped. The boundaries omit most of Grant north of Cottage Grove, because while most of the houses standing on these blocks date from the early development of the neighborhood, many have lost their integrity. Also omitted is the 300 block of E 12th Street for unclear reasons, and the west side of the 700 block of Washington Street, which was platted later and mostly built postwar. The boundaries proposed in this petition enclose most of the Lade's, Rohrer, Clark's, and Read's additions, as well as half of the Cottage Grove addition. This represents a contiguous area mostly developed in a short span of time, omitting areas in which integrity has been largely lost.

Historic Significance: Criterion (1) C

C. “Exemplifies the cultural, political, economic, social or historical heritage of the community.”

The Cottage Grove neighborhood was largely built to provide housing for employees of the nearby Showers Brothers Furniture Company and limestone industry, which dominated the economy of turn-of-the-century Bloomington. Like many Bloomington neighborhoods from this era, Cottage Grove was economically mixed. Most of these houses were associated with workers in these industries, and as will be explained below, material and architectural features in the built environment attest to the important role that these businesses played in the development of the area.

Architectural Significance: Criteria (2) E, G

E. “Contains any architectural style, detail or element in danger of being lost.”

The applicants list several unusual buildings and features including Bloomington’s only example of a brick Queen Anne style house and Bloomington’s only example of a bungalow with a belvedere—an original feature that would stand out on any bungalow. Another particularly rare building type can be found at 217 E 10th St. in the form of a Civil War era Hall and Parlor house that faithfully displays Greek Revival features popular in the early 1800s. Several similar examples can be found in Bloomington, but this farmhouse would rank among Bloomington’s oldest extant buildings.

G. “Exemplifies the built environment in an era of history characterized by a distinctive architectural style.”

The solid majority of the buildings in the proposed district date from the years before and after World War I. Prewar houses, mostly working class, predominate in the eastern part of the district. Like in contemporaneous neighborhoods west of downtown, most of these are built in folk Victorian or Queen Anne style, many in the Gabled-el form commonly associated with this period in Bloomington’s history. Houses from the late 1910s and 1920s are mostly craftsman style, with a conspicuous number of limestone Tudor Revival houses. Many of the pre-war houses were built by employees of the Showers Brothers Furniture Company and bear the hallmarks of carpenter built folk housing, while many of the larger post-war houses are associated with the booming limestone industry. In parts of the neighborhood, brick sidewalks and limestone retaining walls distinguish this early Bloomington neighborhood.

Staff Recommendation

Staff recommends forwarding the nomination of the Cottage Grove Historic District to the Bloomington Common Council.

Cottage Grove has long been identified as an area with architectural significance and integrity potentially eligible for historic designation. The applicants who prepared this nomination for the Bloomington Historic Preservation Commission have demonstrated

care in the nomination process and strong local support for a Conservation District. In addition to the area's historical and architectural significance, the neighborhood consists of a densely populated mix of students, owner occupants, and other renters, a mix of upscale and affordable properties and an attractive, walkable environment close to downtown and the IU campus. While much of the surrounding area has been redeveloped, the western core of the Cottage Grove neighborhood demonstrates a strong cohesion.

Bloomington Common Council Ordinance 2026-07 - To Amend Title 8 Of The Bloomington Municipal Code, Entitled "Historic Preservation And Protection" To Establish A Conservation District – Re: Cottage Grove Conservation District

(Bloomington Historic Preservation Commission, Petitioner)

Preamble

Whereas, the Common Council adopted Ordinance 95-20, which created a Historic Preservation Commission ("Commission") and established procedures for designating historic districts in the City of Bloomington; and

Whereas, on February 12, 2026, the Commission held a public hearing for the purpose of allowing discussion and public comment on the proposed historic designation of the Cottage Grove Historic District; and

Whereas, at the same hearing, the Commission found that the area has historic and architectural significance that merits the protection of the property as a historic district; and

Whereas, at the same hearing, the Commission approved a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in Bloomington Municipal Code 8.08.010; and

Whereas, at the same hearing, the Commission voted to submit the map and report which recommend local historic designation of said properties to the Common Council; and

Whereas, at the same hearing, the Bloomington Historic Preservation Commission voted to impose interim protection on the properties within the proposed district (which will terminate upon adoption or rejection of this ordinance by the Common Council).

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, that:

Section 1. The map setting forth the proposed conservation district for the site is hereby approved by the Common Council, and said conservation district is hereby established. A copy of the map and report submitted by the Commission are attached

to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection.

The Cottage Grove Conservation District Shall Consist of the Following Addresses (122):

E 10th Street: 111, 113, 125, 203, 209, 211, 217, 221, 301, 303, 311

E 11th Street: 210, 214, 300, 305, 306, 310, 311, 314, 315, 323

E 12th Street: 109, 110, 111, 112, 115, 127, 201, 207, 209, 210, 213, 215, 221, 301, 305, 308, 311, 312, 313, 315, 316, 319, 322, 331

E Cottage Grove Avenue: 108, 111, 112, 115, 211, 212, 213, 214, 216, 300, 301, 307, 308, 310, 311, 315, 316, 320, 322, 323

N Grant Street: 705, 713, 717, 719, 811, 815, 819, 905

N Lincoln Street: 609, 610, 612, 613, 615, 621, 701, 705, 707, 710, 711, 713, 800, 801, 803, 805, 806, 807, 810

N Walnut Street: 612, 620, 700, 802, 804, 810

N Washington Street: 611, 612, 615, 616, 619, 622, 700, 703, 705, 706, 708, 712, 714, 717, 719, 800, 805, 808, 810, 811, 812-814, 815, 817, 820

The narrative description of this property is further described as:

Legal Description of the Proposed District: Starting at the corner of 10th Street and the west property line of 111 E 10th St follow 10th Street east to the alley between Lincoln and Grant Street. Follow this alley north to the next intersecting alley, which parallels Cottage Grove. Follow this alley east to Grant Street. Follow Grant Street north to the northern boundary of 905 N. Grant St. Follow the northern property lines of the lots on the north side of Twelfth Street west to west boundary of 109 E 12th St. Turn west on E 12th St and follow to the east side of Walnut Street. Follow Walnut Street south to the north boundary of 710 N Walnut St. Turn east and follow to the east boundary of said property, and follow this boundary south to the north boundary of 700 N Walnut St. Turn west and follow the north boundary line of said property to the east side of N Walnut St.turn south and follow to the south boundary of 612 N Walnut St. Turn east and follow the

north end of the alley east to the west side of the north-south alley between Walnut St. and Washington St. Follow the alley south to the north boundary of 111 E 10th St. Turn south at the west boundary of 111 E 10th St. and follow south to the point of origin. It is the neighborhood bounded by the north side of 10th Street on the south, south of The Indiana Railroad to the north, the east side of Walnut Street to the west and the west side of Grant Street to the east. Omitted properties on the boundary of the district include the following:

602 N Walnut St, 710 N Walnut St, 908 N Walnut St, 317 E 10th St, 321 E 10th St, and 325 E 10th St.

Section 2. The properties within the Cottage Grove Conservation District shall be classified as below:

The following properties are classified as Outstanding (1):

N Walnut Street: 612

The following properties are classified as Notable (15):

E 12th Street: 201, 221

E Cottage Grove Avenue: 213, 300

N. Lincoln Street: 610, 807

N Walnut St: 700, 804

N Washington Street: 611, 615, 712, 714, 808, 811, 812-814

The following properties are classified as Contributing (89):

E 10th Street: 111, 113, 125, 209, 211, 217, 221, 301, 303, 311

E 11th Street: 210, 300, 305, 306, 310, 311, 315, 323

E 12th St: 109, 110, 111, 112, 115, 127, 207, 209, 213, 215, 301, 305, 311, 312, 313, 315, 316, 322, 331

E Cottage Grove Avenue: 108, 111, 112, 115, 212, 300, 301, 307, 310, 311, 315, 316, 320, 322

N Grant Street: 717, 719, 811

N Lincoln Street: 609, 612, 613, 615, 621, 701, 705, 707, 710, 711, 713, 801, 803, 805

N Walnut Street: 620, 802, 810

N Washington Street: 612, 616, 619, 622, 700, 705, 706, 708, 717, 719, 800, 805, 810, 815, 817, 820

The following properties are classified as Non-Contributing (17):

E 10th Street: 203

E 11th Street: 214, 314

E 12th Street: 210, 308, 319

E Cottage Grove Avenue: 211, 214, 216, 308, 323

N Grant Street: 713, 815, 819, 905

N Lincoln Street: 806, 810

N Washington Street: 703

Section 3. Chapter 8.20 of the Bloomington Municipal Code, entitled "List of Designated Historic and Conservation Districts," is hereby amended to insert "Cottage Grove Conservation District" and such entry shall read as follows:

Cottage Grove Conservation District (122 Properties)

Section 4. 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 5. 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
Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of the Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of the Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , 2026.

Signature of the Bloomington City Clerk Nicole Bolden

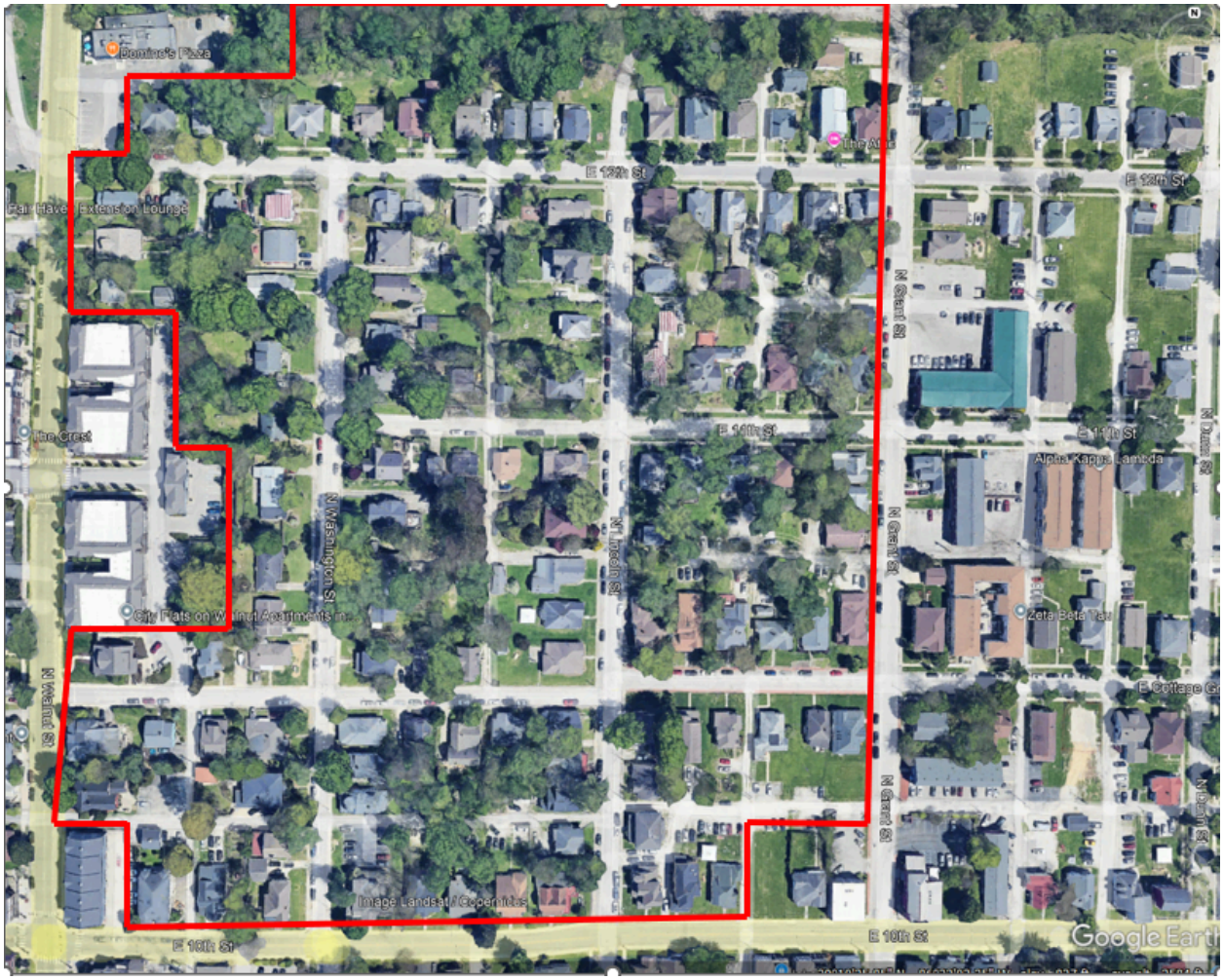
Approval by the Mayor:

Signature of the Mayor Kerry Thomson

Synopsis:

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “List of Designated Historic and Conservation Districts” in order to designate “The Cottage Grove Conservation District,” a neighborhood of 122 properties, in the City of Bloomington, Monroe County, Indiana, as a conservation district. The majority of structures in the proposed district date from the years before and after World War I and are built in the folk Victorian and Queen Anne styles representative of this period in Bloomington’s history. Houses from the late 1910s and 1920s are mostly craftsman style, with a conspicuous number of limestone Tudor Revival houses. Many of the pre-war houses were built by employees of the Showers Brothers Furniture Company and bear the hallmarks of carpenter built folk housing, while many of the larger post-war houses are associated with Bloomington’s booming limestone industry. The neighborhood demonstrates a high degree of integrity and many notable houses.

Distributed to: Clerk, Council Attorney, Housing and Neighborhood Development, Legal and Mayor.



Legal Description of the Proposed District: Starting at the corner of 10th Street and the west property line of 111 E 10th St follow 10th Street east to the alley between Lincoln and Grant Street. Follow this alley north to the next intersecting alley, which parallels Cottage Grove. Follow this alley east to Grant Street. Follow Grant Street north to the northern boundary of 905 N. Grant St. Follow the northern property lines of the lots on the north side of Twelfth Street west to west boundary of 109 E 12th St. Turn west on E 12th St and follow to the east side of Walnut Street. Follow Walnut Street south to the north boundary of 710 N Walnut St. Turn east and follow to the east boundary of said property, and follow this boundary south to the north boundary of 700 N Walnut St. Turn west and follow the north boundary line of said property to the east side of N Walnut St.turn south and follow to the south boundary of 612 N Walnut St. Turn east and follow the north end of the alley east to the west side of the north-south alley between Walnut St. and Washington St. Follow the alley south to the north boundary of 111 E 10th St. Turn south at the west boundary of 111 E 10th St. and follow south to the point of origin. It is the neighborhood bounded by the north side of 10th Street on the south, south of The Indiana Railroad to the north, the east side of Walnut Street to the west and the west side of Grant Street to the east.

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Criteria for Designation

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Parcel Number (18-digits)	Tax ID (10-digits)	Owner Name
53-05-33-208-001.000-005	013-33370-00	BMI Properties LLC
53-05-33-208-012.000-005	013-05750-00	Friel, William R & Maureen A
53-05-33-208-006.000-005	013-02510-00	Chickering Rentals LLC
53-05-33-208-013.000-005	013-08330-00	College Rentals Inc
53-05-33-208-002.000-005	013-43500-00	Maidi, Ali; Maidi, Chabane; Rachid, Maidi
53-05-33-208-008.000-005	013-09810-00	Bigo Properties LLC
53-05-33-208-015.000-005	013-11500-00	Grossbaum, Abraham & Nina
53-05-33-208-016.000-005	013-08910-00	College Rentals Inc
53-05-33-208-011.000-005	013-11590-00	Omega Master LLC
53-05-33-208-005.000-005	013-40970-00	Geels, Carol L Revocable Trust
53-05-33-208-003.000-005	013-14580-00	Fierst, Dan & Clara E. Garcia Aguerrevere
53-05-33-208-007.000-005	013-12070-00	Rose-Lo Properties, LLC
53-05-33-208-009.000-005	013-43700-00	McGlothlin, Randall J.
53-05-33-205-004.000-005	013-15580-00	Fox, Jerry M (50% interest); Fox, Justin (50% interest)
53-05-33-205-005.000-005	013-32330-00	Vision Holdings, LLC
53-05-33-210-047.000-005	013-30550-00	Khans Village LLC
53-05-33-205-002.000-005	013-11250-00	Stardust Development LLC
53-05-33-205-007.000-005	013-31480-00	Khans Village LLC
53-05-33-210-016.000-005	013-23260-00	Khans Village LLC
53-05-33-210-026.000-005	013-30560-00	Khans Village LLC
53-05-33-210-017.000-005	013-23730-00	Khans Village LLC
53-05-33-205-008.000-005	013-26830-00	Chickering Rentals LLC
53-05-33-205-006.000-005	013-25300-00	Ferguson, David L & Tyler Kate
53-05-33-210-030.000-005	013-29920-00	Amber Rentals LLC
53-05-33-205-012.000-005	013-49860-00	104CG, LLC
53-05-33-205-010.000-005	013-35900-00	Wen Qing Investments LLC
53-05-33-205-003.000-005	013-39760-00	Chickering Rentals LLC
53-05-33-205-009.000-005	013-37410-00	Hoosier Red Housing LLC
53-05-33-210-058.000-005	013-12260-00	Stasny & Horn
53-05-33-210-020.000-005	013-29870-00	Stasny, Gerald J.
53-05-33-210-027.000-005	013-37260-00	Stasny & Horn
53-05-33-210-021.000-005	013-37720-00	Street, Martha D Rev Trust
53-05-33-210-028.000-005	013-04830-00	Mara Jade Holdings LLC
53-05-33-210-044.000-005	013-29880-00	Amber Rentals LLC
53-05-33-209-003.000-005	013-12060-00	Hoosier Red Housing LLC
53-05-33-207-016.000-005	013-26760-00	High Point Bloomington Apartments LLC
53-05-33-207-017.000-005	013-00670-00	Joseph Christine LLC
53-05-33-207-021.000-005	013-39770-00	Steele, Bonnie

Parcel Number (18-digits)	Tax ID (10-digits)	Owner Name
53-05-33-207-025.000-005	013-07610-00	Chickering Rentals LLC
53-05-33-207-018.000-005	013-46410-00	Triple Double LLC
53-05-33-207-005.000-005	013-33220-00	Triple Double LLC
53-05-33-208-014.000-005	013-20640-00	Juniper Properties LLC
53-05-33-208-010.000-005	013-20700-00	Chickering Rentals LLC
53-05-33-209-005.000-005	013-30650-00	BMI 2020 LLC
53-05-33-207-009.000-005	013-20740-00	Joseph Christine, LLC
53-05-33-207-019.000-005	013-34280-00	Omega Master LLC
53-05-33-210-023.000-005	013-00820-00	Mara Jade Holdings LLC
53-05-33-210-057.000-005	013-11390-00	Dunphy, Steven
53-05-33-210-086.000-005	013-32290-00	Chickering Rentals LLC
53-05-33-210-041.000-005	013-27900-00	Stasny & Horn
53-05-33-210-085.000-005	013-00800-00	Joseph Christine LLC
53-05-33-210-045.000-005	013-45070-00	Hoosier Red Housing LLC
53-05-33-209-002.000-005	013-24060-00	707 N Lincoln Street LLC
53-05-33-207-002.000-005	013-27890-00	Chickering Rentals LLC
53-05-33-210-099.000-005	013-00830-00	Campbell, David G & Linda D
53-05-33-210-053.000-005	013-17400-00	B Venturas Limited Liability Company
53-05-33-209-007.000-005	013-47680-00	D Bloomington LLC
53-05-33-207-007.000-005	013-31120-00	Rutkowski, Nancy
53-05-33-210-103.000-005	013-35220-00	BMI 2020 LLC
53-05-33-209-006.000-005	013-03010-00	Stalter, Dennis G & Stalter, Peggy L
53-05-33-209-004.000-005	013-25520-00	Laney, Melissa A & Laney, Sandra E
53-05-33-207-004.000-005	013-19230-00	Forgeland Properties LLC
53-05-33-207-003.000-005	013-19240-00	Roberts, B Thomas & Cynthia L
53-05-33-210-102.000-005	013-00340-00	Rose-Lo Properties LLC
53-05-33-210-064.000-005	013-23210-00	North College Partners LLC
53-05-33-210-069.000-005	013-05120-00	B Venturas Limited Liability Company
53-05-33-210-089.000-005	013-08800-00	B Venturas Limited Liability Company
53-05-33-210-055.000-005	013-24180-00	B Venturas Limited Liability Company
53-05-33-207-034.000-005	013-45770-00	Laney, Melissa Ann
53-05-33-207-022.000-005	013-09000-00	Nash, Richard Timothy
53-05-33-207-026.000-005	013-25960-00	Laney, Melissa A & Laney, Sandra E
53-05-33-210-095.000-005	013-02480-00	Abbey Road LLC
53-05-33-210-006.000-005	013-35510-00	Lukens, John & Cassie
53-05-33-210-005.000-005	013-00700-00	Berg Revocable Family Trust
53-05-33-210-004.000-005	013-30750-00	Cream & Crimson Management LLC
53-05-33-207-015.000-005	013-45110-00	810 North Washington St LLC

Parcel Number (18-digits)	Tax ID (10-digits)	Owner Name
53-05-33-207-028.000-005	013-37870-00	Daum, Ian J
53-05-33-207-006.000-005	013-07510-00	The JBP Revocable Trust
53-05-33-210-065.000-005	013-24230-00	B Venturas LLC
53-05-33-210-066.000-005	013-34050-00	B Venturas LLC
53-05-33-207-012.000-005	013-05580-00	Laney, Melissa A & Sandra E Laney
53-05-33-207-008.000-005	013-32060-00	Votolato, Kelly A & Votolato, Katherine H
53-05-33-207-035.000-005	013-11630-00	Fink, Michael & Tomijo Stoewsand-Fink
53-05-33-207-029.000-005	013-37620-00	Toos LLC
53-05-33-210-067.000-005	013-04770-00	Penny Lane LLC
53-05-33-210-091.000-005	013-34600-00	Strawberry Fields LLC
53-05-33-210-076.000-005	013-13290-00	819 N Grant LLC
53-05-33-210-077.000-005	013-28090-00	KNN Properties LLC
53-05-33-210-092.000-005	013-00420-00	Marren, Brian G
53-05-33-207-020.000-005	013-30330-00	820 North Washington Street LLC
53-05-33-207-031.000-005	013-16550-00	Hoosier Red Housing LLC
53-05-33-210-062.000-005	013-28100-00	College Rentals Inc
53-05-33-207-024.000-005	013-11640-00	Cream & Crimson Management LLC
53-05-33-207-035.000-005	013-11630-00	Fink, Michael & Tomijo Stoewsand-Fink
53-05-33-207-027.000-005	013-47960-00	CJ Satellite LLC
53-05-33-207-001.000-005	013-23510-00	North College Partners LLC
53-05-33-207-010.000-005	013-34700-00	IBALL LEFT LLC
53-05-33-207-011.000-005	013-11470-00	McKamey, Erin D; McKamey, Cheryl D & Denney, Irma
53-05-33-207-032.000-005	013-06580-00	Butler, John & Amy
53-05-33-207-036.000-005	013-31490-00	Butler, Amy C
53-05-33-207-030.000-005	013-39820-00	201 East Twelfth Street LLC
53-05-33-207-033.000-005	013-43320-00	Jones, Philip N.
53-05-33-210-080.000-005	013-36950-00	Khans Village LLC
53-05-33-207-037.000-005	013-16180-00	CJ Satellite, LLC
53-05-33-210-074.000-005	013-04530-00	Hoosier Red Housing LLC
53-05-33-210-060.000-005	013-45780-00	R Place LLC
53-05-33-210-071.000-005	013-14430-00	R Place LLC
53-05-33-210-079.000-005	013-12370-00	Hoosier Red Housing LLC
53-05-33-210-061.000-005	013-13890-00	First Choice Real Estate LLC
53-05-33-210-104.000-005	013-05280-00	301 East Twelfth St LLC
53-05-33-210-090.000-005	013-48570-00	JPM Properties LLC
53-05-33-210-007.000-005	013-48580-00	Rose-Lo Properties LLC
53-05-33-200-006.000-005	013-21850-00	Humphrey, Charles R
53-05-33-200-011.000-005	013-15570-00	Yeagley, Todd J & Susannah J

Parcel Number (18-digits)	Tax ID (10-digits)	Owner Name
53-05-33-200-007.000-005	013-02920-00	Chickering Rentals LLC
53-05-33-200-003.000-005	013-08850-00	Khan, Tariq
53-05-33-200-021.000-005	013-00940-00	Chickering Rentals LLC
53-05-33-200-032.000-005	013-11540-00	Swanson, Rebecca & Jeremy Nation
53-05-33-200-018.000-005	013-25590-00	Noriega, Michael
53-05-33-200-016.000-005	013-11290-00	WellMack Properties LLC
53-05-33-200-038.000-005	013-42960-00	Ford, James
53-05-33-200-017.000-005	013-16010-00	Bloomington Builders LLC

Owner Street	Owner City, ST & ZIP	Property Street
PO Box 5543	Bloomington, IN 47407	203 E 10th ST
209 E 10th St	Bloomington, IN 47408	209 E 10th ST
214 N Rogers St	Bloomington, IN 47404	211 E 10th ST
3100 Dundee Rd Ste 402	Northbrook, IL 60062	217 E 10th ST
Rachid Maidi 602 S High St	Bloomington, IN 47401	612 N Washington ST
115 E 6th St Ste 1	Bloomington, IN 47408	613 N Lincoln ST
1037 Golf Ln	Indianapolis, IN 46260	616 N Washington ST
3330 Dundee Rd Suite C4	Northbrook, IL 60062	615 N Lincoln ST
115 E 6th Street	Bloomington, IN 47408	622 N Washington ST
2640 E Rock Creek Dr	Bloomington, IN 47401	212 E Cottage Grove AVE
214 E Cottage Grove Ave	Bloomington, IN 47408	214 E Cottage Grove AVE
12546 Scottish Bend	Carmel, IN 46033	216 E Cottage Grove AVE
5891 W State Road 48	Bloomington, IN 47404	621 N Lincoln ST
6440 E Wellston Dr	Bloomington, IN 47408	111 E 10th ST
115 E 6th St Ste 1	Bloomington, IN 47408	125 E 10th ST
3500 E Homestead Dr	Bloomington, IN 47401	301 E 10th ST
403 E 6th St	Bloomington, IN 47408	113 E 10th ST
3500 E Homestead Dr	Bloomington, IN 47401	611 N Washington ST
3500 E Homestead Dr	Bloomington, IN 47401	311 E 10th ST
3500 E Homestead Dr	Bloomington, IN 47401	303 E 10th ST
3500 E Homestead Dr	Bloomington, IN 47401	610 N Lincoln ST
214 N Rogers St	Bloomington, IN 47404	612 N Walnut ST
403 E 6th St	Bloomington, IN 47408	615 N Washington ST
505 S Mitchell St	Bloomington, IN 47401	612 N Lincoln ST
11150 Echo Crest West Dr	Indianapolis, IN 46280	100 E Cottage Grove AVE
460 Edinbrugh Circle	Danville, CA 94526	108 E Cottage Grove AVE
214 N Rogers St	Bloomington, IN 47404	112 E Cottage Grove AVE
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	619 N Washington ST
PO BOX 7676	Bloomington, IN 47407	322 E Cottage Grove AVE
C/O Stasny & Horn IGP PO Box 7676	Bloomington, IN 47407	320 E Cottage Grove AVE
PO Box 7676	Bloomington, IN 47407	316 E Cottage Grove AVE
8292 W Rice Rd	Bloomington, IN 47403	310 E Cottage Grove AVE
c/o Michael Brams 404 E 75th St Apt 5E	New York, NY 10021	308 E Cottage Grove AVE
505 S Mitchell St	Bloomington, IN 47401	300 E COTTAGE GROVE AVE
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	701 N Lincoln ST
805 City Center Dr Ste 120	Carmel, IN 46032	700 N Walnut ST
PO Box 1112	Bloomington, IN 47402	111 E Cottage Grove AVE
3362 N Valleyview Dr	Bloomington, IN 47404	115 E Cottage Grove AVE

Owner Street	Owner City, ST & ZIP	Property Street
214 N Rogers	Bloomington, IN 47404	213 E Cottage Grove AVE
555 N Morton St	Bloomington, IN 47404	211 E Cottage Grove AVE
555 N Morton St	Bloomington, IN 47404	700 N Washington ST
7309 S ridge Rd, #131	Smithville, IN 47458	609 N Lincoln ST
214 N Rogers St	Bloomington, IN 47404	221 E 10th ST
616 S College Mall Rd	Bloomington, IN 47401	705 N Lincoln ST
621 N Walnut St	Bloomington, IN 47401	703 N Washington ST
115 E 6th Street	Bloomington, IN 47408	706 N Washington ST
c/o Michael Brams 404 E 75th St Apt 5E	New York, NY 10021	705 N Grant ST
c/o Costley Co. 487 S. Clarizz Blvd.	Bloomington, IN 47401	307 E Cottage Grove AVE
214 N Rogers St	Bloomington, IN 47404	311 E Cottage Grove AVE
PO Box 7676	Bloomington, IN 47407	315 E Cottage Grove AVE
PO Box 1112	Bloomington, IN 47402	323 E Cottage Grove AVE
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	301 E Cottage Grove AVE
Larry L Williams 815 Ralston Drive	Bloomington, IN 47403	707 N Lincoln ST
214 N Rogers St	Bloomington, IN 47404	708 N Washington ST
1087 S Fieldstone Ct	Bloomington, IN 47401	713 N Grant ST
621 N Walnut St	Bloomington, IN 47404	710 N Lincoln ST
PO Box 563	New Albany, OH 43054	711 N Lincoln ST
712 N Washington St	Bloomington, IN 47408	712 N Washington ST
616 S College Mall Rd	Bloomington, IN 47401	717 N Grant ST
2998 Cosswycke Forest Dr NE	Brookhaven, GA 30319	713 N Lincoln ST
800 N Washington St	Bloomington, IN 47408	214 E 11th ST
1080 Pintail Ct	Columbus, IN 47201	210 E 11th ST
714 N Washington St	Bloomington, IN 47408	714 N Washington ST
12546 Scottish Bnd	Carmel, IN 46033	719 N Grant ST
3243 Quailwood Run	Trafalgar, IN 46181	314 E 11th ST
621 N Walnut St	Bloomington, IN 47404	306 E 11th ST
621 N Walnut St	Bloomington, IN 47404	310 E 11th ST
621 N Walnut St	Bloomington, IN 47404	300 E 11th ST
800 N Washington St	Bloomington, IN 47408	800 N Washington ST
4001 W Stoutes Creek Road	Bloomington, IN 47404	808 N Washington ST
805 N Washington St	Bloomington, IN 47408	805 N Washington ST
219 Beech Street	Highland Park, IL 60035	305 E 11th ST
9872 S Tailwater Dr	Bloomington, IN 47401	311 E 11th ST
14556 Old Farm Road	Granger, IN 46530	315 E 11th ST
PO Box 8862	Bloomington, IN 47401	800 N Lincoln ST
C/o Elizabeth A Gallman 2111 E Queensway Dr	Bloomington, IN 47401	810 N Washington ST

Owner Street	Owner City, ST & ZIP	Property Street
5246 Creek Walk Cir	Peach Tree Corners, GA 30090	811 N Washington ST
4077 Claybrooke Ct	Bloomington, IN 47408	802 N Walnut ST
621 N. Walnut St.	Bloomington, IN 47404	806 N Lincoln ST
621 N. Walnut St.	Bloomington, IN 47404	815 N Grant ST
805 N Washington St	Bloomington, IN 47408	812 N Washington ST
1400 E Hillside Dr	Bloomington, IN 47401	815 N Washington ST
PO Box 4961	Laguna Beach, CA 92652	112 E 12th ST
4518 E Wiltshire Ct	Bloomington, IN 47408	804 N Walnut ST
219 Beech Street	Highland Park, IL 60035	316 E 12th ST
219 Beech Street	Highland Park, IL 60035	322 E 12th ST
219 Beech Street	Highland Park, IL 60035	819 N Grant ST
4019 S Crane Ct	Bloomington, IN 47403	308 E 12th ST
312 East 12th Street	Bloomington, IN 47408	312 E 12th ST
500 Indian Hill Trail	Cincinnati, OH 45243	820 N Washington ST
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	210 E 12th ST
107 E 6th Street	Bloomington, IN 47408	810 N Lincoln ST
PO Box 8862	Bloomington, IN 47401	817 N Washington ST
PO Box 4961	Laguna Beach, CA 92652	112 E 12th ST
PO Box 337	Clear Creek, IN 47426	110 E 12th ST
3243 Quailwood Run Ln	Trafalgar, IN 46181	810 N Walnut ST
2975 N Lakewood Ct	Bloomington, IN 47408	109 E 12th ST
111 E 12th St	Bloomington, IN 47408	111 E 12th ST
1022 N College Ave	Bloomington, IN 47404	115 E 12th ST
127 E 12th St	Bloomington, IN 47408	127 E 12th ST
2111 E Queensway Dr	Bloomington, IN 47401	201 E 12th ST
C/o Parker Real Estate PO Box 1112	Bloomington, IN 47402	207 E 12th ST
3500 E Homestead Dr	Bloomington, IN 47401	319 E 12th ST
PO Box 337	Clear Creek, IN 47426	209 E 12th ST
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	313 E 12th ST
Ranatta S Raper, Member 9606 W St Rd 45	Bloomington, IN 47403	905 N Grant ST
Ranatta S Raper, Member 9606 W St Rd 45	Bloomington, IN 47403	331 E 12th ST
14000 W Cedar Tree Dr Lot 99	Seymour, IN 47274	305 E 12th ST
1918 S Montclair Ave	Bloomington, IN 47401	311 E 12th ST
C/o Elizabeth A Gallman 2111 E Queensway Dr	Bloomington, IN 47401	301 E 12th ST
181 E 90th St #23A	New York, NY 10128	323 E 11th ST
12546 Scottish Bnd	Carmel, IN 46033	811 N Grant ST
705 N Washington St	Bloomington, IN 47408	705 N Washington ST
1418 S Sare Road	Bloomington, IN 47401	717 N Washington ST

Owner Street	Owner City, ST & ZIP	Property Street
214 N Rogers St	Bloomington, IN 47404	801 N Lincoln ST
3500 E Homestead Dr	Bloomington, IN 47401	803 N Lincoln ST
214 N Rogers St	Bloomington, IN 47404	805 N Lincoln ST
2973 N Ramble Road E	Bloomington, IN 47408	807 N Lincoln ST
221 E 12th St	Bloomington, IN 47408	221 E 12th ST
6355 E Wellston Dr	Bloomington, IN 47408	215 E 12th ST
PO Box 3268	Bloomington, IN 47402	213 E 12th ST
417 W 6th St	Bloomington, IN 47404	719 N Washington ST

Property City, ST & ZIP
Bloomington, IN 47408
Bloomington, IN 47408-3405
Bloomington, IN 47408
Bloomington, IN 47408-3405
Bloomington, IN 47408-3456
Bloomington, IN 47408-3415
Bloomington, IN 47408
Bloomington, IN 47408-3415
Bloomington, IN 47408-3456
Bloomington, IN 47408-3410
Bloomington, IN 47408-3410
Bloomington, IN 47408-3410
Bloomington, IN 47408-3415
Bloomington, IN 47408-3351
Bloomington, IN 47408-3320
Bloomington, IN 47408-3407
Bloomington, IN 47408
Bloomington, IN 47401-4639
Bloomington, IN 47408-3407
Bloomington, IN 47408-3476
Bloomington, IN 47408-3416
Bloomington, IN 47404-3807
Bloomington, IN 47408-3455
BLOOMINGTON, IN 47408
Bloomington, IN 47401-4624
Bloomington, IN 47408-3302
Bloomington, IN 47408-3302
Bloomington, IN 47408-3455
Bloomington, IN 47408-3412
Bloomington, IN 47408-3412
Bloomington, IN 47408-3412
Bloomington, IN 47408-3412
Bloomington, IN 47404
BLOOMINGTON, IN 47408
Bloomington, IN 47408-3447
Bloomington, IN 47404-3579
Bloomington, IN 47408-3301
Bloomington, IN 47408-3301

Property City, ST & ZIP
Bloomington, IN 47408-3409
Bloomington, IN 47408-3409
Bloomington, IN 47408-3450
Bloomington, IN 47408-3415
Bloomington, IN 47408-3405
Bloomington, IN 47408-3447
Bloomington, IN 47401-4641
Bloomington, IN 47408-3450
Bloomington, IN 47408-3649
Bloomington, IN 47404
Bloomington, IN 47408-3411
Bloomington, IN 47408-3411
Bloomington, IN 47408-3411
Bloomington, IN 47408-3411
Bloomington, IN 47408-3447
Bloomington, IN 47408-3450
Bloomington, IN 47408-3649
Bloomington, IN 47408-3448
Bloomington, IN 47408-3447
Bloomington, IN 47408-3450
Bloomington, IN 47408-3649
Bloomington, IN 47403
Bloomington, IN 47408-3444
Bloomington, IN 47408
Bloomington, IN 47408-3450
Bloomington, IN 47408-3649
Bloomington, IN 47408
Bloomington, IN 47408-3446
Bloomington, IN 47408-3446
Bloomington, IN 47408-3446
Bloomington, IN 47408-1720
Bloomington, IN 47408-1720
Bloomington, IN 47408-1719
Bloomington, IN 47408-3445
Bloomington, IN 47408-3445
Bloomington, IN 47408
Bloomington, IN 47408-2045
Bloomington, IN 47408-1720

Property City, ST & ZIP
Bloomington, IN 47408-1719
Bloomington, IN 47404-3524
Bloomington, IN 47408-2045
Bloomington, IN 47401-4734
Bloomington, IN 47408-1720
Bloomington, IN 47408-1719
Bloomington, IN 47408-1716
Bloomington, IN 47404-3524
Bloomington, IN 47408
Bloomington, IN 47408-2002
Bloomington, IN 47401
Bloomington, IN 47408-2002
Bloomington, IN 47408
Bloomington, IN 47408-1720
Bloomington, IN 47408
Bloomington, IN 47408-2045
Bloomington, IN 47408-1719
Bloomington, IN 47408-1716
Bloomington, IN 47408-1716
Bloomington, IN 47404-3524
Bloomington, IN 47408-1715
Bloomington, IN 47408-1715
Bloomington, IN 47408
Bloomington, IN 47408-1715
Bloomington, IN 47408-1717
Bloomington, IN 47408-1717
Bloomington, IN 47408-2001
Bloomington, IN 47408
Bloomington, IN 47408-2001
Bloomington, IN 47408-2033
Bloomington, IN 47408-2001
Bloomington, IN 47408-2001
Bloomington, IN 47408-2001
Bloomington, IN 47408-2001
Bloomington, IN 47408-2034
Bloomington, IN 47408-3445
Bloomington, IN 47408-3449
Bloomington, IN 47408-3449

Property City, ST & ZIP
Bloomington, IN 47408-2044
Bloomington, IN 47408-2044
Bloomington, IN 47408-2044
Bloomington, IN 47408-2044
Bloomington, IN 47408-1717
Bloomington, IN 47408-1717
Bloomington, IN 47408-1717
Bloomington, IN 47408-3449

Cottage Grove Conservation District Petition

We, the undersigned, are supportive of the creation of a "**Conservation District**" for the **Cottage Grove Neighborhood**, as described at this URL on the Bloomington City website:
https://bloomington.in.gov/historic-bloomington/conservation-districts

Date	Name	Address	Rent	Own	Year
9/6	John Butler	127 E 12th St & 115		✓	2024
9/6	Erin McKamey	111 E 12th ST		✓	
9/6	CHARLES Humphrey	705 N. WASHINGTON		✓	
9/7	Arjun Taneja	108 E Cottage Grove Ave	✓		
9/7	Raina chaudhry	112 e Cottage Grove	✓		
9/7	Charles Broden	809 N Washington	✓		
9/7	PEYTON DEETS	125 E 10th	✓		
9/7	Brianna Morrissey	125 E 10th Street	✓		
9/7	Maddie Quigley	125 E 10th Street	✓		
9/7	Olivia Giakoumas	125 E 10th Street	✓		
9/7	Mark Selecky	616 N Washington St	✓		
9/7	Ethan Kallarackal	804N Walnut St	✓		
9/4	Brayden Dzuk	609N Lincoln St	✓		
9/9	Sam Hirsch	613 N Lincoln	✓		2025
9.9	Dan Fiers & Clara Garcia	214 E. COTTAGE GR		✓	1992
9/9	Olivia Kinoshita	807 N. LINCOLN ST	✓		2025
9/9	Christopher Speakman	807 N Lincoln St.	✓		2025
9/9	Omara Ortiz	520 E 2nd St.	✓		2025
9/10	Lukas Coglin	305 E 12th street	✓		2025
9/10	Jason Lucas	305 E 12th st.	✓		2025
9/10	Tyler Kern	322 E 12th st.	✓		2025
9/10	Kyle Mitchell	322 E 12th St	✓		2025
9/10	Elise Anfenson	810 N. Lincoln St.	✓		2025
9/10	Luke Simmonds	710 N. Lincoln St	✓		2025
9/10	Casey Sluis	610 N. Lincoln St	✓		2025

Cottage Grove Conservation District Petition

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Date	Name	Address	Rent	Own	Year
9/10	Joaquin Lopez	610 N Lincoln Ave	✓		2025
9/10	Owen Chavez	311 E 10th St	✓		2025
9/10	Isabelle Jiang	320 E Cottage Grove	✓		2025
9/10	Lexi Mittleman	316 E cottage grove	✓		2025
9/10	Emma Rogers	316 E Cottage grove	✓		2025
9/10	Geoffrey Curtin	310 E Cottage Grove	✓		2025
9/10	KYLE K.	307 E. COTTAGE GROVE	✓		2025
9/10	Ava Kaiser	719 N Grant st	✓		2025
9/10	Mary Ryglel	323 E 11th st	✓		2025
9/10	Mia Behringer	323 E 11th St	✓		2025
9/11	Amy Butler	127 E 12th St. #115		✓	2024
9/11	JAMES FORD	213 E. 12th St.		✓	2005
9-13	Bill Friel	209 E 10th		✓	1982
9-13	Elizabeth Gallman	201 E. 10TH		✓	
9-13	MAUREEN FRIEL	209 E 10TH		✓	1982
9-13	Adam Erdman	703 N. Washington st.	✓		2025
9-23	Ethan Schlyer	207 E. 12th St	✓		2025
9-29	Jeremy Nation	807 N. Lincoln St		✓	2004
5-3	Meredith Possell	719 N. Washington	✓		2025
5-3	Sachil Bartake	108 E Cottage Grove	✓		2025
5-3	Rishab Vantel	108 E Cottage Grove	✓		2025
5-3	Marjorie Lewis	611 N. Washington st	✓		2026
5-3	Aubrey Schneider	611 N. Washington st	✓		2026
5-3	Isabella Himes	611 N. Washington st	✓		2026
5/3	mary kathryn miller	611 N Washington st	✓		2026

Cottage Grove Conservation District Petition

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Date	Name	Address	Rent	Own	Year
5/3	Martha Weirick	315 E 11th St	✓		25-26
5/3	Angela Tamura	315 E 11th St	✓		25-26
5/3	Alissa Gill	315 E 11th St	✓		25-26
5/3	Emma Meredith	300 E Cottage Grove	✓		25-26
5/3	Quinn Fellin	221 E 10th St	✓		25-26
5/3	Mike Sorsen	221 E 10th St	✓		25-26
5/3	Hunter Eissler	221 E 10th St	✓		25-26
5/3	Reid Johnson	221 E 10th St	✓		25-26
5/3	Gavin McKnight	221 E 10th St	✓		25-26
5/3	Mackenzie Zinkmaster	217 E 10th St	✓		25-26
5/3	Olivia ONeil	217 E 10th St	✓		25-26
5/3	Sebastian Barrero	203 E 10th St	✓		25-26
5/3	Sophia Mackey	217 E 10th St	✓		25-26
5/3	Christina Frederick	211 E 10th St	✓		25-26
5/3	Jack Sheldon	203 E 10th St	✓		25-26
5/3	Jillian Dennehy	612 N Washington	✓		25-26
5/3	Katie Haubold	612 N Washington	✓		25-26
5/3	Lauren Dowr	612 N Washington	✓		25-26
5/3	Jackie Eikerman	612 N Washington	✓		25-26
5/3	Kelly McGuire	612 N Washington	✓		25-26
5/3	Arvin Islam	616 N Washington	✓		25-26
5/3	Joe Staley	616 N Washington	✓		25-26
5/3	Jon Bubko	616 N Washington	✓		25-26
5/4	Meredith Kendall	411 E Cottage Grove Ave	✓		25-26
5/4	Lindsey Hamlin	810 N Lincoln St	✓		25-26

Cottage Grove Conservation District Petition

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Date	Name	Address	Rent	Own	Year
5/4	Hope Reynolds	1820 N Walnut St	✓		2026
5/4	Emma Schiefelbein	1820 N Walnut St	✓		2026
5/4	Aryssa Ramos	300 E Cottage Grove	✓		2026
5/4	Kennedy Beall	300 E Cottage Grove Ave	✓		2026
5/4	Elliott Brown	300 E Cottage Grove Ave	✓		2026
5/4	Sadie Bemis	416 E Cottage Grove Ave	✓		2026
5/4	Evie Bemis	416 E Cottage Grove Ave	✓		2026
5/4	Morgan Feddeler	108 N Washington Ave	✓		2026
5/4	Ba Paboy	210 E 12th St	✓		2026
5/10/26	[signature]	714 N WASHINGTON ST		✓	2026
5/10/26	Cynthia Roberts	714 N Washington St		✓	2016
5/10/26	Michael Noriega	221 E 12th St.		✓	2024
5/10/26	Steven Attwood	810 N Washington St	✓		2026
5/10/26	Decklan Barnabas	810 N Washington St	✓		2026
5/10/26	Kylie Shraiberg	808 N Washington St	✓		2026

Larry Williams

To Whom It May Concern:

I would like to take this opportunity to voice my objection to the proposal of moving the Cottage Grove Conservation District into local historic designation and placing the neighborhood under interim protection until such time as the City Council acts.

I purchased this property in 1991 with the sole intent of using it as an income property. With this neighborhood's close proximity to campus, many of the homes in this area were and continue to be use as investment properties. My hope then, as it is now, is to leave a legacy of generational wealth to my children. Due to restrictions associated with this type of proposal, it could negatively impact the resale value of my home as well the amount of rent revenue it is able to generate.

I realize at the time this neighborhood was established, these homes were built as single family homes by prominent Monroe County residence. Times and financial needs, forced the majority of residence in the Cottage Grove Conservation District to seek alternative ways to create income. When I purchased my home at 707 N. Lincoln, it was already divided and creating income for Ozella Preslar who had owned the home for over 50 years.

While the majority of current home owners in the Cottage Grove Conservation District may no longer be prominent Monroe County residence, we are hardworking, middle-class people trying to make a better life for our families. I retired as an electrician from the Physical Plant at Indiana University. I have 2 daughters who graduated from Indiana University. Investment in property with good rental income allowed me to fund my daughter's education. This proposal raises concerns as to whether I will be able to pass this property onto my children with the same financial potential as when I purchased it.

Sincerely,
Larry Williams

Rose-Lo Properties LLC

P.O. Box 572• Carmel, IN 46082• Phone: (317) 507-4050 •
E-Mail: Rose-lo@sbcglobal.net

February 1, 2026

To whom it may concern:

My name is Debbie Rosenberg, and I have owned student rental properties in Bloomington since 2008. I currently own and manage ten properties, within blocks of the university. Four of my five children have attended Indiana University Bloomington. My husband ran track for the university many years ago. I am originally from the east coast but have fallen in love with Bloomington.

I am not opposed to progress. I do believe it is important to maintain the integrity of the neighborhood when replacing property that has history but may not be in a designated "historic" area. My properties all have occupancy restrictions, I believe there should be some guidelines regarding this with new construction.

I currently have a property which sits next to one that has been torn down on Grant Street. We put a silt fence up as all groundcover and trees were removed from my property. This was careless on the part of the contractor. Nothing was done to maintain the original grade before construction began sending dirt and debris to the bottom of what is now a hill leading to the back door of my property. I have filed a report with the police department regarding the trees that were removed as the city advised I do so. I understand investment real estate is a business. A little thought goes a long way. I believe the city could be a bit more diligent.

I am scheduled to have this property surveyed. The rebar that was once on my property from a previous survey has been removed when the property was demolished. The cost for this is over $1000.00. Many bids were as high as $2500.00. This is just one cost I did not plan for. I understand what needs to be done with new construction. It takes a village.

The drawings I have seen are structures being built to house as many students as possible. This will not only create a parking issue, but trash and noise are two things that also concern me. It is my belief that students are on campus to get an education. They are also there to have fun and to respect their surroundings. My staff has cleaned up more trash not only from students but contractors as well.

I have no doubt the city will see that the integrity of the Bloomington campus is respected. New structures should not be a concern. There needs to be guidelines. I have no doubt we all agree there are some properties that should be torn down as they are not well maintained. Those that have history should not be forgotten. Most importantly the residents that live in these areas should not be pushed out due to investment real estate.

Respectfully,

Debbie Rosenberg
Rose-Lo Properties LLC
debbie@rose-lo.com

Elizabeth Gallman
2111 East Queens Way
Bloomington, IN.
5 Jan. 2026

Dear City of Bloomington Preservation Commission:

I support the plan for the Cottage Grove Conservation District. I am the owner of 201 East 12th, 301 East 12th, and 810 North Washington and have been a supporter of this neighborhood for more than 30 years. The Cottage Grove neighborhood has provided good homes for both students and families and maintained the allure and charm of a former Bloomington era.

Thank you for your consideration of this request.

Sincerely yours,

Elizabeth A. Gallman

Elizabeth Gallman

1745 Port Williams Road
Williams, IN 47470

February 2, 2026

To whom it may concern:

I am writing to support the creation of the Cottage Grove Conservation District.

My wife and I moved to the Cottage Grove neighborhood in 1976; we lived in the ground floor of the over-under rental at 700 N. Washington St. In 1979, we bought the house at 808 N. Washington St. and lived there until 2016. Between renting and owning, we lived in the Cottage Grove neighborhood for 40 years.

During the nearly half-century of our time in the Cottage Grove neighborhood, the demographics changed substantially, from majority owner-occupied (families and retirees) to absentee landlords with student tenants.

The built environment in the proposed district was not much altered during that half-century. The streetscape still consists mainly of modest early 20th century houses with small yards. These features have been discussed in the documents submitted as part of the application process.

The creation of the proposed Cottage Grove Conservation District is an opportunity to preserve at least some of the “old downtown” flavor that makes Bloomington an attractive community. I urge all relevant parties to approve this proposal. Future generations will thank you.

Thank you for your consideration,

Eric L. Mitter

3 February 2026

To the Bloomington **Historical Preservation Commission** and **City Council** officials:

I write in support of the creation of the **Cottage Grove Conservation District**. The neighborhood is a relatively small, neatly defined area, nine square blocks containing 120 historic houses. At present, one-eighth of the houses are owner-occupied, though future demographic changes will likely increase that fraction. I have lived in my 1914 house for over 20 years as one of the owner-residents, and within a few blocks of the neighborhood for the 20 years prior. I am fully aware that the formation of a Conservation District will result in a set of **Guidelines** that will influence what changes may be made to my property in the future. This is a small price to pay in exchange for the long-term security and stability that a Conservation District affords.

Many of the houses in the neighborhood currently serve as temporary homes for IU students while they are living and studying in Bloomington. They enjoy the porches and the yards and experience briefly how it feels to live in a **walkable** neighborhood filled with vintage houses, large shade trees, and long-established residents. When they return to visit Bloomington after being away for years post-graduation, they stroll the sidewalks and reminisce. People are glad to have memories of this place.

There have been recent incursions into the area by entities from the outside that bring with them solely a **profit motive** and disregard the ancient maxim, “The love of money is a root of all sorts of evils.” They are not from the area, do not reside in the area, have no concern for history or architecture, only an interest in taking advantage of an unfortunate situation created by the UDO that allows them to tear down historic homes, dig up all the trees, and replace them with impermanent, malformed, monotonous, unattractive buildings to be used as rental units only for IU students who happen to hail from deep-pocketed families. The ensuing concomitant degradation of the quality of life that necessarily accompanies such activity - exemplified by intolerably high density, loss of natural habitat, nervous suspiciousness, innumerable vehicles parked in yards, in alleys, and along already-full streets - has been unsettling.

It is hoped that a Conservation District will allow the neighborhood to remain a stable, safe, and pleasant place to **live, learn, and work**, and will send the bulldozer out to pasture where it belongs.

James Ford

Bloomington, Indiana

Judith Barnes

Dear Noah and the Bloomington Historical Preservation Commission,

Let me begin by expressing my deepest gratitude for your recent vote in support of the preservation of the house at 115 East 12th St in Cottage Grove, which the City Council subsequently designated as the Ivan Adams Historic District. I feel that this historic designation is a huge step in the right direction for the soul of Bloomington. I owned that house for 40 years, and always considered it a sanctuary. The embrace of the neighborhood, the cathedral of trees, the railway behind the house, and the very human and intimate scale of the home and of the local architecture made it a healing refuge for me whenever I was lucky enough to spend time there. I know it is a humble house, as are most houses in Cottage Grove. To my mind that doesn't make the district any less significant culturally, historically, or in terms of quality of life. The neighborhood is liveable, walkable, and deserving of preservation for future generations. It is a functioning embodiment of history. The houses were built by hand, in the old ways, and they reflect that human touch. If those venerable and distinctive homes were to be replaced with generic apartment blocks, all of that charm and individuality would be destroyed. I couldn't be more passionate about this issue and my experience in Bloomington, even though I no longer live there. The warm simplicity and honesty of the Cottage Grove neighborhood live in my heart and mind. I strongly encourage the Commission to vote in favor of conservation. It is so easy to demolish, so much more meaningful to preserve.

I also want to thank Amy and John Butler, who snatched the Ivan Adams House from the jaws of demolition. Their tireless efforts on behalf of the Cottage Grove Conservation Dsitrict, and their respect for quality of life over profit shine out as a sterling example of what we all should aspire to when it comes to honoring the legacy of our cities.

Sincerely,
Judith Barnes
Opera singer, director, producer, visual artist, and former owner of the Ivan Adams House

PS I attach here my original letter from August 2025 in support of the preservation of 115 E 12th Street for reference, in case it is useful.

Judith Barnes

Artistic Director
Vertical Player Repertory

We Take Opera To Another Place

VPROpera.org
judithbarnes.org

Thomas Doak

Dear Bloomington Historic Commission,

I am in support of the creation of the Cottage Grove Conservation District. I do not live in that neighborhood, but in the Maple Hights History District, but I have been attending the organizing meets of the Cottage Grove neighbors. Their meetings have been well attended (both pro and con), well organized, and thoughtful. And have generated plenty of buy-in from residents of Cottage Grove.

As an IU-adjacent neighborhood, Cottage Grove suffers from encroachment from commercial developers and richly deserves protection of their history and their homes.

Sincerely yours,
Thomas Doak

Mia Behringer

Hi! I am a college student renting in the Cottage Grove area. I love our house and I would absolutely hate to see anything happen to the neighborhood. My dad went to IU and actually lived in a house a block away from mine right now. It is so special to get to pass this every day and for him to get to see it whenever he comes a visits me. I absolutely think that this is a historic district and any other allocation would be a shame for the whole town. I think that we need to preserve as much of historic Bloomington as we can so that future generations of both townies and students get to enjoy the magic of such a cute college town. It would not feel right to see boring, cookie cutter apartments instead of unique, historically rich homes that all have stories.

Thanks!
Mia Behringer

Bill Friel

Noah Sandweiss,

I am writing to express my support for the proposed Cottage Grove Conservation District. My home at 209 E. 10th St., where my wife Maureen and I have lived for 40+ years, would be in the District. I think the mandate requiring a Certificate of Appropriateness from the Bloomington Historic Preservation Commission in any instance of moving, demolishing, or building a new structure is important to avoid what has happened in similar areas, such as the 1100 and 1200 blocks of N. Woodburn. Many of the small homes there have been razed and replaced with a half-dozen shoe box-like structures absent the trees and landscaping and neighborhood ambiance of before. What is there now is an IU Student Zone with 24/7 trash, party detritus and I assume a good deal of party noise. I hope a Conservation District would put limits to similar developments in the blocks surrounding my home and allow us to continue as a neighborhood reasonably safe and civil that students and full-time residents can share and enjoy.

Sincerely,

Bill Friel

Scott Russell Sanders

To Members of the Bloomington Historical Preservation Commission:

I write in support of the application for designating a portion of the Cottage Grove neighborhood as a Conservation District—specifically, the area bounded on the south and north by 10th and 12th Streets and on the east and west by Grant and Walnut Streets. Although I do not live in this neighborhood, I greatly admire the surviving older houses, their designs and scale, and I fear that many of these structures will be torn down to build nondescript apartments. My wife and I lived for decades in Elm Heights, and we greatly appreciated the protection offered by the historic designation for that neighborhood. When my wife's health required handicap accessible lodging, we chose to move rather than alter our hundred-year-old American foursquare in ways that would have degraded it.

As a writer, I have celebrated our city, our parks, our limestone heritage, and our midwestern values. I hope the Commission will support the protection of the important historic neighborhood.

Yours sincerely,

Scott Russell Sanders

Clara Garcia Aguerrevere and Dan Fierst

Dear Mr. Sandweiss;

I am writing to express my support for the creation of a conservation district for our beloved neighborhood. My name is Clara Garcia Aguerrevere, and I am also writing on behalf of my husband, Dan Fierst.

The two of us purchased our home at 214 E. Cottage Grove Avenue in 1992. At that time, the neighborhood had a higher number of owner-occupied homes, and we settled in with the hope of welcoming and growing alongside other families who shared a long-term commitment to the area. The location of our home was ideal for Dan, as it was close to the rental properties he managed for his parents.

We raised our two sons in our one-bedroom home until we were finally able to build an addition in 2002. In doing so, we were careful to preserve the original character of the house by maintaining the front façade intact and adding only to the rear, extending the home by 18 feet of livable space.

Over the years, the neighborhood has become less owner-occupied, and we have seen increasing pressure for development that does not always reflect the scale, character, or history of the community. Despite these changes, we remain deeply committed to our home and fully intend to retire here. A conservation district would help ensure that long-time residents like us can continue to invest in and care for our homes without fear that incompatible development will erode the qualities that drew us here in the first place.

We support the creation of a conservation district because it would protect the architectural character, human scale, and sense of place that make our neighborhood special, while still allowing for reasonable improvements and modernization. It would encourage responsible stewardship, promote neighborhood stability, and help preserve the community fabric for current residents and future generations.

Thank you for considering our perspective and for your efforts to protect and strengthen our neighborhood. We respectfully urge you to support the creation of a conservation district.

Sincerely,
Clara Garcia Aguerrevere
on behalf of Dan Fierst
214 E. Cottage Grove Avenue

Kyle Mitchell

Dear Members of the Historic Preservation Commission,

My name is Kyle Mitchell, and I am a resident of the proposed Cottage Grove Conservation District on E 12th St. I am writing to express my strong support for the establishment of the Cottage Grove Conservation District.

In the past year alone, our community has watched the demolition of two historic homes. Without the protections of a conservation district, we remain vulnerable to further loss of the neighborhood's architectural character and history. I believe this proposal is a necessary and well-crafted step toward ensuring Cottage Grove remains a cohesive part of Bloomington's identity.

I urge the Commission to vote in favor of this district on February 12th.

Sincerely,

Kyle Mitchell

Request: Conservation District

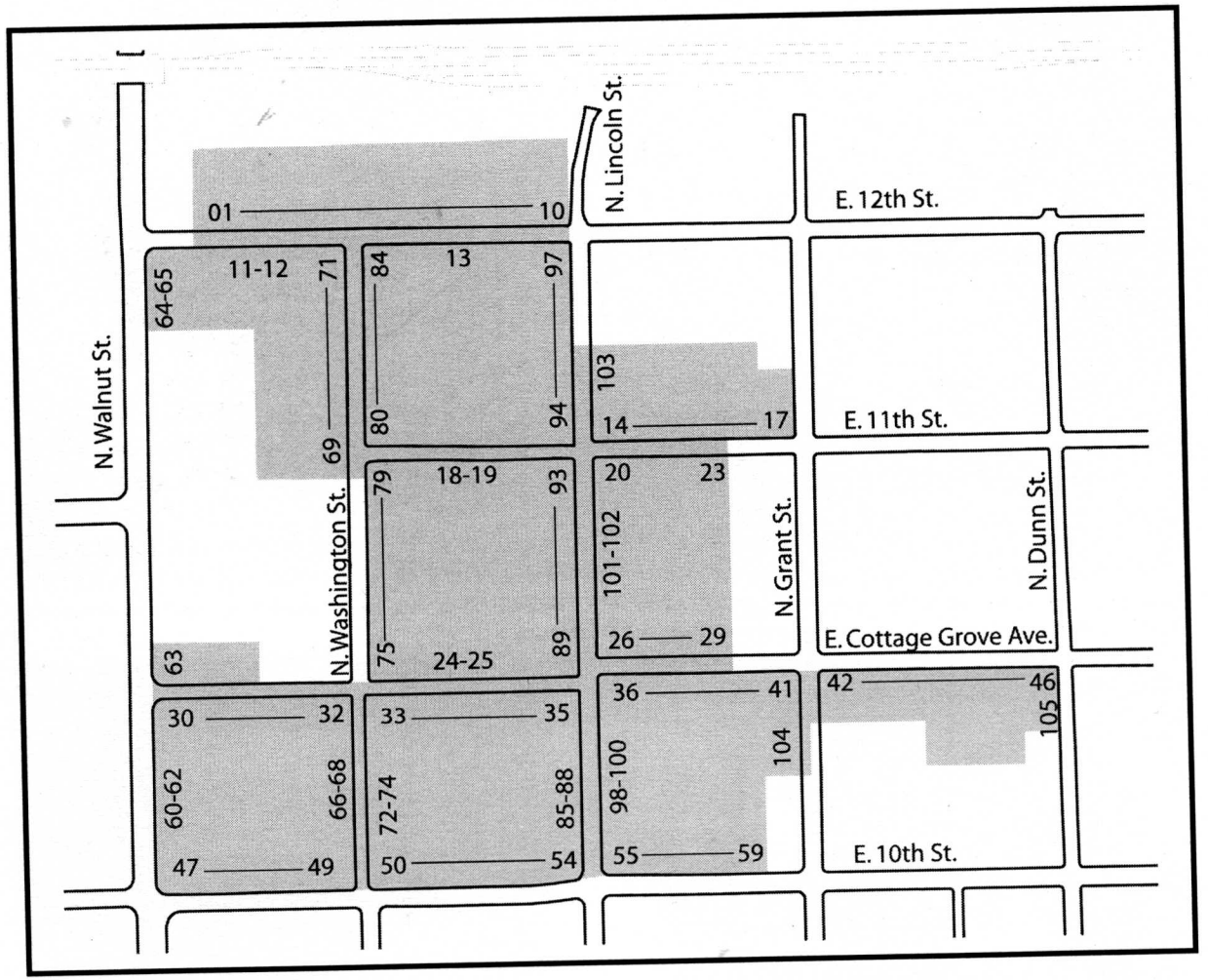
Address of proposed district: It is the neighborhood bounded by the north side of 10th Street on the south, south of The Indiana Railroad to the north, the east side of Walnut Street to the west and the west side of Grant Street to the east. Six new infill properties in this boundary will be omitted, 3 properties on Walnut Street: City Flats on Walnut, Fox Row Apartments, and Domino's Pizza and 3 small apartment buildings on the corner of 10th and Grant Streets: 317 E. 10th, 321 E. 10th and 325 E. 10th.

1. Legal Description of the Proposed District: Starting at the corner of 10th Street and Walnut Street follow 10th Street east to the alley before Grant Street. Follow this alley north to the next intersecting alley, which parallels Cottage Grove. Follow this alley east to Grant Street. Follow Grant Street north to the southern property line of the Indiana Railroad. Follow the southern property line of the Indiana Railroad west to Walnut Street. Follow Walnut Street south to the intersection of 10th. It is the neighborhood bounded by the north side of 10th Street on the south, south of The Indiana Railroad to the north, the east side of Walnut Street to the west and the west side of Grant Street to the east. Three properties in this boundary will be omitted, these are all on Walnut Street and include: City Flats on Walnut, Fox Row Apartments, and Domino's Pizza.

2. See attached **Structure Rating List** and attached **Notable List with photos** and attached **Contributing List with photos**
3. See attached **District Map**
4. To see state listings in the Monroe County Historic Sites and Structures Summary go to https://secure.in.gov/apps/dnr/shaard/r/9addd/N/Monroe_County_summary.pdf For page on Cottage Grove see attached **Monroe County Survey page 37**, also See attached **Bloomington Interim Report Cottage Grove.** 700 N. Walnut is a locally designated historic district.
5. The proposed district fulfills categories in both the historic and architecturally worthy criteria set out by the Historic Preservation Commission. Under historic the district qualifies as "c) Exemplifies the cultural, political, economical, social or historical heritage of the community." The history of the neighborhood mirrors the history of Bloomington. The first homes in the district were semi-rural and sat on the edge of town. By the late 1800's subdivisions were being platted and by the turn of the century much of the Cottage Grove area was homes. The neighborhood included working class and professional people employed at all the major industries of the early 1900'S, including the stone industry, Shower's Brothers, and the Monon and Illinois Central railroads.

Merchants, business owners, tradesmen and salespeople, rounded out the residents. The neighborhood grew until the Great Depression, but after 1930 house construction stopped. It would not be until the 1950's that the last few houses were added. After World War II and the passage of the GI Bill, IU grew dramatically in size and the neighborhood transitioned to provide student and staff housing. Today the neighborhood is mostly rentals. See attached Cottage Grove history for more details. Under the architecturally worthy criteria homes in the district qualify in several categories, including: e) Contains any architectural style, detail or element in danger of being lost. The district has Bloomington's only example of a brick Queen Anne style house and Bloomington's only example of a bungalow with a belvedere. The neighborhood also qualifies under category "g) exemplifies the built environment in an era of history characterized by a distinctive architectural style." The neighborhood exemplifies two distinct architectural styles, the pre-world war era of gabled-el houses typified by a forward-facing gable and two front doors opening onto the porch, and the post-world war era of craftsmen bungalows, with one front door and the emergence of garages. (See attached **Cottage Grove History** for more details.)

Cottage Grove Historic District 105-055-61001-105



Cottage Grove addition, encompassing the north side of Tenth Street, both sides of Cottage Grove, and the south side of Eleventh Street between Lincoln and Dunn, was platted March 20, 1896. Houses appear to have been built very soon after this date. The north side of Eleventh was plated in 1902, and both sides of Twelfth between Lincoln and Dunn were platted in 1903. Adjacent areas of Eleventh, Twelfth, and Lincoln were platted between 1903 and 1905. The homes between Walnut and Washington, often in the Bungalow style, appear to be somewhat later, probably about 1915 and include several Revival and Craftsman style homes.

A couple distinctive examples of the Bungalow and Four-square forms are located in the 600 block of North Washington Street (074-75). In either case, architecturally ordinary homes are interpreted in limestone block. A front balustrade, which would be made of poured concrete in any other residential neighborhood outside Bloomington, is here built of limestone carved on a lathe. The simple Western Bungalow on Washington Street (074) is interpreted in rock faced limestone, with dressed courses. A little farther north a Craftsman Duplex (083) with paired open gabled porches and dramatic jutting purlins shows remarkable workmanship for a speculative structure. Another perennially noted residence in the survey is Bloomington's sole example of a belvedere (05). Perched atop a small Craftsman Bungalow, the belvedere remains a local curiosity.

The development of the Cottage Grove addition coincides with the growth of the Showers Furniture Factory at its Morton Street location, significantly after a fire destroyed the east side plant in 1884. These houses, within walking distance of the new facility, were intended to house factory workers in the growing furniture industry. They are predominately pyramidal or hipped roof cottages, usually with a narrow front porch. Some earlier Queen Anne style cross-gabled houses remain, and later Bungalows are especially evident at the west end of the district. Some of the earliest houses in the area, double pen forms, are located on Tenth Street which was an early rural road in the area. These modest clapboard houses probably date from the 1870's (053). The 300 block of Cottage

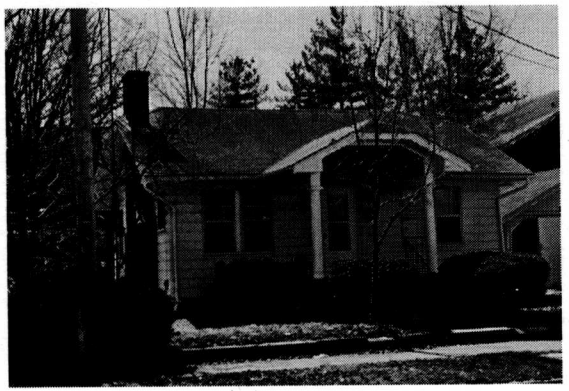
Grove between Lincoln and Grant retains brick sidewalks and large mature trees overhanging the street.

The only intact example of a brick Queen Anne house that remains in the city occupies a site along heavily traveled North Walnut Street (061). This outstanding property with its arched gable windows and chamfered bay also contains characteristic fish scale shingling and interesting use of brick patterns.

The vast majority of the homes in the Cottage Grove District have been converted to student rentals, and on the whole they are well-maintained. Tenth Street, a high traffic corridor that links the University to the core of town, is beginning to see more demolitions. The future of this area, which is unprotected by local ordinance, lies with the ebb and flow of the real estate market.

(61005)
The only remaining example of a belvedere in Bloomington sits atop this Arts and Crafts style house. The feature has been an architectural curiosity for many years. If the small roof were dome shaped, it would be named a cupola.

No.	Rtg.	Add.	Description
EAST 12TH STREET *(north side)*			
001	C	109	**House;** Arts and Crafts/ Dormer Front Bungalow, c. 1920
002	C	111	**House;** Arts and Crafts/ California Bungalow, c.1920
003	C	115	**House;** Arts and Crafts/ California Bungalow, c.1920
004	C	127	**House;** Arts and Crafts/ Dormer Front Bungalow, c. 1920
005	N	201	**House;** Craftsman/Bungalow, c. 1915
006	C	207	**House;** Arts and Crafts/ California Bungalow, c.1915
007	C	209	**House;** Arts and Crafts/ Front Gable Bungalow, c.1915
008	NC	213	**House;** Modified Bungalow, c.1915
009	C	215	**House;** Arts and Crafts/ California Bungalow, c.1915



(61011)
The popular Sears' kit home "The Rodessa," looks very much like this Colonial Revival home. This design is found in working class neighborhoods all over Bloomington. Modifications to the standard kit design include the single Tuscan columns and the clipped gable on the portico.

010	C	221	**House;** Arts and Crafts/ Cross Gable Bungalow, c.1915
EAST 12TH STREET *(south side)*			
011	C	110	**House;** Colonial Revival/ Kit Home, c.1930
012	C	112	**House;** Colonial Revival/ Kit Home, c.1930
EAST 11TH STREET *(north side)*			
013	NC	210	**House;** Bungalow/Modern, c.1915/1950's
014	C	305	**House;** Carpenter-Builder, c.1900
015	C	311	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
016	C	315	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1905
017	C	323	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1910
EAST 11TH STREET *(south side)*			
018	NC	210	**House;** Ranch, c.1950
019	NC	214	**House;** Carpenter-Builder/ Modern, c.1910/1940
020	C	300	**House;** Carpenter/ Builder/Pyramidal Cottage, c.1905
021	NC	306	**House;** Arts and Crafts/ Front Gable Bungalow, c.1920
022	C	310	**House;** Carpenter-Builder/ Gabled-ell, c.1900
023	C	314	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1910
EAST COTTAGE GROVE *(north side)*			
024	C	211	**Duplex;** Arts and Crafts/ California Bungalow, c.1920

025	C	213	**House;** Arts and Crafts/ California Bungalow, c.1920
026	C	301	**Duplex;** Carpenter-Builder, c.1900
027	C	307	**House;** Carpenter-Builder/ Gabled-ell, c.1900
028	C	311	**House;** Carpenter-Builder, c.1900
029	C	315	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900

EAST COTTAGE GROVE *(south side)*

030	C	100	**Duplex;** French Norman , c.1915
031	C	108	**Duplex;** Side Gable Bungalow, c.1925
032	C	112	**House;** Dormer Front Bungalow, c.1925
033	C	212	**House;** English Cottage Revival, c.1930
034	NC	214-½	**Duplex;** English Cottage Revival, c.1925
035	NC	216	**House;** Bungalow/Modern, c.1920/1950
036	C	300	**Duplex;** Carpenter-Builder, c.1900
037	C	308	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900 (demolished)
038	C	310	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
039	C	316	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
040	C	320	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
041	C	322	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
042	C	408	**House;** Arts and Crafts/ Dormer Front Bungalow, c.1910
043	C	414	**House;** Carpenter-Builder, c.1905
044	C	416	**House;** Carpenter-Builder, c.1905
045	C	422	**House;** Arts and Crafts/ Dormer Front Bungalow, c.1905
046	C	424-26	**Duplex;** Carpenter-Builder/ Bungalow, c.1905

(61053)
A remnant of the earliest years of settlement, this vernacular double-pen form retains the recessed transom and sidelights characteristic of Greek Revival styling.

EAST 10TH STREET *(north side)*

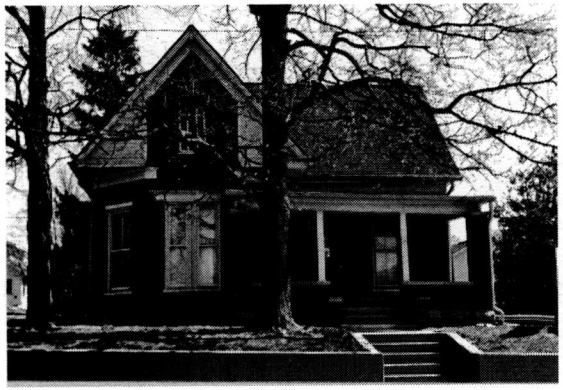
047	C	111	**Apartments;** Craftsman, c.1928
048	C	113	**House;** Carpenter-Builder/ Gabled-ell, c.1910
049	C	125-½	**Duplex;** Free Classic, c.1915
050	NC	203	**House/Apartments;** Greek Revival, c.1880
051	C	209	**House;** Carpenter-Builder, c.1910
052	C	211	**House;** Vernacular/ Double Pen, c.1880
053	N	217	**House;** Federal/Double Pen, c.1860
054	C	221	**House;** Vernacular, c.1900
055	C	301	**House;** Carpenter-Builder, c.1910
056	C	303	**House;** Carpenter-Builder, c.1910
057	C	311	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
058	C	317	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900
059	C	321	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1900

NORTH WALNUT STREET *(east side)*

060	NC	602	**Commercial;** Modern, c.1980
061	N	612	**House;** Carpenter-Builder/ Queen Anne, c.1900
062	C	620	**Duplex;** French Provincial, c.1915
063	C	700	**House;** Craftsman/Dormer Front Bungalow, c.1915
064	C	804	**House;** Craftsman/Dormer Front Bungalow, c.1915
065	C	810	**House;** Arts and Crafts/ California Bungalow, c.1920

NORTH WASHINGTON STREET *(westside)*

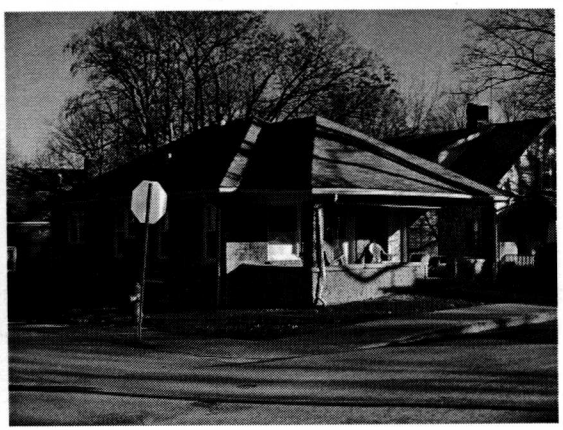
066	C	611	**House;** Tudor Revival, c.1925
067	C	615	**House;** Prairie/Four-square, c.1925
068	NC	619	**House;** Modern/Ranch, c.1955
069	C	811	**House;** Arts and Crafts/ California Bungalow, c.1925
070	NC	815	**House;** Modern/Ranch, c.1950
071	C	817	**House;** Colonial Revival, c.1920



(61061)
This brick Queen Anne has been adapted for commercial use along Bloomington's busy Walnut Street corrider.

NORTH WASHINGTON STREET *(east side)*

072	C	612	**House;** Free Classic, c.1925
073	C	616	**House;** Arts and Crafts/ California Bungalow, c.1925
074	C	622	**House;** Arts and Crafts/ Western Bungalow, c.1925
075	C	700	**Duplex;** Four-square, c.1925
076	C	706	**House;** English Cottage Revival, c.1925
077	NC	708	**House;** Colonial Revival, c.1955
078	C	712	**House;** Mission Revival, c.1925
079	C	714	**House;** English Cottage Revival, c.1925
080	C	800	**House;** Arts and Crafts/ Four-square, c.1920
081	C	808	**House;** Arts and Crafts/ Dormer Front Bungalow, c.1920
082	C	810	**House;** Arts and Crafts/ California Bungalow, c.1920
083	C	812-14	**Duplex;** Craftsman/ Four-square, c.1920
084	C	820	**House;** Arts and Crafts/ Dormer Front Bungalow, c.1920



(61074)
Because of their compact size, Western Style Bungalows are usually associated with working class areas. In Bloomington, this small form is interpreted in rock-faced limestone.

(61081)
Bloomington can boast many neighborhoods with large gracious Bungalows as well as the more familiar repeating rows of modest working class Bungalows in McDoel and Monon Districts. In more affluent neighborhoods the Bungalows are scattered among Spanish, Tudor and Colonial Revival homes.

NORTH LINCOLN STREET *(west side)*

085	C	609	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1925
086	C	613	**House;** Modified Gabled-ell/Bungalow, c.1925
087	NC	615	**House;** Modern/Dutch Colonial, c.1930
088	NC	621	**House;** Carpenter-Builder/ Ranch, c.1950
089	C	701-½	**Duplex;** Carpenter-Builder/ Pyramidal Cottage, c.1905
090	C	705-½	**Duplex;** Carpenter-Builder/ Pyramidal Cottage, c.1905
091	NC	707-½	**Duplex;** Carpenter-Builder, c.1905
092	C	711	**House;** Carpenter-Builder/ Pyramidal Cottage, c.1905
093	C	713-½	**Duplex;** Carpenter-Builder/ Pyramidal Cottage, c.1905
094	C	801	**House;** Arts and Crafts/ Western Bungalow, c.1905
095	C	803	**House;** Free Classic, c.1900
096	C	805	**House;** Free Classic, c.1900
097	C	807	**House;** Arts and Crafts/ California Bungalow, c.1915

NORTH LINCOLN STREET *(east side)*

098	C	610	**House;** Arts and Crafts/ American Four-square, c.1920
099	C	612-½	**Duplex;** the "RODESSA," Sears, c.1905
100	C	614	**Duplex;** Carpenter-Builder, c.1900
101	C	700	**Duplex;** Carpenter-Builder, c.1900
102	C	710	**House;** Four-square, c.1925
103	C	800/02	**Duplex;** Free Classic, c.1915

083

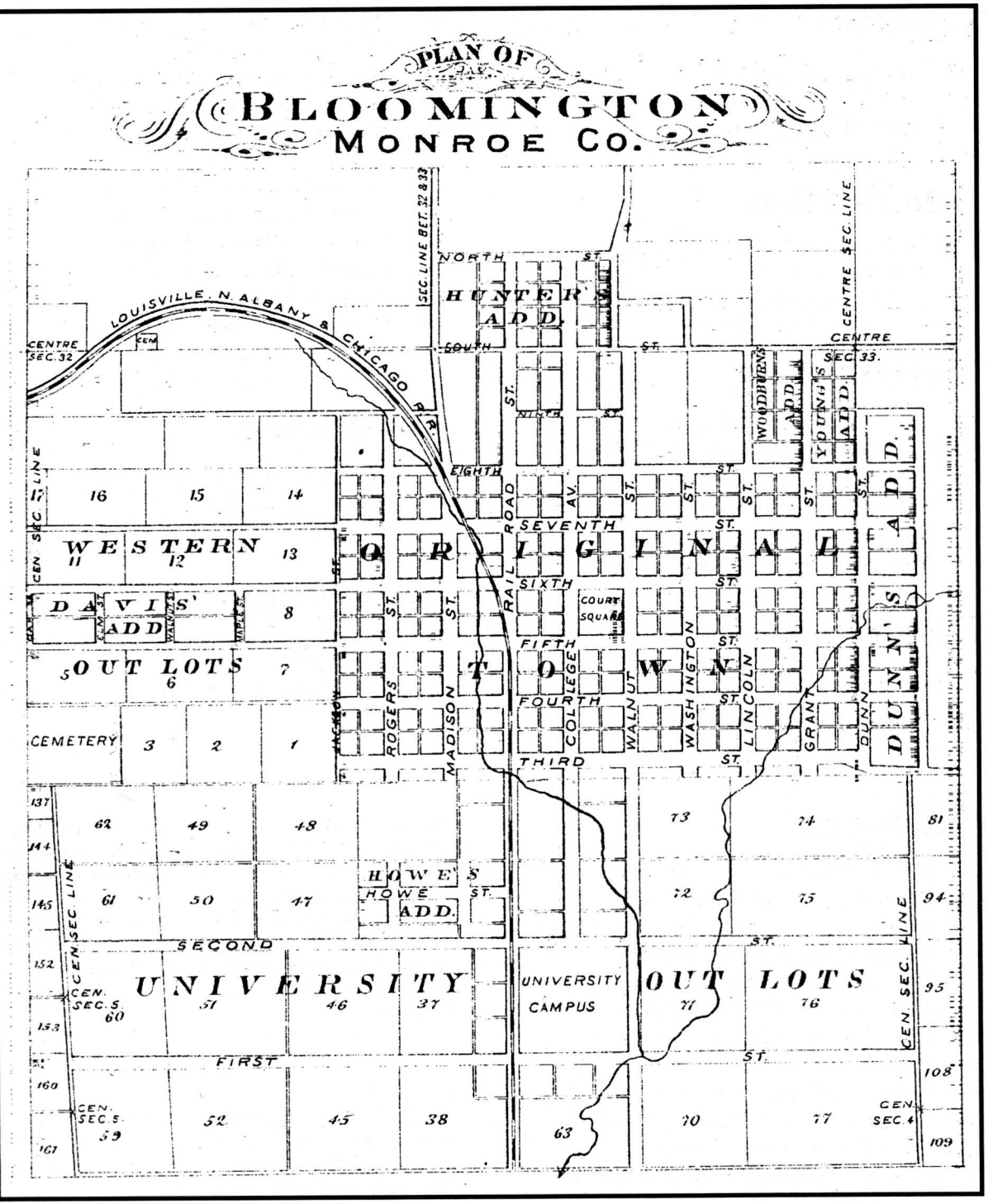
NORTH GRANT STREET *(west side)*

104	C	614	**House;** Modified California Bungalow, c.1905

NORTH DUNN STREET *(west side)*

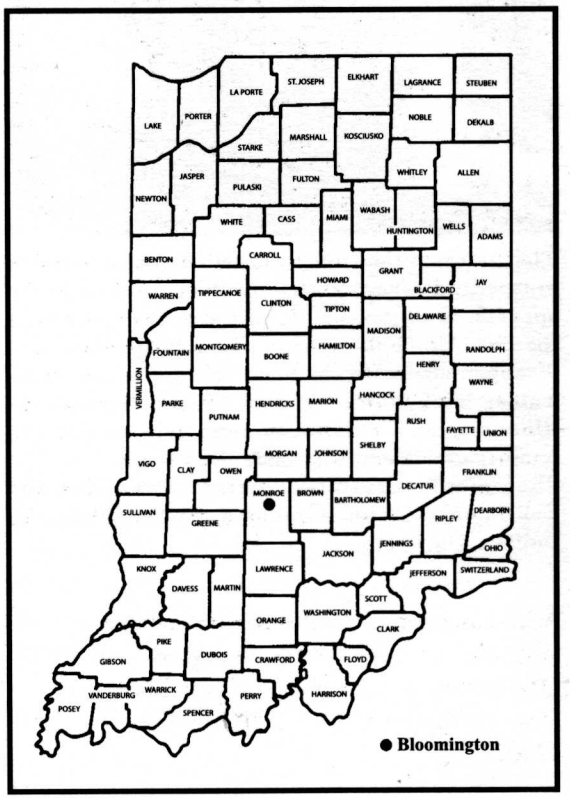
105	C	609	**House;** Arts and Crafts/ Side Gable Bungalow, c.1915

These exquisitely dressed children were 1906 graduates of the "Colored School" at 6th & Washington Streets. Many of their parents were employed as caterers, seamstresses, beauticians, and barbers. Among the students photographed are long-time Bloomington residents Dwight Ghan, Ezra "Dee" Alexander, Glodie Ghan, John Norris, George A. Johnson, Mabel Johson Drake, and Herman Campbell. In the center is Mr. Summers, the principal.
Photograph provided by Sonny Campbell.



City of Bloomington

Interim Report



This interim report is designed to be utilized as a working document by government agencies, local organizations, and private citizens as the basis for a wide variety of projects.

First Printing April 2004

Cottage Grove Contributing Structures and Streetscape

A contributing structure is defined as a structure that does not merit individual inclusion on the National Historic Register, but is still important to the continuity of the area's historic fabric. The proposed Cottage Grove Conservation District has 88 houses that are rated as historically contributing. This is out of a total of 120 houses in the district, meaning that 73 percent of the district is considered contributing. When added to the 13 percent of houses that are rated as notable or higher, the total percentage of historic buildings is 86 percent. This means that 7 out of every 8 buildings in this neighborhood is a historic structure. This is a high percentage for Bloomington in general and represents one of the highest concentrations of unprotected historic homes on the north side. Below is a list of representative types of contributing structures in the neighborhood.

Vernacular Wood Frame Cottages- There are multiple examples of vernacular wood frame homes in the district, typified by a traditional floor plan, parlor or living room up front, bedrooms on the side and kitchen in the back, and all wood-frame construction. The Gabled-El would be considered a particular example of the vernacular type, as would the pyramidal style cottage variation of the Gabled-El. They always included a porch along the front and often had one the side and rear of the house. Vernacular cottages typically had wood decorative elements in various styles. Examples of Queen Anne and Classical Revival are especially common. 805 N. Lincoln is an excellent two-story example of this type. 801 N. Lincoln is a good example of the pyramidal type and has a matching carriage house. 301 and 307 E. Cottage Grove are two other wonderful examples of vernacular cottages that show off decorative scroll work and Greek Revival elements.

Vernacular wood frame 805 N. Lincoln (above), 801 N. Lincoln (below)

Vernacular wood frame (gabled-el) 307 Cottage Grove

Craftsman Bungalow- The Craftsman bungalow is the most common house type in the district. Craftsman bungalows are typified by a low-pitched roof, wide over-hanging eaves, large front porches, exposed rafters, columns, which are often tapered, multi-paned windows and they feature natural materials, especially wood and stone. These homes were built after World War One and usually included a garage. They are most common in the western portion of the district, in particular the homes built on Washington and 12th in Lade's addition.

Two examples of Craftsmen Bungalows. Candyland 109 E. 12th (above)

810 N. Washington (below)

Gabled-El- This house type is the second most common in the district. It is typified by a forward-facing gable and multiple doors that open onto a front porch. One of the doors led into a parlor, a public space filled with finery for entertaining guests. The other door typically led into a less formal sitting room or living room. These houses were built before World War One and are found in the eastern portion of the district. Most of these homes were built before plumbing and central heat and originally had out-houses and multiple stoves/chimneys. Many of them did not have a basement and were built on stone pilings. Multiple examples of this type can be found in the 300 blocks of E. Cottage Grove, E. 11th and E. 12th.

Gabled-El 316 E. Cottage Grove

The Angelika Apartments, 111 E. 10th- This brick two-story Craftsman style apartment building is an architectural gem. Built in 1928 the building originally housed four families, providing each with a quarter of the building. The apartments had a long floor plan (laid out like a bungalow), a porch, and a garage. This gave residents the privacy and comfort of a home, but for less cost. Today the building is still an apartment building and retains its historic character.

Angelika Apartments 111 E. 10th

Sears kit homes (or other manufacturers)- There are at least four examples of kit homes in the neighborhood. Three of them seem to be based on the same Sears design called, “The Rodessa,” and the other is of the “Bedford Type” (listed in notables). The Rodessas can be found at 110 and 112 E. 12th and at 612 N. Lincoln, although this last structure is in the process of being modified.

Two Rodessas. 110 and 112 E. 13th

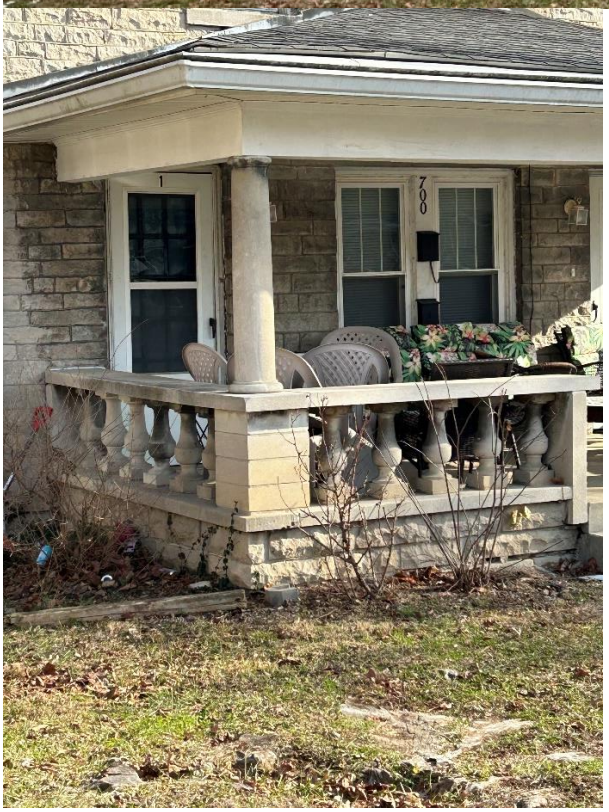
Unusual Contributing Properties

217 E. 10th- circa 1860, Wood frame, Hall-and-Parlor type probably the oldest house in the district. It was constructed on the Nashville Road and dated to a time when this area was semi-rural and comprised of small farms.

217 E. 10th

612 N. Washington- circa 1928, Wood-frame colonial revival bungalow with a large (and unusual) second-story bay-window over the front porch. Details like sidelights on front door, tapered columns and triple window set off the front.

700 N. Washington- Unusual limestone four-square duplex with a pyramidal roof. It has Craftsman details, including multi-paned three-over-one windows, and limestone balustrades and columns that ornament the porch.



706 N. Washington- circa 1930, was one of the last homes constructed on the east side of Washington. It is unusual by being both a Tudor Revival house and one constructed entirely of limestone. It features a large front-facing central chimney, an off-set front door with a steep pitched false-gable above it, and shuttered windows. The winding front walk adds to its storybook detail.

711 N. Lincoln- Early concrete block construction (1905) that was made to look like cut ashlar limestone graces this pyramidal cottage.

Streetscape

The proposed Cottage Grove conservation district has several notable historic streetscape features that can be found within it.

1) Historic sidewalks- The neighborhood has portions of three blocks with two different types of historic sidewalks. On E. Cottage Grove between Lincoln and Grant and on Grant between 10th and Cottage Grove, the neighborhood

has original brick sidewalks. These date back to the Cottage Grove addition platted in 1896. The sidewalks are in good shape and line both sides of the street. On N. Lincoln Street, between 10th and Cottage Grove there exists a cut limestone sidewalk. It is of the hexagon and square pattern used by the WPA (1935-1943).

Brick Sidewalk Grant

WPA style cut limestone sidewalk

2) Historic Walls- The neighborhood has many examples of historic cut limestone block retaining walls. While this is a feature typical of older neighborhoods in the limestone belt, these walls are very unusual elsewhere. There are stretches of wall on Cottage Grove, 10th, 11th, 12th, Walnut, Lincoln, and Grant streets. Most of the walls probably date from

around 1900, due to their placement in areas that were platted in the late 1890s and early 1900s.

Stone wall N. Lincoln

Stone wall E. 11th (above) Stone wall E. Cottage Grove (below)

3) Historic Street Lights- The neighborhood has three historic street lights all clustered near the intersection of 10th and Washington and connected to the North Washington neighborhood across 10th street.

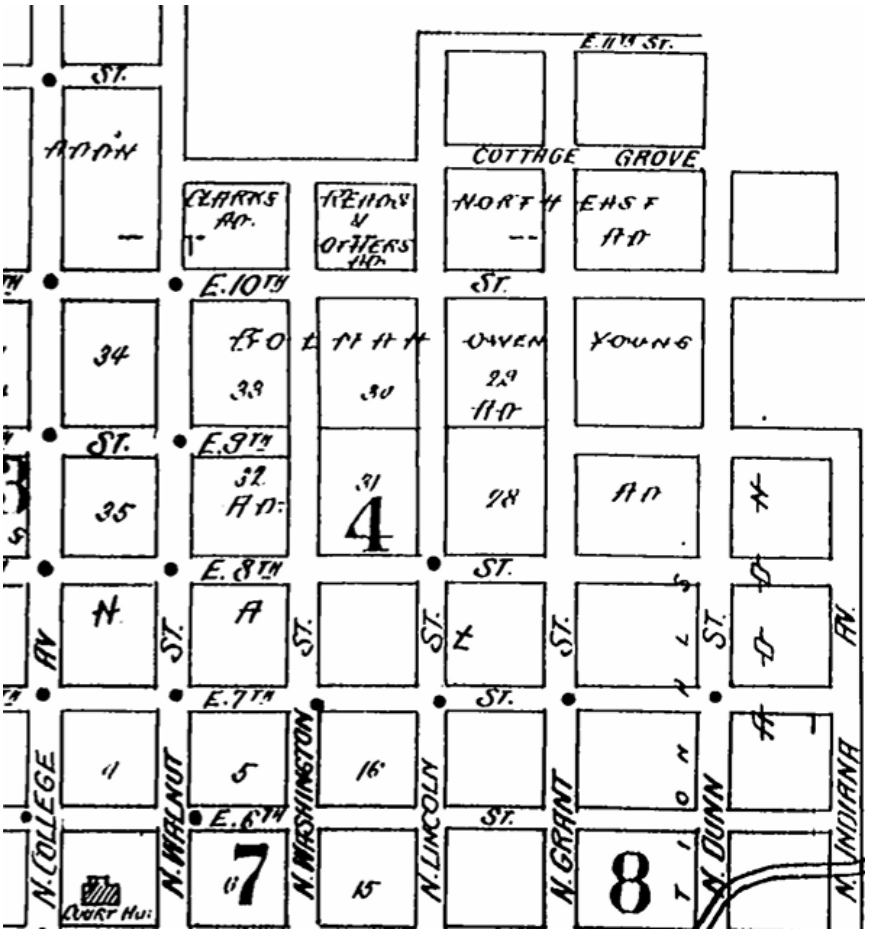
Base of street light showing decorative bolt covers

4) Historic trees- One of the surprising features of the neighborhood is that the mature trees housed within it make the district clearly visible in satellite maps. The areas to the east and west have been redeveloped and have had most of their trees removed. 100-year-old houses tend to have old trees.

History of the Cottage Grove District

The Cottage Grove Conservation District is composed of portions of several additions, or plats, that were laid out beginning in the 1850s, with most of the land platted between the 1890s and 1920s. The earliest home in the district was built in the hall-and-parlor style, sometime before the Civil War, and sat alone on 10th Street when that route was still called the Unionville or Nashville Road. This was one of the farmsteads located on the edge of Bloomington when the area was decidedly rural. In the 1850s, most of the land on the north side of town was owned by one family, the Labertews. According to a January 30, 1948 Bloomington World Telephone article, Asher Labertew, a merchant and tavern keeper, was an important local figure who arrived in town in the 1830s. In 1849 he bought a large home and tract of land from a man departing for the gold rush. Labertew's new home sat at the intersection of 11th and College Avenue, where College Avenue began at his doorstep and ran south to the College. At this time, the bounds of Bloomington went no farther north. Around his home stretched pasture, orchards, and woods. The southern boundary of his property was 11th street. He owned as far north as modern day 17th Street, which at that time was nothing more than a fencerow lane. The property stretched a great distance east and west as well, its western boundary ended at Madison Street, while the eastern boundary went beyond what is now Washington Street, and perhaps farther.

In 1853 Daniel Read, a professor at IU, and others, established Read's Addition (also referred to as Reed's with a double 'e'). This small addition added a few homes along 10th Street, between Washington and Lincoln, on the southern edge of the district. This was followed in 1890 by another small plat, also along 10th Street, called Clark's Addition (although formally a subdivision, not a new addition), which lay between Walnut and Washington. These additions first appear on the 1898 Sanborn map, but they pre-date that.



Detail from 1898 Sanborn Fire Insurance Co. map, Bloomington Indiana, Sheet 1

According to the Biographical Directory of the United States Congress, Morton C. Hunter was born in Versailles, Indiana in 1825. In 1848 he came to Bloomington to attend Indiana University. It was there he met Martha Labertew, Asher's daughter. The Monroe County Public Library Indiana Room biography of Hunter states that they wed in 1848. In 1849 Hunter graduated with a law degree and shortly thereafter he went into local practice. Sometime before 1856 he built a large home where 11th Street stub-ended into Walnut. This home was known as the Hunter Mansion and was one of the most celebrated houses in Bloomington. In 1861 he purchased the land this house stood on and the surrounding property. In all he bought more than fourteen acres. This was the southeast portion of the Labertew farm, stretching east-west from the modern-day alley in between Washington and Lincoln to Walnut, and north-to- south from the present-day Indiana Railroad to 10th Street. This land became known as the Hunter estate. Hunter would go on to be a prominent local attorney, a member of Congress, a Civil War general and war hero, and the owner of a large quarry district.

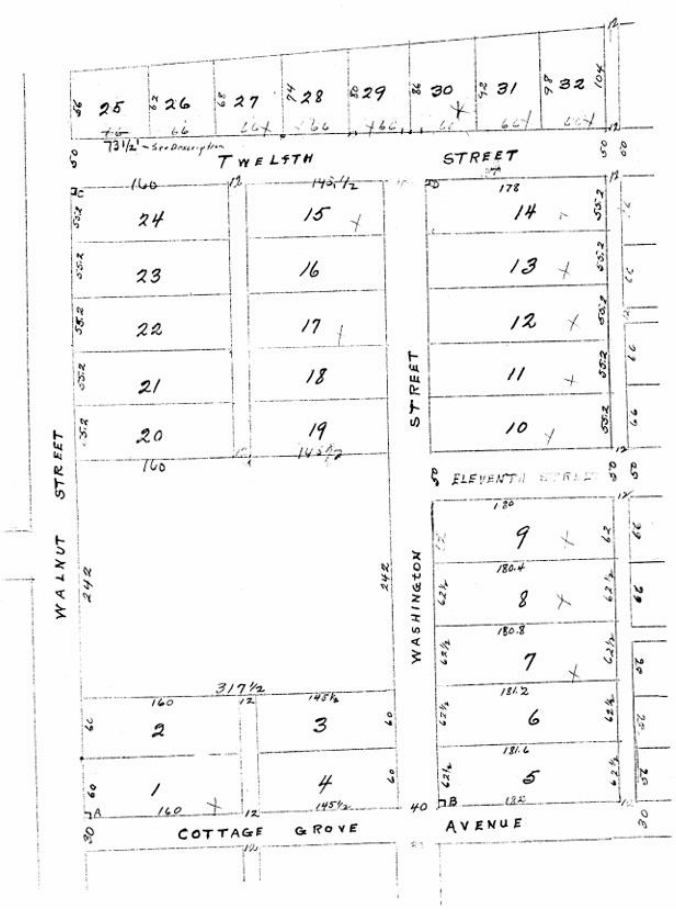
Earliest image of Hunter Mansion from a detail on an 1856 county map.

Davis R.S. *New gazetteer map of Monroe County, Indiana*, Davis and Kennedy, 1856, Louisville.

The Labertew farm capped the north end of Bloomington until 1892. According to the same newspaper article, Asher Labertew died sometime prior to 1890. In 1892 his heirs sold the farm to the Kenwood Land company. The Kenwood Land company would plat Kenwood Addition on the grounds. The Labertew home was torn down and College Avenue was extended north. This land sale greatly increased the scope of Bloomington's northward expansion, which was being fueled by the growth of nearby local industry, including Seward's foundry and the Showers Brothers factory. In 1896, Ira and Mary Batman platted the Cottage Grove Addition, a large addition that would take in the land north of 10th Street between Lincoln and Dunn. Portions of this addition were also nicknamed Northeast, since at that time it formed the northeast corner of the city. This new addition can also be seen on the 1898 Sanborn map. The Cottage Grove plat was expanded in 1902 and again in 1903, eventually encompassing much of the land between 10th (on the south) and the Indianapolis Southern Railroad- soon to be Illinois Central, (on the north). In 1905, Samuel Rhorer established the Rhorer Subdivision on the west side of Lincoln Street between 11th and Cottage Grove.

Most of the land north of 10th Street and east of Walnut was now platted and being filled in with small homes, with one major exception, the Hunter estate. General Hunter, as

Morton was known, even long after his army service ended, died in 1896 from a stroke. Hunter had eight children, six sons and two daughters. Hunter did not want to divide up his beloved estate so he left his home and land to his daughter Minnie. She lived there with two of her brothers and their families until 1919, when she married and moved to Gosport. According to the Deeds of Monroe County, Indiana 1811-1926 Grantee Index compiled by the Monroe County Historical Society, Minnie sold the first parcel to Max Lade, a Showers Brothers executive, in 1919. She made another transaction to Lade in 1921, and the final one in 1924. Max and his wife Martha moved into the Hunter mansion, but they did not retain the spacious grounds. In 1923, they founded Lade's Addition and began selling off lots. They also extended 12th Street to Walnut, Washington Street to 12th and 11th Street to Washington. Lade hoped that the new addition would be popular with Showers employees and it was well covered in the Showers newspaper, Shop Notes. A March 1923 issue announced the coming of the "attractive addition" with its thirty-three "very desirable" lots (only thirty-two were platted) and new streets. An April addition noted that a lot had already been sold to a fellow employee.



Lade's Addition

Hunter Mansion in 1922 after the Lades had noted Bloomington architect John L. Nichols add a new porch. From: Shop Notes, September 9, 1922.

With the laying out of Lade's addition in 1923, the platting of the Cottage Grove area was nearly complete. The final few parcels were carved off the backyard of the Hunter Mansion after Max Lade sold the house. Houses were built on these lots starting in 1950, which filled in the west side of Washington Street.

Despite being laid out over several decades, most of the houses in the district fall into two distinct groups architecturally, turn-of-the-century vernacular cottages and 1920s Craftsman style homes. The vernacular cottages are typically of the Gabled-El design, with varying roof patterns, arrangements, and details, but are united with a front facing gable and a two-entrance plan that opens on to the front porch. The Craftsman style homes are typified by their details: wide eaves, projecting brackets, multi-paned upper windows, and knee braces, but these are applied to a diverse group of buildings, ranging all the way from bungalows and duplexes to apartment buildings. Both groups of buildings work well together, sharing a similar massing, layout, and lot use. There are some examples of buildings in the neighborhood that combine both styles- with Gabled-El layouts and Craftsman details.

While the neighborhood's origin was piecemeal, the people living there soon became a cohesive whole. The residents of the Cottage Grove District represented the working and trade classes of Bloomington. While they were not as wealthy as the factory owners living a few blocks further south on Washington, the neighborhood was filled with successful middle-class

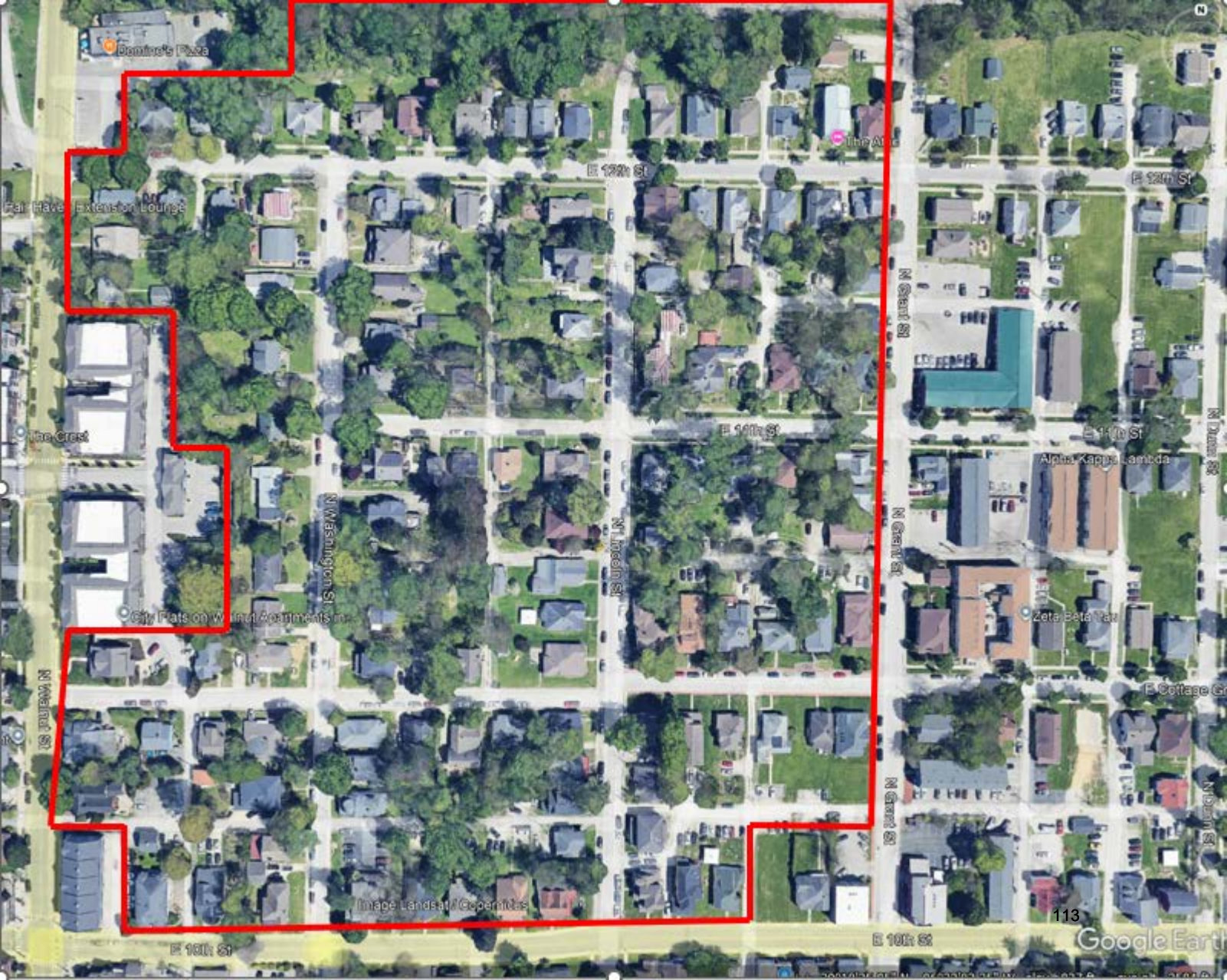
people. In the early 1900s Bloomington's three largest employers were the stone industry, the Showers Brothers Furniture Company, and the railroads. All three groups were well represented in the neighborhood. Members of the stone industry lived throughout the neighborhood, with mill and quarry owners, managers, laborers, and carvers residing in the district. Managers, draftsmen, carpenters, and laborers from Showers also occupied many homes. The railroads were represented as well, with employees from both the Illinois Central and the Monon living in the neighborhood. Mixed into these groups were grocers, salesmen, students, merchants, and retirees. This neighborhood represented most elements of Bloomington's economic life.

By the 1930s the proximity of the Cottage Grove neighborhood to IU started to change its demographics. This change was accelerated as the university expanded, especially after the end of the Second World War and the passage of the GI Bill. Enrollment shot up as college education became an option for a wider range of students. By 1947, half of IU's students were ex-soldiers. These new students needed more teachers and the university needed more buildings and more staff. The expansion transformed Bloomington from a town living off extractive industry (limestone mills, furniture factories, etc.), to a town living off the university. The Cottage Grove District became increasingly student occupied. By the 1970s the neighborhood was a mix of aging original owners, student rentals, and first-time home owners with young families.

The changing demographics also brought physical changes to Bloomington's north side neighborhoods. Old Northeast and the Cottage Grove neighborhood were soon being transformed by new developments. East of Indiana Avenue, many of the original houses were torn down for university expansion. Along 10th street homes were torn down for businesses, but the most ubiquitous threat to old homes were the apartment buildings. Swaths of homes were torn down in the areas bounded by Grant and Indiana and 10th and the railroad. The destruction included average structures and notable historic properties. Hoagy Carmichael's birthplace, a modest vernacular wood-frame cottage, which sat at the northwest corner of 10th and Grant, was torn down in the 1960s. Equally regrettable was the demolition of the Hunter Mansion in 1974, which was replaced by a strip mall. Both these notable homes would have been in the Cottage Grove District.

One of the last photographs of the Hunter Mansion, spring 1974.

The destruction over the later decades of the twentieth century and beginning of the twenty first has erased almost half of the original Cottage Grove neighborhood and a good portion of Old Northeast. Today the last best remnant of the Cottage Grove neighborhood is what exists between Grant and Walnut and 10th and the railroad. In these few blocks most of the old houses are still intact and contiguous. The houses do not represent any one addition or plat, nor do they all share the same decade of construction, but they do represent the last core group of a fascinating north side neighborhood.


E 12th St
N Grant St
E 11th St
N Lincoln St
N Washington St
N Walnut St
E 10th St
Alpha Kappa Lambda
Zeta Beta Tau
Image Landsat / Copernicus
Google Earth

30024, 30025) and provides the Steele-Dunning district with its most characteristic streetscape. These homes were built as speculative duplexes and their pyramidal roofs were designed to resemble single family structures. The two unit houses were assembled under a steep four-sided roof. A pedimented gable bisects the two front porches. The Free Classic style of these homes dates them to the first decade of the 20th century. Irregular roof massing and generous porches refer back to the Queen Anne style, but the simple Tuscan columns illustrate a reduced interest in applied Victorian decoration. This early multifamily development was designed to give the impression of single home and contrasts with later apartment style development of the 1920s.

Perhaps the most famous resident of this neighborhood was John L. Hetherington, who served as the mayor of Bloomington from 1926-1930. He was a distinguished veterinarian, who helped create the veterinary school at Purdue University.

The early occupants of Steele-Dunning were basic laborers associated with the stone industry and other Bloomington businesses that flourished during Bloomington's industrial boom. Early 20th-century architecture in the district is best exemplified by the row of houses on East 3rd Street (30008, 30010, 30011). These bungalows are both brick and frame, of modest size, and feature a regular set back from the street. The designs are more individualized than some of the working class neighborhoods in the McDoel district yet, their scale is unpretentious and democratic, a trait of the neighborhood which remains today.

Cottage Grove Historic District

Cottage Grove Addition was platted in 1896. Houses appear to have been built very soon after this date. The district includes bungalows and Craftsman and Revival styles houses. A couple of distinctive examples of the bungalow and American Foursquare types are located in the 600 block of North Washington Street. In either case, architecturally ordinary homes are interpreted in limestone block. A front balustrade, which would be made of poured concrete in any other residential neighborhood outside Bloomington, is here built of limestone carved on a lathe. The simple western bungalow at 622 North Washington Street (31057) is interpreted in rock faced limestone, with dressed courses. A little farther north at 812-814 North Washington Street a Craftsman duplex (31059)with paired open gabled porches and dramatic jutting purlins shows remarkable workmanship for a speculative structure. Another perennially noted residence in the survey is Bloomington's sole example of a belvedere at 201 East 12th Street (31007). Perched atop a small Craftsman bungalow, the belvedere remains a local curiosity.

The development of the Cottage Grove addition coincides with the growth of the Showers Furniture Factory at its Morton Street location, after a fire destroyed the east side plant in 1884. These houses, within walking distance of the new facility, were intended to house factory workers in the growing furniture industry. They are predominantly pyramidal or hipped roof cottages, usually with a narrow front porch. Some earlier Queen Anne style cross-gabled houses remain, and later bungalows are especially evident at the west end of the district. Some of the earliest houses in the area, double pen types, are located on 10th Street which was an early rural road in the area. These modest clapboard houses probably date from the 1870s (31049). There are brick sidewalks and large mature trees in Cottage Grove between Lincoln and Grant.

The only intact example of a brick Queen Anne house in the city occupies 612 North Walnut Street. This outstanding property with its arched gable windows and chamfered bay also contains characteristic fish scale shingling and interesting use of brick patterns (31026).

The vast majority of the homes in the Cottage Grove District have been converted to student rentals that are generally well-maintained. However, 10th Street, a high traffic corridor that links the University to the core of town, is seeing more demolitions.

Hunter Valley Historic Landscape District

Located northwest of Bloomington, the Hunter Valley Historic Landscape District is bisected by the SR 37 and SR 45/46 interchange. The general boundaries are Arlington Road to the east and north, West Vernal Pike to the south, and Stout Creek to the west (including 100 yards west of the creek). Much of the valley is comprised of deciduous and coniferous second-growth forest, excepting places of active stone extraction and processing.

In 1891, the Morton C. Hunter Stone Company (Hunter Stone Company) organized and was the first company to open a limestone operation in Hunter Valley. The company conducted substantial core drilling samples and after learning of the value of the stone, built the Hunter Switch from the Louisville, New Albany, & Chicago railroad (later Monon), over a mile to the Hunter Valley. The construction of this switch made quarrying

Outstanding and Notable Houses in the Cottage Grove Conservation District

The proposed Cottage Grove Conservation District only contains 120 houses, but in this small sample there are wonderful examples of Bloomington's rich cultural heritage. The city of Bloomington's website states that, "Cottage Grove is one of Bloomington's most architecturally diverse neighborhoods." This diversity includes a wide range of historic houses, but the most noteworthy are the homes that have been designated as outstanding or notable by the state Department of Natural Resources. 612 N. Walnut, has been listed as "outstanding." This is the maximum rating possible. To be considered outstanding a property must, "retain the highest level of historic integrity." This property would be eligible for inclusion on the National Register of historic places. A further fifteen properties have been listed as "notable." For a house to be listed as notable, it is considered to have, "an above-average amount of historic integrity." And, would also be eligible for inclusion on the National Register.

(as defined by the City of Bloomington https://bloomington.in.gov/historic-bloomington/info)

Here is an illustrated list of the 1 outstanding and 15 notable houses.

612 N. Walnut- Circa 1890
Brick Queen Anne Style

This home is rated as outstanding by the state DNR. “Stone quarry owners Mr. and Mrs. John Hunter were the residents of this late nineteenth century Queen Anne style brick house at the turn of the century… Textural complexity is created by the recessed panels in the brick and the fishscale shingles and ornate scroll work vents in the gables.” (BRI 1992 Historic Guide No. 6) This home is the only Brick Queen Anne style structure in Bloomington.

700 N. Walnut- Circa 1928
Brick Craftsman Bungalow

Roy Burns, a grocer and his wife Ethel were the first residents. The home is an excellent example of craftsman architecture. “The tapestry brick in two tones and the large knee braces are distinctive features of this handsome bungalow.” (BRI 1992 Historic Guide No. 6)

804 N. Walnut- Circa 1915
Craftsman Style Bungalow

This was the home of Cecil Robinson who owned a garage at 1112 N. Walnut. This brick craftsman bungalow has generous proportions and wonderful details. Notice the round limestone central porch columns which contrast with the large square brick corner columns. Also note the limestone projections

holding up the arched wooden porch ends, the limestone railings and the limestone lintels tying the building together.

611 N. Washington- Circa 1925

Tudor Revival

Briefly owned by carpenter and contractor J.M. Robbins the home was purchased in 1927 by W. S. Crowe a draftsman, and his wife Amy. This handsome limestone home exhibits Tudor styling with the exposed timbers, recessed doorway, arched window, and confident massing.

615 N. Washington-Circa 1922
American Four-Square

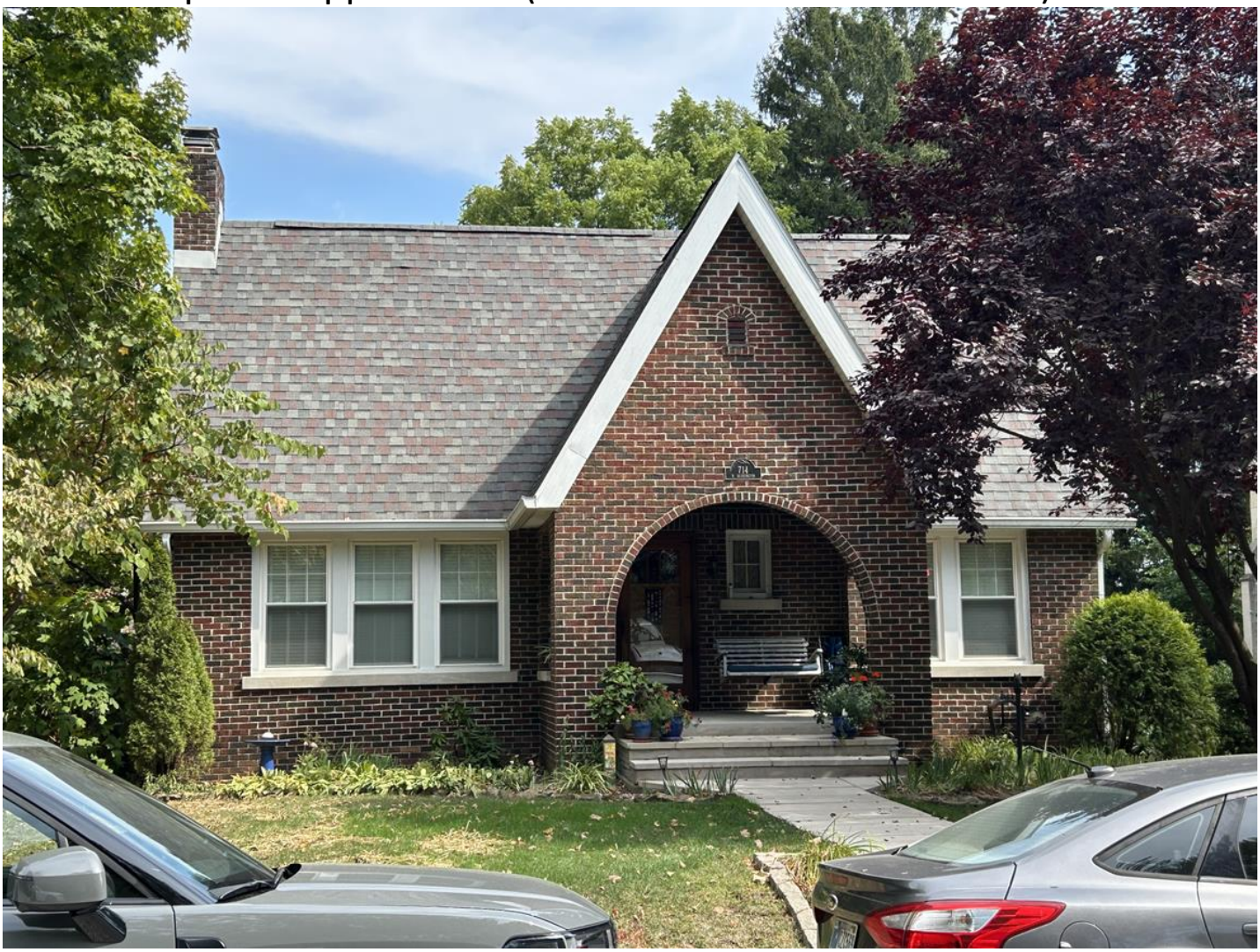
Built by Fred and Dorothy Seward. The Seward family ran the Seward Iron company from 1821-1972. Perhaps the best example of a four-square in the district. It incorporates craftsman elements in the design. “The large brick house has wide, overhanging eaves, a square floor plan, heavy limestone

lintels, and multi-paned sash." (City of Bloomington Historic Guide, 6)

712 N. Washington, Circa 1926
Tudor Revival/Craftsman Bungalow

"The president of the Harding and Cogswell Stone Co. of Ellettsville, Percy Cogswell built this house and lived here with his wife, Nell, in 1927. The house… has elements of the Tudor Revival style evidenced by the tiered buttresses, dressed ashlar

limestone and multi-paned upper sash. The craftsman style is also evidenced by the solid massing, lower pitched roof, and the multi-paned upper sash.” (BRI 1992 Historic Guide No. 6)



714 N. Washington- Circa 1925
Gothic Revival (English Cottage)

This home was first lived in by C.H. Stewart a salesman. The gothic revival house exemplifies the style with its steep roof line, forward-facing gable, and asymmetrical front. Note the purposefully varied type and spacing of windows on either side

of the front door. This is the only brick gothic house in the neighborhood.

808 N. Washington, Circa 1926
Craftsman Bungalow

“Lancelot Kell, foreman at the Indian Hill Stone Co. of Victor, and his wife, Josephine, lived in this brick craftsman bungalow in 1927. The brick house with limestone details has classic bungalow features such as the low-pitched roof, wide overhanging eaves with large brackets, wide front porch and multi-paned upper sash. Reportedly built from a Sears,

Roebuck and Company kit, the house is similar to the ‘Bedford’ plan offered by Sears in the 1920’s” (BRI 1992 Historic Guide No. 6)

811 N. Washington- Circa 1926
Craftsman Bungalow

“Ralph Figg, a draftsman with the Indiana Limestone Co., and his wife, Eva, lived in this house until the 1940’s. The otherwise simple Craftsman bungalow boldly announces itself with an open truss front porch supported by battered porch posts atop large brick piers and a delicate slatted wood balustrade. The solid structure of the house is further emphasized by large cut limestone foundation blocks.” (1992 BRI Historic Guide No. 6)

812-814 N. Washington- Circa 1928
Craftsman Bungalow Duplex
This is a unique example of a craftsman style duplex. Norwell Jacobs, manager of the Morris Plan Co., and his wife Esther lived in one half in 1929. While, Paul Latourette, a Shower's Brothers employee and his wife Orlou lived in the other half. The home is ornamented with a two-tone tapestry brick veneer. "The pergola construction connecting the two front entrances, the compact overall form and matching garage at the rear give

this duplex a decidedly residential feel.” (1992 BRI Historic Guide No. 6)

610 N. Lincoln- Circa 1915
Craftsman Style Four Square
“This craftsman style American foursquare duplex has wood siding on the first floor, wood shingles on the second floor and three-over-one sash. The first residents of the duplex included Moses Graves, an insurance agent, his wife, Anna and Elmer Dunn, a timekeeper, and his wife, Florence, in 1916.” (1992 BRI Historic Guide No. 6)

807 N. Lincoln- Circa 1915
Craftsman Bungalow (California Style)

This house was first lived in by Grover Bell, a clerk at the city water works. This is a classic frame house done in the craftsman style. The wide eaves, decorative brackets, multi-paned windows and asymmetrical front perfectly exemplify the aesthetic, while the brick porch and elevated setting present a striking entrance.

213 E. Cottage Grove- Circa 1926
Craftsman Bungalow
“A switchman for the Monon Railway, John Hendrix and his wife, Ellen, lived in this simple wood frame bungalow in 1927. The position of the house on the side of a hill provides the full height necessary for a basement-level garage on the east side.” (1992 BRI Historic Guide No. 6)

300 E. Cottage Grove- 1900
Gabled-El, Craftsman Bungalow with Greek Revival influences

This house had many early residents, George and Laura Buskirk, G.B. Dean, a pharmacist at the Bowles Hotel, J.T. Neill a carpenter, and for many years, J.E. Wagner, a stockman. The house is a basic gabled-el design with craftsman elements, such as the bay window and muti-paned windows. It also has Greek Revival details, most notable in the front porch columns and pediment.

201 E. 12th - Circa 1924
Craftsman Cottage

“Built between 1922 and 1925, this wood frame, craftsman style cottage is distinguished by its windowed central tower that rises above the pyramidal roof. The first owner resident of the house was Darrell Adams, a stenographer at the Showers Brothers Co., and his wife Katherine.” (1992 BRI Historic Guide No. 6)

221 E. 12th - Circa 1915
Craftsman Cross-Gable Bungalow

An early occupant of this house was William Burton, a barber, who co-owned the Hupp Burton Barber Shop. This house borrows from the gabled-el design and has the inset corner porch and two front doors so typical of the style. It also has craftsman details- exemplified by the wide eaves with

decorative brackets, the bay projection and columned front porch.

Source: SHAARD database – IHSSI Ratings (2014)

Walnut St Houses

612 N Walnut	Outstanding
620 N Walnut	Contributing
700 N Walnut	Notable
802 N Walnut	Contributing
804 N Walnut	Notable
810 N Walnut	Contributing

Washington St Houses

611 N Washington	Notable
612 N Washington	Contributing
615 N Washington	Notable
616 N Washington	Contributing
619 N Washington	Contributing
622 N Washington	Contributing
700 N Washington	Contributing
703 N Washington	Contributing
705 N Washington	Contributing
706 N Washington	Contributing
708 N Washington	Contributing
712 N Washington	Notable
714 N Washington	Notable
717 N Washington	Contributing
719 N Washington	Contributing
800 N Washington	Contributing
805 N Washington	Contributing

808 N Washington	Notable
810 N Washington	Contributing
811 N Washington	Notable
812-814 N Washington	Notable
815 N Washington	Contributing
817 N Washington	Contributing
820 N Washington	Contributing

Lincoln St Houses

610 N Lincoln	Notable
609 N Lincoln	Contributing
612 N Lincoln	Contributing
613 N Lincoln	Contributing
615 N Lincoln	Contributing
621 N Lincoln	Contributing
701 N Lincoln	Contributing
705 N Lincoln	Contributing
707 N Lincoln	Contributing
710 N Lincoln	Contributing
711 N Lincoln	Contributing
713 N Lincoln	Contributing
801 N Lincoln	Contributing
803 N Lincoln	Contributing
805 N Lincoln	Contributing
806 N Lincoln	Contributing
807 N Lincoln	Notable

Grant St Houses

811 N Grant St	Contributing

10th St Houses

111 E 10th	Contributing
113 E 10th	Contributing
125 E 10th	Contributing
203 E 10th	Non-Contributing
209 E 10th	Contributing
211 E 10th	Contributing
217 E 10th	Contributing
221 E 10th	Contributing
301 E 10th	Contributing
303 E 10th	Contributing
311 E 10th	Contributing

E. Cottage Grove Ave. Houses

108 E Cottage Grove	Contributing
111 E Cottage Grove	Contributing
112 E Cottage Grove	Contributing
115 E Cottage Grove	Contributing
213 E Cottage Grove	Notable
211 E Cottage Grove	Non-Contributing
212 E Cottage Grove	Contributing
214 E Cottage Grove	Non-Contributing
216 E Cottage Grove	Non-Contributing
300 E Cottage Grove	Notable
301 E Cottage Grove	Contributing
307 E Cottage Grove	Contributing
310 E Cottage Grove	Contributing
311 E Cottage Grove	Contributing
315 E Cottage Grove	Contributing

316 E Cottage Grove	Contributing
320 E Cottage Grove	Contributing
322 E Cottage Grove	Contributing

11th Street Houses

210 E 11th	Contributing
214 E 11th	Non-Contributing
300 E 11th	Contributing
301 E 11th	Contributing
305 E 11th	Contributing
306 E 11th	Contributing
310 E 11th	Contributing
311 E 11th	Contributing
314 E 11th	Contributing
315 E 11th	Contributing
323 E 11th	Contributing

12th Street Houses

109 E 12th	Contributing
110 E 12th	Contributing
111 E 12th	Contributing
112 E 12th	Contributing
115 E 12th	Contributing
127 E 12th	Contributing
201 E 12th	Notable
207 E 12th	Contributing
209 E 12th	Contributing
210 E 12th	Non-Contributing
213 E 12th	Contributing

215 E 12th	Contributing
221 E 12th	Notable
301 E 12th	Contributing
305 E 12th	Contributing
311 E 12th	Contributing
312 E 12th	Contributing
313 E 12th	Contributing
315 E 12th	Contributing
316 E 12th	Contributing
322 E 12th	Contributing
331 E 12th	Contributing

To: Bloomington Common Council
From: Eric Greulich, Development Services Manager
Date: April 23, 2026
Re: Text Amendments to Unified Development Ordinance

Case #s: ZO2026-01-0019, ZO2026-02-0002, ZO2026-02-0003, ZO2026-02-0004

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last UDO update process was completed in May 2025 with other minor amendments completed in November 2025. This current update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments and has identified portions of the code that contain errors or may benefit from adjustments for better clarification. No changes to proposed uses or zoning districts are included in this update.

This year, the redline was done in the Municode version of the UDO. Beyond the updates that are being proposed this year, there are numerous additional updates to the PDF version of the UDO that will have to be made to make sure that it matches the Municode version. Over the years, formatting of the PDF document has gotten complicated, and some discrepancies between the PDF document and Municode version have been found, which are included for correction. These discrepancies will be cleaned up so that the PDF matches the existing and approved Municode UDO. Regarding any lettering and numbering that requires revisions, any subsequent lettering and numbering will be updated in both the PDF and Municode as well. The PDF is only being updated to have an accurate record that matches the Municode. We are in the process of switching to an accessible GoogleDoc that, once completed, will be the document that staff and the public can utilize going forward if they find the Municode to be cumbersome.

Planning and Transportation Department staff collaborated with various staff in other City Departments on the proposed 2026 UDO amendments including the Engineering Department, Utilities Department, and Urban Forester. Proposed amendments with environmental implications were presented to the Environmental Commission on Thursday, January 15, 2026, and City Legal reviewed the proposed amendments and provided feedback to the Planning and Transportation Department staff. The Planning and Transportation Department also coordinated with Information & Technology Services staff and the City Clerk to present an accessible redline of the proposed UDO amendments in Municode. Please note that the Allowed Use Table in Chapter 3 was not made accessible at this time and was removed from the packet as a result; there are no proposed changes to the Allowed Use Table.

The proposal is divided into four petitions. Those petitions are as follows:

1. ZO2026-01-0019, Technical Corrections
2. ZO2026-02-0002, Chapter 4: Development Standards & Incentives

3. ZO2026-02-0003, Chapter 6: Administration & Procedures
4. ZO2026-02-0004, Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5: Subdivision Standards; Chapter 7: Definitions

Ordinance 2026-08; ZO2026-01-0019, Technical Corrections

This petition contains corrections and clarifications to the UDO. Many of the proposed changes are minor and relate to typographic errors in formatting, spelling, and numbering. Several of the proposed changes clarify the responsibilities of the Engineering Department. Other proposed changes include updating outdated taxonomy for tree species, correcting incorrect references in code, and removing duplicate wording. The proposed amendments relating to technical corrections of the UDO are needed to provide accurate and clear language for use of the code as well as to sync the code with itself. Please note that several of the proposed amendments apply only to the PDF document of the UDO and are already updated in the Municode version; these errors/corrections will not show up in the Municode redline and will be corrected in the PDF after the Municode version is updated.

Ordinance 2026-09; ZO2026-02-0002, Chapter 4: Development Standards & Incentives

This petition contains proposed amendments to Chapter 4 of the UDO. Chapter 4 contains the development standards and incentives, and these amendments vary greatly in content, though many are included to clarify existing code and process. The proposed changes include adding missing footnotes, new exceptions to Table 04-6, new language about a fee in lieu of path, sidewalk, or trail construction, roofing materials standards within the Mixed-Use and Nonresidential zoning districts, and that directional signage is exempt from landscaping standards.

Some of the minor changes relate to environmental regulations including modifying the slope language to align with state law, adding that items exempt from getting a Floodplain Development Permit (FDP) are also exempt from needing conditional use approval from the Board of Zoning Appeals (BZA), allowing the Urban Forester to approve 1.5” caliper street trees, and adding back language about plastic netting per MS4. Several of the proposed environmental changes involve removing ornamental tree language to specify small/medium canopy trees instead.

One substantial amendment within this section includes the creation of a new mechanism for a payment-in-lieu process for situations where sidewalks are required and an owner seeks relief from that requirement other than through the variance process. There was a procedure within the UDO for a determinate sidewalk variance that would grant someone temporary relief from having to install a sidewalk with a project, but would allow the City to require the sidewalk to be installed at a later time. However, the determinate sidewalk variance process rarely resulted in

sidewalks being installed at some later time due to lack of projects within a specific area and had several inherent challenges in regards to tracking the variances, but also could be contentious as the property ownership could change over time and requiring a future owner to install a sidewalk could be practically challenging. With the proposed payment-in-lieu option, instead of installing the sidewalk or other pedestrian facility, the petitioner would make a financial contribution based on an amount set forth annually. By creating a payment-in-lieu option, this results in a more beneficial procedure toward installing sidewalks within the community. Corresponding with the introduction of the payment-in-lieu mechanism, another amendment would remove the determinate sidewalk variance process since the payment-in-lieu option would replace that process.

The proposed amendments to Chapter 4 of the UDO are necessary for various reasons. Many of the changes are simply trying to make the existing code and practice clearer for those using the UDO. Some of the proposed changes relate to the parking lot perimeter landscaping requirements as well as other changes.

Ordinance 2026-10; ZO2026-02-0003, Chapter 6: Administration & Procedures

This petition deals with processes and procedures outlined in Chapter 6 of the UDO. The amendments cover a variety of topics such as removing the Certificate of Final Acceptance language from the UDO, adding that non-profits and government agencies are exempt from inspection fees, and modifying language to not require a Site Development Permit (SDP) in cases where a stormwater management permit is not required. There are other proposed amendments that involve changing a grading permit to a SDP, updating the final Certificate of Occupancy timing from six weeks to six months, and removing text that is not required by state code. The proposed amendments to Chapter 6 are needed to provide clarity on existing processes, to remove determinate sidewalk variance language which is no longer needed with the payment in lieu of sidewalk addition, to clarify responsibilities among Departments and staff, and more.

Ordinance 2026-11; ZO2026-02-0004, Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5: Subdivision Standards; Chapter 7: Definitions

This petition deals with various chapters of the UDO. There are 14 amendments from Chapter 2 that involve adding footnotes and clarifying ornamental tree language. There are 3 amendments from Chapter 3 that remove standardized business language and add new standards for drive-throughs. There are 3 amendments from Chapter 5 including clarifying that some regulations apply to major site plans and adjusting the situations for recording environmental easements. There are 8 amendments from Chapter 7 which do various things including refining the common area definition, adding a definition for decorative stone, modifying the restaurant

definition, adding architectural features to the wall sign definition, and making the student housing definition more objective. There are a total of 28 amendments identified to Chapters 2, 3, 5, and 7 of the UDO. These changes are important to clarify processes and amend regulations to align with City goals.

Bloomington Common Council Ordinance 2026-08 - Technical Corrections to the Unified Development Ordinance

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect 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 April 13, 2026, 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 April 23, 2026; 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.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1:

Title 20, entitled "Unified Development Ordinance", is amended.

Section 2:

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. ZO2026-01-0019 Chapter 4: Development Standards & Incentives (hereinafter “Attachment A”)
    B. Any Council amendment thereto (Attachment “B”).

Section 3:

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: 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, or 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 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6: 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

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , 2026.

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance contains technical corrections or clarifications in the UDO, including reference corrections, removal of unnecessary wording, and syncing references across the UDO. There are 22 amendments proposed.

Chapter 20.05 SUBDIVISION STANDARDS

20.05.010 Purpose.

This Chapter 20.05 (Subdivision Standards) establishes the minimum standards for the design and improvement of land subdivisions to:

(a) Facilitate the orderly growth and harmonious development of the City to accomplish the goals of the Comprehensive Plan and to protect and promote public health, safety, and welfare;

(b) Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

(c) Protect the natural environment by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, native vegetation, and trees and to control erosion and minimize runoff;

(d) Provide safe ingress and egress for vehicular, bicycle, pedestrian, and all other types of traffic;

(e) Ensure safe and efficient traffic circulation through coordinated and connected street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

(f) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

(g) Provide for adequate sites for recreation areas, access to trail networks, and other public purposes;

(h) Protect or enhance real property values;

(i) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties, and responsibilities of subdividers and developers with respect to land development;

(j) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably;

(k) Encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious surface area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and

(l) Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

(Amd. of 1-14-2020)

20.05.020 Applicability.

This Chapter 20.05 (Subdivision Standards) shall apply to all subdivisions and land divisions located wholly or partially within the City. Portions of the regulations, as designated below, shall also apply to major site plans.

(Amd. of 1-14-2020)

20.05.030 Subdivision types.

All subdivisions shall be designed according to one of the subdivision types specified in this Chapter 20.05 (Subdivision Standards). A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the Plan Commission.

(a) Infill Subdivision (IS).

(1) Purpose. The infill subdivision is intended to be used as follows:

(A) Allow for subdivision containing a small number of lots and no new public street or rights-of-way;

(B) Allow for residential development layouts that are consistent with adjoining developments in developed neighborhoods; and

(C) Facilitate development on existing parcels not characterized by significant environmental constraints.

(2) Development Standards.

Table 05-1. IS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Parent tract size (maximum)	3 acres
Applicable base zoning districts	All base zoning districts
Open space required (minimum)	Not required
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	Not required
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [1]	Not required
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/multiuse path width (minimum)	Per Transportation Plan

Notes:

[1] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(b) Conservation Subdivision (CS).

(1) Purpose. The conservation subdivision is intended to be used as follows:

(A) Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;

(B) Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;

(C) Allow very limited development for those parcels containing environmental features such as mature tree stands, karst geology, steep slopes, and water resources;

(D) Fulfill the policy recommendations included in the environment element of the Comprehensive Plan; and

(E) Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk network, as well as the placement of individual building lots.

(2) Development Standards.

Table 05-2. CS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	5 acres
Applicable base zoning districts	All base zoning districts
Open space required (minimum) [1]	50%
Lots served by alleys (minimum percentage)	Not permitted
Block length (maximum)	1,760 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	R1 zone: not required R2 zone: not required
Tree plot width (minimum)	5 feet [3]
Sidewalk/multiuse path width (minimum)	Per Transportation Plan

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

[3] May be reduced to a two-foot grass separation to allow for preservation of existing quality vegetation.

(c) Traditional Subdivision (TD).

(1) Purpose. The traditional subdivision is intended to be used as follows:

(A) Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;

(B) Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;

(C) Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;

(D) Facilitate development on properties not characterized by environmental features;

(E) Provide a range of development options (including mixed-uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and

(F) Help achieve the goals and policies related to land development in the Comprehensive Plan.

(2) Development Standards.

Table 05-3. TD Subdivision Development Standards

General Standards	
Parent tract size (minimum)	3 acres
Applicable base zoning districts	R2, R3, R4, RM, RH, MS, MN, MM
Open space required (minimum) [1]	5%
Lots served by alleys (minimum percentage)	67%
Block length (maximum)	800 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	Required on at least one side of all streets
Tree plot width (minimum)	Residential areas: Per Transportation Plan, or 7 feet, whichever is greater Mixed-use/nonresidential areas: 0 feet, tree grates required
Sidewalk/multiuse path width (minimum)	Residential areas: Per Transportation Plan, or 5 feet, whichever is greater Mixed-use/nonresidential areas: 8 feet

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(d) Commercial/Employment Subdivision (CI).

(1) Purpose. The commercial/employment subdivision is intended to be used as follows:

(A) Allow for both minor subdivisions containing a small number of lots and no new public streets, as well as major subdivisions consisting of a larger number of lots and new public street extensions;

(B) Permit all nonresidential developments that are compatible with their surroundings;

(C) Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods, as well as nonresidential activity centers; and

(D) Facilitate development on parcels not characterized by significant environmental features.

(2) Development Standards.

Table 05-4. CI Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Applicable base zoning districts	MS, MN, MM, MC, ME, MI, MD, MH, and EM
Open space required (minimum) [1]	Not required
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	1,320 feet
Cul-de-sac length (minimum)	200 feet
Cul-de-sac length (maximum)	600 feet
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-Street parking	Not required [2]
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/multiuse path width (minimum)	

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(Amd. of 1-14-2020; Ord. No. 21-19, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021)

20.05.040 Easements.

(a) Applicability. All proposed plats submitted for approval under the provisions of this Chapter 20.05 (Subdivision Standards) shall comply with the standards in this Section 20.05.040 (Easements).

(b) General Standards.

(1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.

(2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.06 (Administration and Procedures), and shall include a definition consistent with Section 20.05.040(e) (Standards for Specific Easement Types).

(3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.

(4) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), and is further authorized by the City.

(5) Each easement shall allocate sufficient areas for the utilities, infrastructure, amenities, or features that are the subject of the easement, including but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.

(c) Environmental Features. The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements (1) on the secondary

plat or (2) set aside in easements on a deed where no plat is required or proposed but a major site plan is required or proposed, as identified in Section 20.04.030 (Environment).

(1) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).

(2) All karst features and their required buffer zones as defined in Section 20.04.030(f) (Karst Geology).

(3) All required riparian buffer areas as defined in Section 20.04.030(e) (Riparian Buffers).

(4) All areas within regulatory floodways and flood fringes as defined in Section 20.04.040 (Floodplain).

(5) All delineated wetlands and required wetland buffer areas as defined in Section 20.04.030(g) (Wetlands).

(6) All trees required to be preserved by Section 20.04.030(h) (Tree and Forest Preservation).

(d) Maintenance.

(1) For features required to be in an easement, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this UDO or in the development approval.

(2) A grant of authority to the City to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.

(3) A facilities plan shall also be provided in accordance with the administrative manual.

(e) Standards for Specific Easement Types. Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply:

(1) Sanitary Sewer Easement.

(A) Shall allow the City utilities department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City utilities department in conjunction with the primary plat. Upon written permission from the City utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, and light fixtures, shall not be located within sanitary sewer easements.

(D) Grading activity shall be prohibited within sanitary sewer easements without written permission from the City utilities department.

(2) Waterline Easement.

(A) Shall allow the City utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City utilities department in conjunction with the primary plat. Upon written permission from the City utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the City utilities department.

(3) Drainage Easement.

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

(B) Shall prohibit any alteration or structure within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the City utilities department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the City utilities department to enter upon the easement for the purpose of maintenance, to charge the costs of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

(4) Utility Easement.

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

(B) Prohibits the placement of any unauthorized obstruction within the easement area unless authorized by the City utilities department and the easement holder(s).

(5) Pedestrian Easement.

(A) Grants the general public the right to access the pedestrian easement for purposes of walking, running, bicycling, skating, or using small motorized and non-motorized vehicles approved by the City.

(B) Grants the City the right to construct, alter, repair, maintain, or remove improvements within the easement area.

(C) Prohibits the placement of any obstruction within the pedestrian easement.

(6) Transit Facility Easement.

(A) Grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation.

(B) Grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

(C) Prohibits anyone other than the public transportation authority from placing any structures within the transit facility easement.

(7) Karst Conservancy Easement.

(A) Prohibits any land-disturbing activities, including mowing or the placement of a fence, within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) Grants the City the right to enter the property to inspect the easement and alter or repair the karst feature.

(D) All karst conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one

public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.

(F) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(8) Tree Preservation Easement.

(A) Prohibits the removal of any tree over six inches dbh within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(9) Conservancy Easement.

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

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(10) Riparian Buffer Easement.

(A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegatative~~vegatative~~ cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(e~~f~~).

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(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All riparian buffer easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one

public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

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

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.05.050 Subdivision design standards.

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

(b) Applicability. This Section 20.05.050 (Subdivision Design Standards) applies to all site and infrastructure improvements associated with subdivisions. These requirements shall also apply to Planned Unit Developments associated with subdivision approval.

(c) Generally.

(1) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Comprehensive Plan.

(2) The proposed development shall also be consistent with the property's zoning classification and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.

(3) Existing buildings, structures, parking areas, or improvements that require a setback and are on lots involved in either a subdivision or an exempted adjustment of lot lines listed in 20.06.060(a)(2)(B) do not have to meet setback standards related to existing property lines that do not change. The setback standards of this UDO shall apply for all newly created lot line locations.

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

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

Table 05-5. Subdivision Development Standards

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

Open space required (minimum) [1]	Not required	50%	5%	None
Block length (maximum)	Not required	1,760 feet	800 feet	1,320 feet
Cul-de-sac length (minimum)	Not permitted	Not permitted	Not permitted	200 feet
Cul-de-sac length (maximum)	Not permitted	Not permitted	Not permitted	600 feet
Transportation facilities	Required to meet Transportation Plan guidance			
On-street parking [2]	Not required	RE zone: not permitted R1 zone: not required R2 zone: not required	Required on at least one side of all streets	Not required
Lots served by alleys (minimum percentage)	Not required	Not permitted	67%	Not required
Tree plot width (minimum)	Per Transportation Plan	5 feet [3]	Residential areas: 7 feet Mixed-use/nonresidential areas: 0 feet, tree grates required	Per Transportation Plan
Sidewalk/multiuse path width (minimum)		Per Transportation Plan	Residential areas: 5 feet Mixed-use/nonresidential areas: 8 feet	

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

[3] May be reduced to a two-foot grass separation to allow for preservation of existing quality vegetation.

(e) Lots.

(1) Generally.

(A) The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts.

(B) Residential lots shall have side lot lines that are within fifteen degrees of a right angle to the street and right-of-way.

(C) Except as permitted by this UDO, lots shall not be permitted to be through lots.

(2) Intersection Radii.

(A) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty feet in radius, or by chords of such arcs.

(B) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than twenty-five feet, or by chords of such arcs.

(C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than ten feet, or by the chord of such arcs.

(3) Design.

(A) Commercial developments (e.g., multi-tenant centers, commercial areas, and office parks) shall be designed as a single project no matter how many lots are created. All areas of the parent tract shall be shown as they are intended to be laid out and used.

(B) All lots shall be designed with a depth-to-width ratio not to exceed four to one.

(C) The minimum lot width of all lots shall be measured at the required front building setback line.

(D) All new single-family, duplex, triplex, and fourplex residential lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(E) The Plan Commission may modify lot and setback standards in order to create a common area development plat. This approval is subject to the following standards:

i. A petitioner shall request a common area development designation with the primary plat;

ii. All individual units shall be placed on an individual lot;

iii. All units shall have individual utility service;

iv. Lot lines shall not extend more than ten feet from any structure; and

v. All areas outside of individual lots shall be placed within common area.

(F) The Plan Commission may approve alternative setback standards in order to create a zero-lot line development plat, subject to the following standards:

i. The petitioner shall request a zero-lot line development designation with the primary plat;

ii. All individual units shall be placed on an individual lot; and

iii. All units shall have individual utility service.

(f) Monuments and Markers.

(1) Installation of Monuments and Markers. All monument and marker improvements shall be installed per 865 IAC 1-12-18.

(2) Centerline Monuments. Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

(3) Reporting. Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit from the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

(g) Open Space.

(1) Generally.

(A) All residential developments shall have a percentage of the land set aside for open space.

(B) Subdivisions shall provide the minimum required open space per Table 05-5 (Subdivision Development Standards).

(2) Common Areas. In addition to easements required by Subsection 20.05.040: Easements, the following environmental features shall be placed within Common Areas on the plat:

(A) Karst Features: All karst features and their required buffer zones that have a total area of one-half acre or greater.

(B) Riparian Buffers: All riparian buffers defined as Streamside or Intermediate Zone.

(C) Floodways: All areas within regulatory floodways.

(D) Wetlands: All delineated wetlands and required wetland buffer areas.

(E) Forested Areas: All contiguous areas of tree cover totaling one acre or greater that are required to be preserved.

(3) Site Features that Qualify as Open Space. The following features count toward the minimum open space requirements as described:

(A) Conservation Areas. Any required preservation/conservation area shall count toward open space requirements.

(B) Man-Made Water Features. Any man-made water feature (including retention facilities) shall count toward minimum open space if it supports aquatic life and provides native habitat as follows:

i. Surface Area. A surface area at normal pool elevation of at least thirty-two thousand six hundred seventy square feet (0.75 acres); and

ii. Perimeter Access.

1. A buffer area around the full circumference of the water feature of at least fifty feet from the top of bank shall be available as open space.

2. This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent lawn grass) species including prairie grasses and/or tree planting.

(C) Dry Detention Facilities. Man-made stormwater detention facilities (dry) shall count toward the minimum open space if they meet the following standards:

i. Area. The facility shall have at least ten thousand eight hundred ninety square feet of flat bottom (0.25 acres).

ii. Depth. The man-made depth of the detention facility shall not exceed four feet from top of bank.

iii. Slope. The man-made slopes within the detention facility shall not exceed a four to one ratio.

iv. Perimeter Access.

1. A buffer area around the full circumference of the facility of at least twenty-five feet from the top of bank shall be available as open space.

2. This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.

(D) Regulated Floodplain. The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(E) Other. Other common areas set aside to meet open space requirements.

(h) Storm Water.

(1) Applicability. All proposed subdivisions submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Drainage Plan. All subdivision requests shall include the submittal of a drainage plan to the City Utilities Department, and are subject to the requirements of Title 13 (Stormwater) of the Bloomington Municipal Code.

(3) Common Area. Engineered and built drainage improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to City Utilities Department standards.

(4) Easements. Features and improvements shall be located within easements where required, in accordance with the Administrative Manual and this UDO.

(i) Flood Damage Mitigation. All subdivision proposals shall:

(1) Be consistent with the need to minimize flood damage.

(2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) Have adequate drainage provided to reduce exposure to flood hazards.

(j) Streets and Rights-of-Way.

(1) Applicability. All developments submitted for subdivision approval shall allocate adequate areas for new streets in conformity with this UDO and Transportation Plan.

(2) Private Streets.

(A) Unless approved by the Plan Commission and the Board of Public Works, private streets are not permitted. All proposed streets shall have right-of-way dedicated as indicated on the Transportation Plan.

(B) All private streets shall be constructed to the public street standards established in this UDO and other applicable City standards.

(3) Dedication of Right-of-Way. In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Transportation Plan, the petitioner shall dedicate additional right-of-way width as fee simple right-of-way width along either one or both sides of such streets in order to bring them up to standards.

(4) Construction and Installation Standards for Streets.

(A) All street improvements are to be designed, constructed and installed per the City Planning and Transportation Department standards and specifications.

(B) Any new development that includes the construction of a new or widened public street shall be required to install underground telecommunications conduit to extend the City's fiber optic

network, known as the Bloomington Digital Underground (BDU). Conduit installation shall be in accordance with BDU specifications and permit requirements of the City of Bloomington. This requirement shall not apply if the Planning and Transportation Director determines that the installation of underground telecommunications conduit is not necessary after review by the City's director of information and technology services.

(5) Street Design.

(A) General Street Layout. Streets shall be laid out on the parent tract:

i. In an orderly and logical manner;

ii. To provide connectivity to adjacent parcels;

iii. To provide pedestrian and vehicular safety; and

iv. To provide reasonably direct access to the primary circulation system.

(B) Topographical Consideration. Streets shall be adjusted to the contour of the land so as to minimize cutting and filling activity on natural terrain.

(C) Design Speed. The maximum design speed for streets shall be in accordance with AASHTO and City Planning and Transportation Department requirements.

(D) Connectivity. All developments shall provide stub streets to connect to adjacent properties.

i. Where the development abuts undeveloped land, the final number and location of stub streets shall be determined by the Plan Commission.

ii. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.

(E) Stub Streets. Stub streets shall be constructed at the same time the other streets are built within the development.

i. Temporary turnaround areas that can be surfaced with asphalt, concrete, or permeable pavers, may be required to provide safe turnaround for emergency vehicles. Such areas shall be located within dedicated street rights-of-way and shall be removed when stub streets are further extended.

ii. A permanent public sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

(F) Gated Entrances. Gated entrances are not permitted.

(G) Intersections. All intersections of two streets shall be within fifteen degrees of perpendicular as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted. Local street intersections with centerline offsets of less than one hundred twenty-five feet shall not be permitted.

(H) Right-of-Way Width.

i. The minimum right-of-way width shall be as indicated on the Transportation Plan unless specified otherwise in this UDO.

ii. The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the City Engineer~~traffic and transportation engineer~~ and fire chief, or designee if:

1. The reduction will mitigate environmental impacts; or

2. The reduction will result in alignment with adjacent streets.

(I) Street Width.

i. The minimum street pavement width shall be as indicated on the Transportation Plan. Street width shall be determined by measuring from back of curb to back of curb unless specified otherwise in this UDO.

ii. The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the City Engineer ~~traffic and transportation engineer~~ and fire chief, or designee if:

1. The reduction will mitigate environmental impacts; or

2. The reduction will result in alignment with adjacent streets.

(J) Curb Type. All subdivisions shall use vertical curbs.

(K) Cul-de-sac Length. The maximum cul-de-sac length shall be as indicated in Table 05-5 (Subdivision Development Standards).

(L) Cul-de-sac Terminus. The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the City.

(M) Permanent Dead-End Streets. Dead-end streets are prohibited. Dead-end streets do not include culs-de-sac or stub streets.

(N) Eyebrows. Eyebrow street designs shall not be permitted.

(O) Block Length. The maximum block length shall be as indicated in Table 05-5 (Subdivision Development Standards).

(P) Pavement Thickness. The minimum street pavement thickness shall conform to City of Bloomington standards based on the street's classification in the Transportation Plan.

(6) Alleys. Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of traditional neighborhood subdivisions. In other types of subdivisions, alleys may be utilized where they are compatible with surrounding residential development patterns.

(A) Alleys shall be public with a minimum of twenty feet of right-of-way.

(B) Alleys shall have a minimum of fourteen feet of pavement width.

(C) Alleys are not required to have a curb.

(D) Alley intersections with public streets shall not exceed twenty degrees from perpendicular to said streets.

(E) The minimum corner radius at any alley intersection with a public street shall be ten feet. The corner radius may be reduced upon a determination by the City Planning and Transportation Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

(F) All alleys are to be constructed per standards of the City Planning and Transportation Department.

(7) Arterial Frontages.

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(A) Residential. All residential subdivisions shall be designed so that no residential lot directly borders an arterial level street unless those lots use alley access, an access street, or obtain access from a street other than an arterial and provide a buffer to screen the visual impacts of homes along arterial level streets.

i. Alley Access. Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may directly front arterial streets if rear alleys are used for all lots fronting the arterial street.

1. Front setbacks for these lots shall be increased to a minimum of forty feet from the proposed right-of-way indicated on the Transportation Plan.

2. Alleys shall be constructed to standards of Section 20.05.050(j)(6) (Alleys).

ii. Access Street. Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may front arterial level streets if an access street is used.

1. This access street must be separated from the proposed right-of-way indicated on the Transportation Plan by a grass strip of at least twenty feet in width.

2. An access street shall be designed to accommodate two-way traffic.

3. An access street shall be designed to generally run parallel to the arterial level street.

4. Access streets shall be placed within additional right-of-way or an access easement.

5. Access streets shall be paved to a minimum width established in the most recent Transportation Plan for that street type.

6. In addition to the required pedestrian facility along the arterial level street, a sidewalk five feet in width shall be installed adjacent to the residential lots on the access street.

7. Access streets must provide two points of ingress/egress to the arterial street if they give access to ten or more residential lots or if they exceed five hundred feet in length.

8. No more than two ingress/egress points are permitted for an access street.

iii. Buffer. Through lots may be used with the rear of the lots facing the arterial level street if a buffer is established between the residential lots and the arterial level street and such buffer is maintained as common area through a recorded easement.

1. The buffer shall be a minimum of thirty feet in width measured from the proposed right-of-way indicated on the Transportation Plan.

2. The buffer shall include one of the following features:

a. A solid wall or combination of walls a minimum of three feet in height, combined with landscaping sufficient to achieve a nonlinear, dense buffer of evergreen and deciduous trees, that together equal to at least seventy-five percent of the subdivision's lineal frontage along an arterial street.

b. A landscaped berm a minimum of three feet in height and ten feet in width installed in a nonlinear manner. Landscaping within the buffer area shall be equal to one large canopy tree, two small/medium ~~ornamental~~

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trees, two evergreen trees and ten large shrubs for every fifty feet of arterial frontage.

3. No feature may interfere with sight requirements for safe ingress and egress.

(B) Mixed-Use/Nonresidential. Shared access along arterial level streets for mixed-use or nonresidential subdivisions shall be used to the maximum extent possible.

i. Ingress/Egress.

1. Developments with fifteen acres or less shall have a maximum of one ingress/egress point onto an arterial level street if a secondary access street is present and a maximum of two ingress/egress points onto an arterial level street if no secondary access street is present.

2. Developments with more than fifteen acres shall have a maximum of three ingress/egress points onto a public street(s).

3. Ingress/egress points onto arterial streets shall be separated by a minimum of two hundred feet from any intersection or another ingress/egress point.

ii. Traffic Lanes. Shared access streets shall be designed to accommodate two-way traffic.

iii. Right-of-Way or Easement. Shared access streets shall be placed within additional right-of-way or permanent access easement.

iv. Pavement Width. Access streets shall be a minimum of twenty feet in width.

v. Sidewalks. Access streets shall have sidewalks adjacent to the lots and be integrated into the overall pedestrian network.

(8) Street Names.

(A) Proposed Street Name.

i. The petitioner shall propose a unique name for each street within the development at the time of primary plat petition.

ii. The names of all new public and private streets are subject to approval by the City Planning and Transportation Department in compliance with emergency-911 street naming procedures and the standards in this section.

(B) Street Name Standards. Within the jurisdiction of this ordinance, the following standards shall apply:

i. Streets that are continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on a validly recorded plat, shall bear the names of such existing streets.

ii. The root street name (e.g., "Maple") shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.

iii. Deviations in suffix names (e.g., "Street," "Court," or "Avenue") shall not constitute a unique name. Therefore, if "Maple Street" exists, the name "Maple Court" shall not be permissible.

iv. Street address numbers for all lots shall be assigned by the City Planning and Transportation Department and shall be identified on the secondary plat.

v. Approved street names shall be identified on the secondary plat.

(C) Authority to Rename a Proposed Street. The Plan Commission, the Board of Public Works, the Planning and Transportation Director, or e-911 coordinator shall have the authority to require a new name to be chosen for any street. If a new name is not proposed by the petitioner, the Board of Public Works shall have the right to rename the street prior to secondary plat approval.

(9) Street Signs.

(A) Applicability. Every street shall have the minimum number of public signs necessary to:

i. Effectively direct or notify drivers, bicyclists, and pedestrians; and

ii. Provide an information system for visitors to efficiently find a certain street, address, or development amenity.

(B) City's Responsibilities. The petitioner shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to speed limit signs, stop signs, yield signs and street name signs. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development. Site specific engineering work necessary to document compliance shall be prepared by a licensed engineer.

(C) Petitioner's Responsibilities.

i. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the City Planning and Transportation Department.

ii. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).

iii. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in (ii) above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

(10) Street Lighting.

(A) Street Lighting Plan. All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company.

(B) Street Lighting Plan Approval. All certified street lighting plans shall be accepted by the City Board of Public Works prior to secondary plat signing. Street lighting plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all streetlights in accordance with the approved street lighting plan.

(C) Alternative Street Lighting Plans. Requests, including but not limited to the provision of specialized fixtures or use of privately-owned lights, may be considered by the City Board of Public Works as an alternative to conventional street lighting plans.

(k) Utilities.

(1) Sanitary Sewer Standards.

(A) Applicability. All subdivisions proposed to the Plan Commission for approval under the provisions of this UDO shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into the community-wide system as per City utilities department standards and constructed within street rights-of-way or within dedicated sewer easements.

(B) Location. Septic systems shall not be permitted unless adequate sewer system service is not available and such unavailability is verified by the City utilities department.

(2) Water Service Standards

(A) Applicability. All proposed plats submitted to the Plan Commission for approval, under the provisions of this chapter, shall provide for the installation of a complete potable water and fire protection distribution system.

(B) Private/Semipublic Systems. Private or semipublic water supplies and distribution systems shall not be allowed.

(C) Extension of Public Water Supplies. The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the City utilities department and shall be on file with the City utilities department prior to the issuance of secondary plat approval.

(3) Coordination of Sewer/Waterline Installation. It shall be the petitioner's responsibility to coordinate the installation of the sewer and water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed. If such damage occurs, the work shall be stopped, and damages repaired before allowing the work to continue.

(4) Fire Hydrants. Fire hydrants shall be installed along all public streets and shall have a maximum distance between hydrants of six hundred feet, or otherwise approved by the fire chief.

(5) Construction Standards for Utilities. All public utility improvements shall be designed and installed as per City Utilities Department standards. All new utility lines shall be buried.

(l) Universal Design.

(1) In subdivisions or phases of subdivisions approved after April 18, 2020 that contain more than twenty-five lots designed to accommodate single-family detached or single-family attached dwellings, at least twenty percent of the dwelling units shall incorporate at least one entrance at grade level and not requiring any steps up or down or a ramp for entry.

(2) In addition, one of the following additional elements of "universal design" is required:

(A) All interior doorways with at least thirty-two-inch wide openings;

(B) At least one bathroom with thirty-two-inch counter height;

(C) At least one bathroom with wall reinforcements for handrails; and/or

(D) All light switches installed between forty-four and forty-eight inches in height.

(3) For purposes of determining the applicability of the twenty-five lot threshold, this subsection (l), the Planning and Transportation Director may determine that a proposed subdivision or phase of a subdivision is a part of an earlier, adjacent, subdivision or phase of a subdivision in common or related ownership. If that determination is made, the two subdivisions or phases of subdivisions shall be treated as one, and the requirements of subsection (1) above shall apply to twenty percent of all lots in the two combined subdivisions or phases of subdivisions.

(Amd. of 1-14-2020; Ord. No. 21-19, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-05, § 2(Att. A), 4-19-2023; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

Chapter 20.06 ADMINISTRATION AND PROCEDURES

20.06.010 General.

(a) Purpose. This Chapter 20.06 (Administration and Procedures) identifies the types of permits, approvals, and processes which are required as part of this UDO.

(b) Enforcement. Failure to comply with any provision of this Chapter 20.06 (Administration and Procedures), 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 UDO and shall be subject to the penalties and remedies in Section 20.06.100 (Enforcement and Penalties).

(Amd. of 1-14-2020)

20.06.020 Review and decision-making bodies.

(a) Purpose. This Section 20.06.020 describes the organization, powers, and duties of the offices responsible for the administration of this UDO.

(b) Common Council.

(1) Jurisdiction and Authority. The Common Council shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code:

(A) To initiate, adopt, or reject any amendment to the Official Zoning Map, and to initiate, adopt, amend, or reject any amendment to the text of this UDO in accordance with Indiana Code § 36-7-4-600 Series: Zoning Ordinance;

(B) To adopt, impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with Indiana Code § 36-7-4-1500 Series: Planned Unit Development;

(C) To initiate, approve, amend, or reject proposed amendments to the City's Comprehensive Plan and its components, including but not limited to the Transportation Plan and the subarea plans; and

(D) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Conflicts.

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the Common Council may not participate in a hearing or decision of the Common Council concerning a zoning matter in which he or she has a direct or indirect financial interest. The Common Council shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.

(B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(c) Plan Commission.

(1) Jurisdiction and Authority. The Plan Commission shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code.

(A) To initiate, hear, review, and certify recommendations to the Common Council on replacement or amendment of the Comprehensive Plan and this UDO, including the Official Zoning Map;

(B) To hear, review, and make recommendations to the Common Council on the PUD district ordinance and preliminary plan for a proposed Planned Unit Development. When stipulated by the Plan Commission at the time of preliminary approval, to review and approve the final plan for a Planned Unit Development, unless the Plan Commission has delegated that authority to the Planning and Transportation Department;

(C) To authorize a hearing officer pursuant to Indiana Code § 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefore pursuant to Indiana Code § 36-7-4-923 and Indiana Code § 36-7-4-924;

(D) To review and approve or disapprove site plans and amendments to site plans, as required pursuant to Section 20.06.050(a) (Site Plan Review), including the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;

(E) To aid and assist the Common Council and the mayor in implementing the City's adopted Comprehensive Plan and in planning, developing, and completing specific projects;

(F) To review and report on any matters referred to it by the Common Council or the mayor;

(G) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City;

(H) To delegate responsibilities relating to ordinance administration and enforcement to the staff and to other appropriate executive departments and personnel;

(I) To review and approve or disapprove plats and replats of subdivisions;

(J) To supervise and make rules for the administration of the affairs of the Plan Commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Common Council and the Planning and Transportation Department;

(K) To prescribe uniform rules pertaining to investigations and hearings;

(L) To keep a complete record of all proceedings;

(M) To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;

(N) To prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized under this Chapter 20.06 (Administration and Procedures);

(O) To adopt a seal;

(P) To certify all official acts of the Plan Commission;

(Q) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (Indiana Code § 36-7-4: Local Planning and Zoning);

(R) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;

(S) To authorize a plat committee pursuant to Indiana Code § 36-7-4-701(e);

(T) To permit, require, modify, and terminate commitments;

(U) To hear appeals from final plan decisions by staff; as authorized elsewhere in Indiana Code Title 36; and

(V) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization. The Plan Commission shall be composed as set forth in Chapter 2.13 (Plan Commission) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) Conflicts.

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the Plan Commission may not participate in a hearing or decision of the Plan Commission concerning a zoning matter in which he or she has a direct or indirect financial interest. The Plan Commission shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.

(B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(d) Board of Zoning Appeals.

(1) Jurisdiction and Authority. The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this UDO:

(A) To hear and decide upon petitions for development standards variances from this UDO;

(B) To hear and decide upon petitions for Conditional Use permits;

(C) To establish or extend time limitations placed upon variances and Conditional Uses;

(D) To permit or require commitments under Indiana Code § 36-7-4-921 as a condition of approval of a variance or Conditional Use;

(E) To hear and determine appeals from:

i. Any order, requirement, decision, or determination made by an administrative office, hearing officer, or staff member under this UDO;

ii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO;

iii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO requiring the procurement of a certificate of zoning compliance or certificate of occupancy.

(F) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to this UDO and its administration; and

(G) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization. The Board of Zoning Appeals shall be composed as set out in Chapter 2.15 (Advisory Board of Zoning Appeals) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) Meetings and Procedures.

(A) Meetings of the Board of Zoning Appeals shall be conducted in accordance with the rules established by the Board of Zoning Appeals;

(B) The Board of Zoning Appeals shall adopt rules of procedure, which may not conflict with this UDO, concerning the:

i. Filing of appeals;

ii. Petition for variances, and Conditional Uses;

iii. Giving of notice; and

iv. Conduct of hearings.

(C) The Board of Zoning Appeals may also adopt rules of procedure:

i. Governing the creation, form, recording, modification, enforcement, and termination of commitments.

ii. Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.

(D) Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all petitioners and other interested persons.

(4) Decisions. The Board of Zoning Appeals shall, in all cases heard by it, make written findings of fact.

(5) Conflicts.

(A) A person shall not communicate with any member of the Board of Zoning Appeals before hearings with intent to influence the member's action on a matter pending before the Board of Zoning Appeals. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself. The staff may, however, file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter no less than five days before the hearing.

(B) A member of the Board of Zoning Appeals shall not participate in a hearing or decision of the Board of Zoning Appeals concerning a zoning matter in which he or she has a direct or indirect financial interest. The Board of Zoning Appeals shall enter in its records the fact that a member has such a disqualification and the name of the alternate member, if such an alternate member is appointed under Section 2.15.030 (Terms of the BMC), who participates in the hearing or decision in place of the regular member.

(e) Planning and Transportation Department

(1) Authority. Pursuant to Chapter 2.14 (Planning and Transportation Department) of the Bloomington Municipal Code, the Planning and Transportation Director or his or her designee (sometimes referred to in this UDO as "staff," unless the staff of another department or agency is clearly indicated) shall be charged with the administration of this UDO and, in particular, shall have the jurisdiction, authority, and duties described in this Chapter 20.06 (Administration and Procedures).

(A) To meet with and counsel those persons maintaining an interest in this UDO, other questions of land use, and related City ordinances, plans, and policies;

(B) To conduct zoning compliance reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue certificates of zoning compliance;

(C) To approve temporary uses requiring administrative approval;

(D) To review any site plan submitted for such review pursuant to Section 20.06.050(a) (Site Plan Review), which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurance for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in Section 20.06.050(a)(1)(A);

(E) To make written interpretations of permitted use and other specific provisions of this UDO pursuant to the provisions of Section 20.06.080(c) (Administrative Interpretation);

(F) To approve, or forward to the Plan Commission, petitions for approval of Planned Unit Development final development plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this UDO;

(G) If authorized by the Plan Commission, to approve secondary plats of subdivisions pursuant to this UDO;

(H) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City senior environmental planner; and

(I) To exercise such other powers and perform such other duties as are allowed by Indiana law.

(2) Staff Assistance to the Board of Zoning Appeals and Plan Commission. The Planning and Transportation Department shall make staff and consulting assistance available to the Board of Zoning Appeals and the Plan Commission, and to any hearing officer or plat committee as may be authorized by the Plan Commission in its rules, and shall in that capacity:

(A) Attend the meetings of each such body;

(B) Inform each such body of all facts and information at the Planning and Transportation Department's disposal with respect to any matter brought before each such body;

(C) Assist each such body by performing research and making recommendations on matters brought before each such body; and

(D) Perform such other duties as may be assigned to the staff by this UDO.

(3) Records.

(A) The staff shall maintain permanent and current records of this UDO, including all maps, amendments, Conditional Use, site plan, variance and Planned Unit Development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the hearing officer, the Plan Commission, the plat committee, and the staff, together with relevant background files and materials. The records shall be maintained for public inspection in the Planning and Transportation Department.

(B) The City shall maintain a current geographic information system (GIS). All petitioners shall have the affirmative duty to inform the Planning and Transportation Department in writing of any errors in the GIS maps they receive or have access to as part of the petition process.

(4) Zoning Text and Map. The staff shall prepare and have available for examination in the Planning and Transportation Department:

(A) The compiled text of this UDO, including all amendments thereto; and

(B) The Official Zoning Map of this UDO, showing the zoning districts, divisions and classifications, including all amendments thereto.

(5) Receipt, Processing, and Referral of Petitions. The staff shall receive all petitions for any petition, permit, or process required to be filed pursuant to this UDO. Upon receipt of any such petition, the staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the City, or any other governmental unit or agency with any interest or duty with respect to such petition.

(6) Investigation of Petition. Whenever the Plan Commission, the Board of Zoning Appeals, or the Common Council shall so request, by general rule or specific direction, the staff may conduct or cause to be conducted such surveys, investigations, and field studies and may prepare or cause to be prepared such reports, maps, photographs, charts, and exhibits as may be necessary and appropriate to the processing of any petition filed pursuant to this UDO.

(7) Inspection and Enforcement. To ensure enforcement of this UDO, the staff may initiate investigations and inspections as warranted, and may take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of Section 20.06.100 (Enforcement and Penalties).

(8) New Technologies. The Planning and Transportation Department shall be responsible for investigating and evaluating the feasibility of adopting new technologies, such as three-dimensional architectural computer modeling, that will enable it, other City departments, the Plan Commission, Board of Zoning Appeals, and Common Council to make better, more informed decisions about the visual impact that proposed developments will have on surrounding structures.

(f) Floodplain Administrator.

(1) Authority. The floodplain administrator and/or designated staff is hereby authorized and directed to enforce the provisions of Section 20.04.040 (Floodplain). The floodplain administrator is further authorized to render interpretations of Section 20.04.040 (Floodplain), which are consistent with its spirit and purpose.

(2) Duties and Responsibilities.

(A) Review all floodplain development permits to assure that the permit requirements of this UDO have been satisfied;

(B) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations;

(C) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects required to receive such authorization and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment);

(D) Ensure that all necessary federal or state permits have been received prior to issuance of the floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit;

(E) Maintain and track permit records involving additions and improvements to residences located in the floodway;

(F) Notify adjacent communities and the state floodplain coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(G) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, letters of map change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance;

(H) Use and enforce all letters of map change (LOMC) or physical map revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(I) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(J) Review certified plans and specifications for compliance;

(K) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.06.050(d) (Floodplain Development Permit); and

(L) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.06.050(d) (Floodplain Development Permit).

(g) Hearing Officer.

(1) Authority. The hearing officer, as may be authorized in the Plan Commission rules of procedure, shall have authority to act upon those matters, if any, delegated by the Plan Commission pursuant to Indiana Code § 36-7-4-923, which may include to approve or deny a:

(A) Variance from this UDO in accordance with Indiana Code § 36-7-4-918.5; and

(B) Conditional Use under the terms of this UDO in accordance with Indiana Code § 36-7-4-918.2.

(2) Procedures. The hearing officer shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule in accordance with Indiana Code § 36-7-4-923 and Indiana Code § 36-7-4-924. Where feasible and permissible, those procedures shall allow for the consolidation and simultaneous review of approvals connected with petitions relating to the same site.

(3) Appeals. Any interested person may appeal a decision by the hearing officer to the Board of Zoning Appeals within ten days after the decision is made.

(h) Plat Committee.

(1) Authority. The plat committee, as may be authorized in the Plan Commission rules of procedure, shall have authority to act upon those matters, if any, delegated to it by the Plan Commission, pursuant to Indiana Code § 36-7-4-701(e), which may include approval or denial of:

(A) Primary plats;

(B) Secondary plats;

(C) Requests for vacation of plats or parts of plats.

(2) Procedures. The plat committee shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule.

(Amd. of 1-14-2020; Ord. No. 23-07, § 2(Att. A), 4-19-2023)

20.06.030 Summary table of review procedures.

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

Table 06-1. Summary Table of Review Procedures

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			D*/A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Floodplain Development Permit	20.06.050(d)							D						
Site Development Permit	20.06.050(e)							D						
Certificate of Zoning Compliance	20.06.050(f)							D						
Certificate of Occupancy	20.06.050(g)							D						
Certificate of Final Acceptance	20.06.050(h)							D						
Certificate of Nonconforming Use	20.06.050(i)							D						
Sign Permit	20.06.050(j)							D						
Temporary Use Permit	20.06.050(k)							D						

Easements	20.06.050(l)	See 20.06.050(l) (Easements)												
Subdivision Procedures														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	D*/A	D*				
Secondary Plat	20.06.060(c)							R/D	D/A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*/A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*			D*		
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*			D*		
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			D*/A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓	✓					R			D*			
R = Review and Recommendation Required		D = Decision			A = Appeal			* = Public Hearing						

(Amd. of 1-14-2020; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.040 Common review procedures.

(a) General.

(1) The common review procedures in this Section 20.06.040 provide the foundation for specific review and approval procedures identified in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures). The common review procedures are illustrated in Figure 06.04-1. Tailored versions of this illustration appear in each of the specific petition types.

(2) Not all common review procedures apply to every development petition type. Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures)

identify how these common review procedures are applied to specific petition types, and identify additional procedures and requirements beyond the common review procedures.

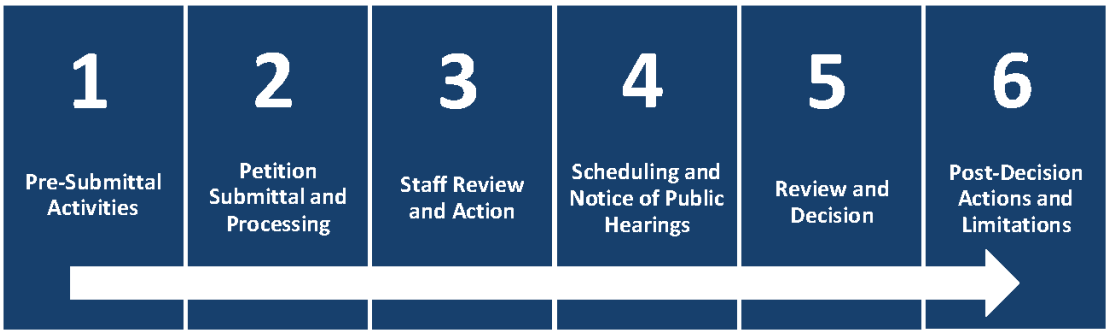


Figure 06.04-1: Summary of General Order of Review Steps if Public Hearing Required

(b) Pre-Submittal Activities.

(1) Pre-Submittal Meeting.

(A) Purpose. The pre-submittal meeting is intended to provide an opportunity for the petitioner to meet with City staff to review the zoning classification of the site, the regulatory ordinances and materials, the procedures, and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary. This meeting shall take place on or prior to the pre-submittal meeting deadline as listed on the schedule of meeting dates.

(B) Applicability. A pre-submittal meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Procedure. The petitioner shall submit a request for a pre-submittal meeting to Planning and Transportation Department staff.

(D) Effect. Any information or discussions held at the pre-submittal meeting shall not be binding on the City or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(2) Development Review Committee (DRC) Meeting.

(A) Purpose. The development review committee (DRC) meeting is intended to provide an opportunity for City staff from several departments to discuss details and potential impacts of the proposed project, and to establish points of contact. The staff shall advise the petitioner in preparing the petition and supporting documents as necessary. The petitioner or petitioner's representation is required to attend the DRC meeting.

(B) Applicability. A DRC meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Procedure.

i. The petitioner shall refer to the schedule of meeting dates in the administrative manual to determine the filing deadline for any given meeting of the DRC. Incomplete submittal information may result in the petition being postponed from the DRC agenda to allow the petitioner sufficient time to complete the submittal.

ii. The staff shall inform the petitioner of the time, date, and place of the DRC meeting.

(D) Effect. Any information or discussions held at the DRC meeting shall not be binding on the City or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(3) Pre-Submittal Neighborhood Meeting.

(A) Purpose. The purpose of the pre-submittal neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the petitioners before significant funds have been spent on project design and engineering.

(B) Applicability. A pre-submittal neighborhood meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Notification.

i. The petitioner shall send a written notification of the required pre-submittal neighborhood meeting to the Planning and Transportation Department and neighborhood associations on record with the City that have boundaries within a five-hundred-foot radius of the boundaries of the proposed project site, at least ten days prior to the meeting date.

ii. If the parties receiving notice do not respond, and as a result a pre-submittal neighborhood meeting cannot be scheduled, the petitioner may file the petition and the City may conduct the review procedures established in this UDO.

(D) Meeting Specifics.

i. City staff may attend the pre-submittal neighborhood meeting but are not required to attend nor facilitate the meeting.

ii. The petitioner shall present information about the proposed land uses, dimensional standards, location of buildings, and overall site layout and design. Detailed engineering is not required. The material presented shall be adequate to describe the project features without the need for the petitioner to have retained architects, engineers, or consultants before this meeting.

iii. If a pre-submittal neighborhood meeting is required, and subsequent petition submittals show that the proposed development is larger, taller, or contains significantly different land uses than those presented at the neighborhood meeting, the Planning and Transportation Director may require that an additional neighborhood meeting be held before the petition is accepted.

(E) Requirements for Petition Submittal.

i. Details of the pre-submittal neighborhood meeting, including proof of notification, a meeting summary, and a list of meeting attendees, as well as copies of any exhibits used at the meeting, shall be provided to the Planning and Transportation Department along with the project petition.

ii. Any petition, permit, or process included in this Chapter 20.06 (Administration and Procedures) shall be filed with the Planning and Transportation Department within one hundred eighty days after any pre-submittal neighborhood meeting has been held. If no petition is filed during that period, the Planning and Transportation Director may require that another pre-submittal neighborhood meeting be held before the petition will be accepted.

(c) Petition Submittal and Processing.

(1) Authority to Submit a Petition.

(A) No petition shall be submitted prior to completing required pre-submittal requirements as indicated in Table 06-1 (Summary Table of Review Procedures).

(B) Unless expressly stated otherwise in this UDO, petitions, permits, or processes under this UDO shall be submitted by:

i. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed within the City; or

ii. A person authorized to submit the petition on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner or contract purchaser.

iii. The owner of at least fifty percent of the land involved may initiate a zoning map amendment for that land.

(C) Notwithstanding subsections (A) and (B) above, the Plan Commission and/or Common Council may initiate any action permitted by Indiana Code and other applicable laws.

(2) Petition Submittal Requirements.

(A) Each petition shall include all forms and information required by the City for that type of petition as indicated below:

i. Required petition materials as provided in the City's administrative manual, as those lists may be updated by the Planning and Transportation Department from time to time to reflect best practices.

ii. If the proposal is for a project to be developed in phases the petition shall be for all permits and approvals required for that phase of the project.

(B) The Planning and Transportation Director may waive certain submittal requirements in order to reduce the burden on the petitioner and to tailor the requirements to the information necessary to review a particular petition. The Planning and Transportation Director may waive such requirements upon finding that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. Any such waivers shall be authorized in writing and retained in the project file.

(3) Payment of Fees.

(A) City staff shall maintain an official fee schedule for any petition, permit, or process included in this Chapter 20.06 (Administration and Procedures). Such fees shall be approved by the Plan Commission and, where applicable, the Common Council. The official fee schedule shall be available to the public in the Planning and Transportation Department office.

(B) Fees shall be paid at the Planning and Transportation Department office at the time of petition submittal. When the Planning and Transportation Department has received a complete submittal, the staff shall calculate the total amount of the application fee and any other applicable fees. All payments shall be made to the City of Bloomington.

(C) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any petition, subdivision request, or permit.

(D) No application and inspection fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.

(E) The Plan Commission may waive the application fee for any proposal that is actively being promoted by a unit of local government or quasi-public organization or that involves a local subsidy.

(F) No refunds shall be permitted after a Plan Commission or plat committee hearing on the petition has been held, regardless of whether or not the Plan Commission or plat committee has taken action on the petition.

(4) Completeness of Petition.

(A) On receiving a petition, the Planning and Transportation Director shall determine whether the petition is complete. A complete petition is one that contains all information and materials required by the administrative manual and this UDO for submittal of the particular petition, and that has sufficient detail and readability to evaluate the petition for compliance with applicable review standards of this UDO.

(B) No petition shall be considered complete until all pre-submittal requirements of Section 20.06.040(b) (Pre-Submittal Activities) have been satisfied and all required fees have been paid.

(C) Upon determining that the petition is incomplete, the Planning and Transportation Director or designee, shall notify the petitioner of the submittal deficiencies. The petitioner may correct the deficiencies and resubmit the petition for a determination of completeness until the Planning and Transportation Director determines the petition is complete.

(D) No development petition shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

(E) Upon determining that the petition is complete, the Planning and Transportation Director shall accept the petition for review in accordance with the procedures and standards of this Chapter 20.06 (Administration and Procedures).

(5) Minor Petition Revisions.

(A) A petitioner may revise a petition after receiving notice of compliance deficiencies following staff review according to Section 20.06.040(d) (Staff Review and Action), or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the petition.

(B) Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the petition, as determined by the Planning and Transportation Director.

(C) All other petition revisions shall be processed as a new petition.

(6) Abandoned Petitions. If a petition has not been resubmitted to address staff-noted deficiencies within ninety days after notification of those deficiencies, the petition shall be deemed abandoned and all fees forfeited. The petitioner may request an additional ninety days to address staff-noted deficiencies. Restarting an abandoned petition shall require a new pre-submittal meeting and may be subject to additional fees.

(7) Petition Withdrawal.

(A) After a petition has been accepted, the petitioner may withdraw the petition by submitting a notarized letter to the Planning and Transportation Director before the City takes action by a vote of the decision-making body or by rendering an administrative decision.

(B) A petitioner is not entitled to a refund of application fees for withdrawn petitions. However, the Planning and Transportation Director may refund fees not expended during the first round of staff review if the petition is withdrawn prior to preparation of any official written comments.

(8) Simultaneous Review and Approval.

(A) Whenever a petition requires review under the provisions of more than one permit, approval, or process, the staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent practicable.

(B) Some forms of approval depend on the petitioner having previously received another form of approval or require the petitioner to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this UDO intends to accommodate simultaneous processing, petitioners should note that each of the permits and approvals set forth in this UDO has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval.

(9) Authorization of Site Inspection. By submitting a petition, the petitioner is authorizing City staff to inspect the subject property being considered for development at any reasonable time to obtain the information required for review of compliance with this UDO.

(10) Examination of Petition and Other Documents. Upon reasonable request, and during normal business hours, any person may examine a petition and materials submitted in support of, or in opposition to, a petition in the Planning and Transportation Department office.

(d) Staff Review and Action.

(1) Referral to Staff and Review Agencies. The Planning and Transportation Director shall distribute the complete petition to appropriate staff and appropriate review agencies, per the administrative manual.

(2) Petition Routing.

(A) Referral to Plan Commission.

i. If Table 06-1 (Summary Table of Review Procedures) authorizes staff or the plat committee to make a decision, and the Planning and Transportation Director determines that the application is unusually complex or raises potentially unique or serious impacts on the City or the surrounding neighborhoods, the Planning and Transportation Director may, refer the petition to the Plan Commission for decision pursuant to the same criteria that the staff or the plat committee would have been required to apply to that petition.

ii. In cases where the Planning and Transportation Director refers the decision to the Plan Commission, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(B) Referral to Board of Zoning Appeals.

i. If Table 06-1 (Summary Table of Review Procedures) authorizes the hearing officer to make a decision, and the hearing officer determines that the application is unusually complex or raises potentially unique or serious impacts on the City or the surrounding neighborhoods, the hearing officer may refer the decision to the Board of Zoning Appeals for a decision

pursuant to the same criteria that the hearing officer would have been required to apply to that decision.

ii. In cases where the hearing officer refers the decision to the Board of Zoning Appeals, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(3) Staff Review and Petition Revisions. Staff shall review the petition and shall consult with applicable City departments and participating reviewing agencies with jurisdiction over public health and safety or required public services. Staff shall submit recommendations and comments to the petitioner in a form established by the Planning and Transportation Director. The petitioner shall attend a meeting with the appropriate staff as determined by the Planning and Transportation Director to discuss staff and/or DRC recommendations and comments. The petition will not move forward for further review until the Planning and Transportation Director determines that the petitioner has adequately responded to the City's recommendations and comments, or the petitioner requests that the petition move forward without responding to the City's recommendations and comments.

(4) Petitions Subject to Staff Recommendation.

(A) Staff Report. If a petition is subject to staff review and recommendation to another review and decision-making body as indicated in Table 06-1 (Summary Table of Review Procedures), staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

(B) Distribution and Availability of Petition and Staff Report. The Planning and Transportation Director shall submit a copy of the staff report to the petitioner and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review prior to the public meeting or public hearing at which the petition is scheduled to be heard.

(5) Petitions Subject to Staff Decision.

(A) If a petition is subject to staff review and a final decision by the Planning and Transportation Director, the Planning and Transportation Director shall make a decision based on the review standards applicable to the petition type. The decision shall be in writing and shall clearly state reasons for a denial, conditions of approval, or commitments.

(B) Any appeal of an administrative decision shall be made pursuant to Section 20.06.080(d) (Administrative Appeal).

(6) Approval Criteria.

(A) Applicability.

i. When Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures) cross-reference this Section 20.06.040(d)(6), City review and decision-making bodies shall review all petitions submitted pursuant to this UDO for compliance with the general review criteria stated below.

ii. The petition may also be subject to additional review criteria specific to the type of petition, as set forth in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures).

iii. If there is a conflict between the general review criteria in this section and the specific review criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures), the applicable review criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures) shall control.

(B) General Compliance Criteria. All petitions shall be subject to review pursuant to the following criteria and shall only be approved if they comply with these criteria.

i. Compliance with this UDO. The proposed use and development shall comply with all applicable standards in this UDO, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

ii. Compliance with Other Applicable Regulations. The proposed use and development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

iii. Compliance with Utility, Service, and Improvement Standards.

1. As applicable, the proposed use and development shall comply with federal, state, county, service district, City, and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

2. Municipal sewer and water hookup are required for all developments except for instances where written approvals by the City utilities department and the county health department grant an exception to the hookup requirement. All sewer and water facilities shall meet the design specifications of the City utilities department.

3. When public improvements are required, the petitioner or authorized representative shall post performance and maintenance guarantees for such improvements. Such financial guarantees shall be submitted, reviewed, and approved per Section 20.06.060(c)(3)(E)iii. (Financial Bond Required).

iv. Compliance with Prior Approvals. The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

(C) Additional Criteria Applicable to Conditional Uses.

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

ii. Provides Adequate Public Services and Facilities. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

iii. Minimizes or Mitigates Adverse Impacts.

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

2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.

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

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

(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs).

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

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

iii. Minimization or Mitigation of Adverse Impacts.

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

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

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

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

iv. Adequacy of Road Systems.

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road

conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

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

v. Provides Adequate Public Services and Facilities. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

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

(7) Conditions of Approval.

(A) Where this UDO authorizes a review body to approve or deny a petition subject to applicable criteria, the review body may approve the petition with conditions necessary to bring the proposed development into compliance with this UDO or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.

(B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this UDO.

(C) No conditions of approval shall be less restrictive than the requirements of this UDO, except where the UDO expressly allows deviations.

(D) Any condition of approval that requires a petitioner to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of petitioners shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(E) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

(F) Unless otherwise provided in this UDO, any representations of the petitioner in submittal materials or during public hearings shall be binding as conditions of approval.

(G) Any conditions shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this UDO.

(8) Commitments.

(A) Authority. The final review body of the petition types listed below may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or

development of that parcel where the making of such commitment will further the goals of the Comprehensive Plan or this UDO:

i. Site plan review, minor;

ii. Site plan review, major;

iii. Conditional Use permit;

iv. Zoning map amendment;

v. Rezoning to Planned Unit Development (PUD); and

vi. Variance.

(B) Approval Procedure. The procedure by which the final review body allows or requires a written commitment shall be the same as the procedure set forth in this UDO for the underlying development or ordinance proposal, but no additional notice or hearing shall be required for the consideration or approval of a commitment.

(C) Recording. A commitment established under this UDO shall be recorded in the county recorder's office upon approval of the proposal and prior to issuance of any certificates of zoning compliance for the area involved in the proposal. The petitioner shall deliver one copy of the recorded commitment instrument to the Planning and Transportation Department within ten business days after recording.

(D) Effect of Commitments. A commitment made under this UDO takes effect upon approval of the proposal (i.e., adoption of an ordinance changing the zoning map, designating a Planned Unit Development zoning district, or approval of a final plan) in connection with which the commitment is made. An unrecorded commitment is binding upon the owner of the parcel but is only binding upon a subsequent owner or other person acquiring an interest in the parcel if that person has actual notice of the commitment. A recorded commitment is binding upon any subsequent owner and any person acquiring an interest in the parcel.

(E) Right to Enforce Commitments.

i. The City may enforce any commitment allowed or required by the decision-making body as if the commitment were a standard of the UDO.

ii. A written commitment shall be enforceable by any property owner adjacent to the parcel of real estate that was the subject of the underlying petition in connection with which the commitment was made, or other interested party as defined by the applicable rules of procedure.

(F) Modification or Termination.

i. The Plan Commission shall not delegate the authority to modify or terminate a commitment to another entity.

ii. The hearing officer may not modify or terminate any commitment, whether made by the hearing officer or under Indiana Code § 36-7-4-1015, as amended. Commitments made by the hearing officer may be only modified by the Board of Zoning Appeals.

iii. When a commitment has been allowed or required in conjunction with a petition under this UDO, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the Plan Commission for modification or termination of the commitment.

iv. The Plan Commission may approve modification or termination after notice and public hearing in any case where the modification or termination will further the goals of the Comprehensive Plan or this UDO.

v. The petitioner shall record the modification or termination instrument in the office of the Monroe County Recorder. The petitioner shall deliver one copy of the recorded modification or termination instrument to the Planning and Transportation Department within ten business days after recording. No certificate of zoning compliance for the area involved in the proposal may be issued until the modification or termination instrument has been recorded.

(e) Scheduling and Notice of Public Hearings.

(1) Scheduling.

(A) When the staff determines that a petition is complete and that a public hearing is required as indicated in Table 06-1 (Summary Table of Review Procedures), the staff shall place the item on the next agenda with space available pursuant to the rules of procedure of the appropriate decision-making body.

(B) The public hearing shall be scheduled to allow sufficient time to prepare a staff report per Section 20.06.040(d) (Staff Review and Action).

(2) Public Hearing Notice.

(A) General Notice Requirements. All public hearings required by this UDO shall be preceded by the notices identified in Table 06-1 (Summary Table of Review Procedures) and in accordance with Indiana Code § 5-3-1-2 and Indiana Code § 36-7-4-604 and Indiana Code § 36-7-4-706, as amended. Persons with specific issues or concerns regarding a proposed petition are encouraged to contact the Planning and Transportation Department in writing, by phone, or in person prior to the hearing.

(B) Responsibility for Notice. The City shall be responsible for the accuracy of and proper publication of notice of the public hearing. The petitioner shall be responsible for mailing and posting of notice of the public hearing and maintaining posted notices after they have been posted on the site.

(C) Notice Content. All required notices shall state:

i. The time and place of the hearing;

ii. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies; or the geographic area that is the subject of the zoning map change;

iii. A summary of the subject matter contained in the proposal; or a summary of the subject matter contained in the proposal that describes any new or changed provisions; or a description of the proposed change in the zoning maps;

iv. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

v. The place where a copy of the proposal is on file for examination before the hearing;

vi. That written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;

vii. That oral comments concerning the proposal will be heard; and

viii. That the hearing may be continued from time to time as may be found necessary.

(D) Notice to Interested Parties. All public hearings required by this UDO or by state law shall be sent to interested parties in accordance with the following:

i. "Interested parties" shall include the following:

1. All persons owning land adjacent and contiguous to the property included in the petition or proposal. All persons owning land within three hundred linear feet from the subiect parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, shall be interested parties.

a. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.

b. Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner.

c. Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

ii. In order to determine the names and addresses of property owners to whom notice shall be sent, staff shall consult either the current plat book and computerized ownership records located in the office of the auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address.

iii. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record.

(E) Notice to Adjacent Governmental Entities. In a proceeding involving a petition for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the City to the planning agency of the governmental unit abutting such land.

(3) Notice Format and Timeframes.

(A) Published Notice. Published notice shall be distributed in a newspaper in accordance with Indiana Code § 5-3-1 (Publication Procedures), at least ten days prior to the initial scheduled public hearing before the Plan Commission, Board of Zoning Appeals, plat committee, or hearing officer.

(B) Mailed Notice. Mailed notices shall be postmarked and sent via first class mail to all interested parties at least ten days before the date of the initial scheduled public hearing before the Plan Commission, Plat Committee, Hearing Officer, or Board of Zoning Appeals.

i. Proof of Notice. The Planning and Transportation Department shall retain proof of notice within the petition file pursuant to the administrative manual.

ii. Verification of Proper Notice. City staff shall verify proper noticing pursuant to the administrative manual and shall advise the decision-making body at its initial public hearing of any omissions or deficiencies in the proof of notice.

iii. Inadequate Notice. If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making

body, such petition may be continued to a later date to allow proper notice to all interested parties.

(C) Posted Notice.

i. Required posted notice shall include at least one sign per street frontage on the subject property at least twenty-one days prior to the scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least ten days prior to the scheduled public hearing before the plat committee or hearing officer.

ii. The required sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

(4) Minor Defects in Notice Shall Not Invalidate Proceedings.

(A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(B) Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.

(C) In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

(f) Appearance Waives Defects. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

(g) Review and Decision.

(1) Hearing, Review, and Decision.

(A) The petition shall be subject to review, hearings, recommendations, and decisions as indicated in Table 06-1 (Summary Table of Review Procedures).

(B) If the petition is subject to a public hearing, the applicable review or decision-making body shall hold a public hearing in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(C) The applicable review or decision-making body shall consider the following:

i. The written statement and supportive material submitted by the petitioner;

ii. Any commitments or conditions of approval attendant to prior approvals;

iii. The testimony of the petitioner;

iv. The testimony of the public during the public hearing, when applicable;

v. Any requirements of the members of the development review committee;

vi. The Planning and Transportation Department report; and

vii. Such other additional information as may be required by the review or decision-making body to evaluate the petition.

(D) The applicable review or decision-making body shall approve, approve with conditions, or deny the petition based on the applicable approval criteria listed in the petition-specific procedures in Sections 20.06.050 (Development Permits and Procedures) through 20.06.080 (Flexibility and Relief Procedures). The review or decision-making body may also continue the hearing in accordance with the review or decision-making body's adopted rules and procedures.

(E) If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

(F) The review or decision-making body may incorporate or require, as part of a condition of approval or commitment, a written agreement between the petitioner and the City that enforces the conditions or commitments. All conditions and commitments shall comply with the limitations in Sections 20.06.040(d)(7) (Conditions of Approval) and 20.06.040(d)(8) (Commitments), as applicable.

(G) The applicable review or decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

(2) Public Hearing Procedures. Whenever a public hearing is required by this UDO or by state law, the following public hearing procedures shall apply:

(A) Attendance. The petitioner is required to be present at the public hearing to address and discuss comments and concerns posed by the review or decision-making body. Failure to appear shall result in the petition being dealt with as outlined in the review or decision-making body's rules of procedure.

(B) Actions by Review or Decision-Making Bodies and Officers. All decisions shall include a brief summary of the matter being acted upon, and a clear statement of approval, approval with conditions, or disapproval. Conditions of approval and commitments shall be clearly stated and enumerated.

i. Action by Board of Zoning Appeals. Action by the Board of Zoning Appeals shall be final.

ii. Action by Plan Commission. In the instance where the Plan Commission has final authority, action by the Plan Commission shall be final. When the Plan Commission action is advisory to the Common Council, the Planning and Transportation Director shall certify the Plan Commission recommendation to the Common Council pursuant to Indiana Code § 36-7-4 (Local Planning and Zoning). When the Plan Commission action is advisory to any other body or agency, the staff shall forward such recommendation to that body or agency.

iii. Action by Common Council. The Common Council shall act on any petition forwarded by the Plan Commission within the time period specified and, in the manner set forth in Indiana Code § 36-7-4 (Local Planning and Zoning). Additionally, the mayor may exercise his or her authority to veto an action of the Common Council pursuant to Section 2.04.350 (Veto Procedure) of the Bloomington Municipal Code. The Common Council may override a mayoral veto pursuant to Section 2.04.350(d) of the Bloomington Municipal Code.

(h) Post-Decision Actions and Limitations.

(1) Expiration of Approval.

(A) A petition approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this UDO.

(B) A change in ownership of the land shall not affect the established expiration time period of an approval.

(C) The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to

the expiration date. The final approval authority shall determine whether or not there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

(2) Bound by Submissions. A recipient of any permit or other approval under this UDO shall be bound by the representations and information submitted in the original petition and in any revision, amendment, or supplement to the original petition that is provided to the reviewing authority prior to issuance of the permit or other approval except with respect to any detail that is clearly neither regulated by a provision of this UDO or other applicable law or regulation, nor expressly required as a commitment or condition of approval by the reviewing authority.

(3) Modification or Amendment of Approval. The following provisions apply to all proposed modifications or amendments of approvals previously granted by the City unless another provision of this UDO provides different standards, criteria, or procedures for modifications or amendments to specific types of approvals.

(A) Minor Changes Allowed. Development authorized by any approval under this UDO may incorporate minor changes from the approved plan, or permit, without the need for a new petition, provided that the Planning and Transportation Director determines that the proposed changes:

i. Comply with the standards of this UDO;

ii. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as originally approved.

(B) Major Changes. Any modification of an approved plan or permit that the Planning and Transportation Director determines does not meet the criteria in subsection (A) above shall require a new petition that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original petition.

(4) Limitation on Subsequent Similar Petitions. Following denial of a petition, the decision-making body shall not decide on petitions that are the same or substantially similar within one year of the previous denial, or in accordance with Indiana Code § 36-7-4-609, as amended. This waiting period may be waived by the decision-making body provided that:

(A) There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous petition review; or

(B) The new petition is materially different from the previous petition.

(5) Appeals. Unless a different procedure is provided in Section 20.06.080(d) (Administrative Appeal) or another provision of this UDO, the following provisions apply to appeals of decisions under this UDO.

(A) Staff or Hearing Officer Decision. A staff decision may be appealed to the Board of Zoning Appeals pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within ten days of staff's or the hearing officer's decision.

(B) Plan Commission, Board of Zoning Appeals, or Common Council Decision. Any person that has standing to obtain judicial review of a zoning decision as established in Indiana Code § 36-7-4-1603 (Standing) may appeal a zoning decision made by the Plan Commission according to the judicial review process established in Indiana Code § 36-7-4-1600 (Judicial Review). Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located and shall be filed no later than thirty days after the date of the zoning decision.

(C) Plat Committee Decision. A plat committee decision may be appealed to the Plan Commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within ten days of the plat committee's decision.

(D) Time of Expiration During Appeals. If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under subsections (A) through (C).

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-06, § II(Att. A), 4-10-2024)

20.06.050 Development permits and procedures.

(a) Site Plan Review.

(1) Purpose. The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:

(A) Promote well-planned and well-designed use of property;

(B) Promote a high character of community development;

(C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;

(D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;

(E) Determine compliance with the standards of this UDO;

(F) Protect environmental quality; and

(G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) Applicability.

(A) Activities Subject to Site Plan Review. Site plan review is required prior to the issuance of a building permit and/or construction of physical site improvements. Site plan review is required for all development and changes in use subject to this UDO, including the following, unless exempted by subsection (B) below:

i. New building construction;

ii. Newly established uses of land;

iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, institutional, civic, employment, utilities and communication, group living, and multifamily residential uses of property within the City that result in increased occupancy or intensity of use; and

iv. Creation or expansion of any vehicular parking area.

(B) Activities Exempt from Site Plan Review. Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO and building permit review:

i. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings; and

ii. Construction or erection of accessory buildings, fences, hedges, or walls; and

iii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.

iv. Projects that fall below the thresholds for minor site plan review in Section 20.06.050(a)(2)(C)i.

(C) Thresholds for Minor and Major Site Plan Review. Site plan review is conducted by the Planning and Transportation Director or the Plan Commission, based on the thresholds below:

i. Minor Site Plan Review. Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B) (Activities Exempt from Site Plan Review), or the project meets or exceeds the thresholds requiring major site plan review under Section 20.06.050(a)(2)(C)ii. (Major Site Plan Review).

1. A change in use that involves or requires site improvements;

2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.06.050(a)(2)(C)ii.;

3. Development that contains twenty thousand square feet or less of new non-residential gross floor area;

4. Development that contains fifty dwelling units or less;

5. The alteration of any vehicular parking area;

6. Petitions for a site development permit; or

7. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district such project does not contain more than seventy-five dwelling units.

ii. Major Site Plan Review. Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B) (Activities Exempt from Site Plan Review):

1. Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the City or surrounding neighborhoods; or

2. Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.

3. Anything that exceeds minor site plan review thresholds.

(3) Minor Site Plan Review Process. Figure 06.05-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-1: Summary of Minor Site Plan Review Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

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

(C) Staff Review and Action.

i. Generally.

1. The Planning and Transportation Director shall review the minor site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

2. Alternatively, the Planning and Transportation Director may refer the petition to the Plan Commission pursuant to Section 20.06.040(d)(2) (Petition Routing).

ii. Commitments. The Planning and Transportation Director may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain. Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

(D) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Notification of Findings. The Planning and Transportation Director shall make and sign written findings concerning each decision to approve or disapprove a minor site plan, and such written findings shall be made available to the petitioner.

ii. Expiration of Approval. Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Planning and Transportation Director grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. Modification or Amendment of Approval. An approved minor site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

iv. Appeal. Any person, other than the petitioner, aggrieved by a minor site plan decision by the Planning and Transportation Director may appeal the decision to the Plan Commission. Such appeal shall be filed in the Planning and Transportation Department within ten days of the staff's decision. The appeal shall specify the grounds for the appeal and shall be filed in the form established by the Plan Commission rules of procedure. All appeals shall be accompanied by fees required by the Plan Commission rules of procedure.

(4) Major Site Plan Review Process. Figure 06.05-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to major site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-2: Summary of Major Site Plan Review Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

(C) Staff Review and Action. The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(D) Scheduling and Notice of Public Hearings. The major site plan petition shall be scheduled for a public hearing before the Plan Commission and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision.

i. Generally. The Plan Commission shall review the major site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. Commitments. The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain. Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Notification of Findings. The Plan Commission shall make written findings concerning each decision to approve or disapprove a major site plan, and such findings shall be made available to the petitioner.

ii. Expiration of Approval. Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. Modification or Amendment of Approval. An approved major site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

(b) Conditional Use Permit.

(1) Purpose. The Conditional Use permit procedure provides a mechanism for the City to evaluate proposed land uses in a particular zoning district and to establish certain conditions to address unique characteristics associated with the proposed land use. The use shall be permitted by the Board of Zoning Appeals or hearing officer if it is determined that the listed conditions are met.

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

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

Figure 06.05-3: Summary of Conditional Use Permit Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting or a pre-submittal neighborhood meeting.

iii. For petitions subject to review and decision by the Board of Appeals, a Development Review Committee meeting and pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting). The requirements of Sections 20.06.050(b)(3)(D) and 20.06.050(b)(3)(E)(v) apply to conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2, or R3 zoning districts.

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

(C) Staff Review and Action. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings. The conditional use permit petition shall be scheduled for a public hearing before the Board of Zoning Appeals or Hearing Officer and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings). Conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2 or R3 zoning districts shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with Section 20.06.040(e).

(E) Review and Decision.

i. Generally. The hearing officer or Board of Zoning Appeals shall review the Conditional Use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7) (Conditions of Approval), based on the general approval

criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

ii. Floodway and Floodway Fringe Development.

1. No Conditional Use shall be approved until a permit citing the one hundred year flood elevation and the recommended flood protection grade, or a letter stating that no permit is required, has been obtained from the Indiana Department of Natural Resources (DNR) and all conditions and specifications of that permit and other applicable DNR regulations are met.

2. Development shall not increase the elevation of the regulatory flood beyond the limits allowed by state and federal regulations.

3. On-site waste disposal systems such as sewage treatment plants shall be located so as to avoid their impairment and to avoid contamination during the occurrence of the regulatory flood. No septic systems shall be installed within either floodway or floodway fringe areas.

4. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted provided that all manholes or other above ground openings are located at or above the flood protection grade, or those which are located below the flood protection grade are watertight.

iii. Historic Adaptive Re-Use. The following shall apply to any adaptive use, protection, or restoration of a historic resource for a land use not specifically permitted in the zoning district pursuant to Table 03-1 (Allowed Use Table).

1. The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of petition for Conditional Use Approval.

2. The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.

3. The proposed use shall enhance the ability to restore and/or preserve the property.

4. The granting of the Conditional Use Approval shall be contingent upon any required certificate of appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

iv. Quarry Adaptive Re-Use.

1. The petitioner shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.

2. The proposed adaptive re-use shall retain, to the greatest extent possible, the existing quarry features to preserve the region's quarry heritage.

3. Land use decisions shall be made in consideration of the dominant land use patterns that surround each site.

4. The proposed adaptive re-use shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.

5. An environmental mitigation plan shall be submitted with the Conditional Use petition. The environmental mitigation plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards. All environmental mitigation plans shall meet the standards of the City utilities department, as well as any applicable state and federal requirements.

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

vi. Commitments.

1. The board of zoning appeals or hearing officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a Conditional Use permit in accordance with Section 20.06.040(d)(8) (Commitments).

2. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval of a Conditional Use. The granting of a Conditional Use authorizes the use and establishes the terms of use. Conditional Uses are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits and approvals shall be obtained before any grading, construction, or use commences.

ii. Duration. A Conditional Use permit granted by the Board of Zoning Appeals or the hearing officer shall expire:

1. Two years after the date granted by the Board of Zoning Appeals or hearing officer, unless:

a. A building permit has been obtained and construction of the structure or structures has commenced; or

b. An occupancy permit has been obtained and the use has commenced; or

2. At the date of termination established by the Board of Zoning Appeals or hearing officer as a condition or commitment if different from subsection (1) above.

iii. Modification or Amendment of Approval.

1. Any modification or intensification of a Conditional Use that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals or hearing officer at the time the Conditional Use was granted shall require a new Conditional Use Approval.

2. The Planning and Transportation Director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Conditional Use as approved. The operator of the Conditional Use shall provide the Planning and Transportation Director with all the necessary information to render this determination.

3. In the case where the Planning and Transportation Director determines a new Conditional Use permit is required, a petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) and this Section 20.06.050(b) (Conditional Use Permit).

4. The hearing officer may hear requests for amendments to a Conditional Use, if authorized by the Plan Commission.

(c) Demolition Delay Permit.

(1) Purpose. The demolition delay permit procedure is intended to ensure that potentially historic structures are protected from demolition or alteration.

(2) Applicability.

(A) This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(B) No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection (c).

(3) Demolition Delay Permit Review Process. Figure 06.05-4 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to demolition delay permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-4: Summary of Demolition Delay Permit Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing.

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

ii. If a petition for demolition or partial demolition that is subject to the demolition delay procedures of this UDO is withdrawn by the petitioner, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn petition shall be issued.

(C) Staff Review and Action.

i. Notice to Property Owner and Housing and Neighborhood Development Director.

1. Upon receiving a petition for a demolition or partial demolition covered by this Section 20.06.050(c) (Demolition Delay Permit), the Planning and Transportation Director shall give notice to the housing and neighborhood development director and to the property owner, or his/her representative. Such notice shall advise the property owner that the permit petition may need to be amended to include materials required by Section 20.06.050(a) (Site Plan Review) and the rules and regulations of the Historic Preservation Commission, in order for the petition to be considered complete.

2. Not later than thirty days after such notice is given by the Planning and Transportation Director, the housing and neighborhood development director shall give notice to the chairperson of the Historic Preservation Commission and to the property owner, if the one-hundred-twenty-day waiting period is to be imposed pursuant to section 20.06.050(c)(3)(C)ii. (Waiting Period).

ii. Waiting Period.

1. Determination of Waiting Period. The ninety-day period shall apply in all cases unless the housing and neighborhood development director, or his/her designee, finds that an additional thirty-day delay period is needed in order for the Historic Preservation Commission to responsibly consider and determine whether to recommend designation of the property. The housing and neighborhood development director shall make such finding only where:

a. There are multiple demolition permits and/or historic designation proposals pending or expected to come before the Historic Preservation Commission during the ninety-day period; or

b. The demolition request presents unusually complex public policy issues due to the location or survey classification of the structure; or

c. The structure is located within an area that contains multiple surveyed properties, it is located within an area designated on the National Register of Historic Places, or the survey classification of the structure proposed for demolition or partial demolition is "notable" or "outstanding."

2. Early Termination of Waiting Period. The remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued if within the ninety- or one-hundred-twenty-day period one of the following occurs and all other requirements of this UDO are satisfied:

a. The Historic Preservation Commission votes affirmatively not to recommend local historic designation to the Common Council; or

b. The Historic Preservation Commission votes on a motion to recommend local designation and the motion fails; or

c. In cases of contributing structures in a single family district, staff for the Historic Preservation Commission decides not to recommend local historic designation to the Historic Preservation Commission and Common Council based on the same review criteria used by the Historic Preservation Commission when determining if a property should be recommended for local historic designation; or

d. The Common Council disapproves a recommended local historic designation of the subject property.

3. Waiting Period Limited to Once per Year.

a. No structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until one year has passed from the date of expiration of the first waiting period.

b. During this one-year period, no action of the Historic Preservation Commission or the Common Council may prevent issuance or effect revocation of a certificate of zoning compliance or demolition permit that is otherwise properly issued or petition that meets all requirements of the Bloomington Municipal Code and this UDO.

c. This provision shall not apply except to the extent that the work covered by the certificate of zoning compliance or demolition or partial demolition permit, or petition for such a certificate or permit, is substantially identical to the work shown in the submission that occasioned the first waiting period.

d. For purposes of this Section 20.06.050(c)(3)(C)ii. (Waiting Period).

i. "Work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith;

ii. "Substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view; and

iii. "Submission" shall mean the submission that is authorized to receive approval pursuant to Section 20.06.040(c) (Petition Submittal and Processing) of this Chapter 20.06 (Administration and Procedures).

4. Emergency Waiver of Waiting Period. The waiting period may be waived upon a written determination by the City's housing and neighborhood development department that there is an emergency condition dangerous to life, health, or property that requires demolition prior to the expiration of the waiting period.

(D) Scheduling and Notice of Hearings.

i. Discretionary Hearing. The Historic Preservation Commission may conduct a hearing, at its sole discretion, during the waiting period, to determine if any structure described below should be recommended for local designation by the Common Council:

1. A "Contributing" structure located in any of multifamily or mixed-use zoning district.

2. A "Contributing" structure located in the R1, R2, R3, or R4 zoning districts if the staff for the HPC determines that a review of the petition necessitates full HPC review.

3. A "notable" structure located in any zoning district of the City.

4. An "outstanding" structure located in any zoning district of the City.

ii. Posted Notice Required.

1. Generally.

a. Within three business days of receiving notice by the Planning and Transportation Director that his/her property is subject to the waiting period provisions of this section, the owner shall place upon the property where the structure is located, in plain public view, a notice to the public of the proposed demolition or partial demolition of the structure.

b. The notice shall be in such form as approved by the staff and shall remain in place until termination of the waiting period.

c. Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the Planning and Transportation Director, during which the notice was not properly in place.

2. Exemption to Posted Notice.

a. This section shall not apply to a petition for partial demolition of a property classified as "contributing" in any single-family district if staff for the Historic Preservation Commission reviews and releases the petition.

i. Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the Historic Preservation Commission as outlined in Section 2.16.010(c) (Composition) of the Bloomington Municipal Code.

ii. If within seven business days of the receipt of a petition the staff has not taken steps to forward the matter to the Historic Preservation Commission for further review, the petition shall be released automatically and the provisions of Section 20.06.050(c) (Demolition Delay Permit) shall apply.

iii. Staff's decision shall be based on the same criteria used by the Historic Preservation Commission when it renders a determination about whether or not a property should be recommended for local historic designation.

b. If staff for the Historic Preservation Commission determines that full Historic Preservation Commission review of a petition for a partial demolition of a property classified as "contributing" in a single-family district is necessary, then the owner shall post the notice described in subsection D.ii.1. above on the property.

(E) Review and Decision.

i. After expiration of the waiting period, which shall include early termination of the waiting period, a certificate of zoning compliance authorizing demolition shall be issued if the property owner has submitted a complete petition and all other requirements of the Bloomington Municipal Code and this UDO are met.

ii. For any structure that is exempt from the waiting period of this section, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the Planning and Transportation Department of a complete petition, provided all other requirements of the Bloomington Municipal Code and this UDO are met.

iii. If within the ninety- or one-hundred-twenty-day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:

1. Upon termination of interim protection without historic or conservation district designation being placed upon the property; or

2. Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. The recipient of a permit or other approval subject to this section shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission and may not deviate from such depiction, except as modified and approved at one or more public meetings of the Historic Preservation Commission, without applying for a new certificate of zoning compliance, petition for which shall commence a new waiting period.

ii. No action of the Historic Preservation Commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period. The demolition delay approval by the Historic Preservation Commission shall expire one year after the approval is issued.

(d) Floodplain Development Permit.

(1) Purpose. The floodplain development permit procedure is intended to minimize public and private losses due to flood conditions in specific areas and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all floodplain development activities.

(2) Applicability.

(A) No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. ~~In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.~~

(B) Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state

law and all other applicable rules, regulations, standards and specifications of the City regarding development within a floodplain.

(C) The following activities are exempt from requiring a floodplain development permit- installation of underground utilities that do not require any fill, construction of sidewalks or similar features at existing grade, and signs.

(3) Floodplain Development Permit Review Process. Figure 06.05-5 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to floodplain development permit review. Additions or modifications to the common review procedures are noted below.

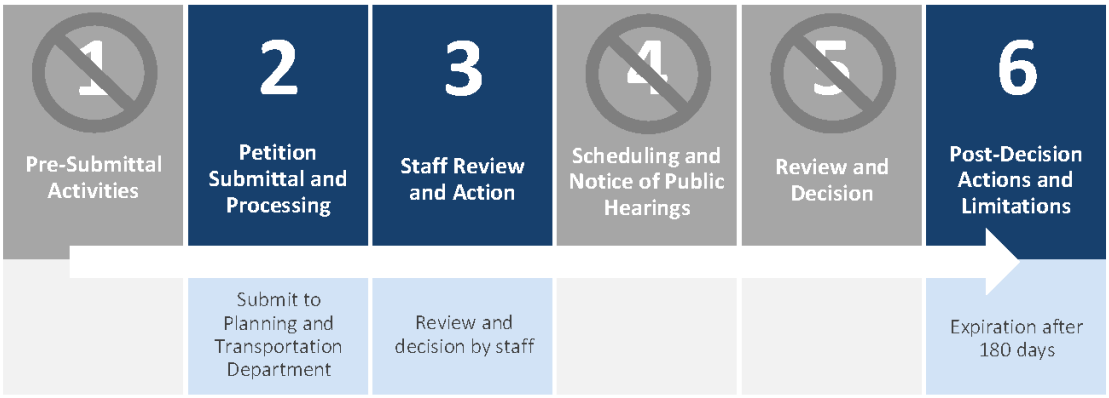


Figure 06.05-5: Summary of Floodplain Development Permit Procedure

(A) Petition Submittal and Processing. The floodplain development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements. The petition shall include, but not be limited to, the following documents:

1. A description of the proposed development;

2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;

3. A legal description of the property site;

4. A site development plan showing existing and proposed development locations and existing and proposed land grades;

5. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed; and

7. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a letter of map revision.

ii. Submittal to the Indiana Department of Natural Resources. If the site is in an identified floodway pursuant to Section 20.04.040(c)(1) (Basis for Establishing Regulatory Flood Data),

the floodplain administrator shall require the petitioner to forward the petition, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.

iii. Petitions Involving Channel Modifications or Fill. For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(B) Staff Review and Action. The floodplain administrator shall review the floodplain development permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria:

i. Ensure that all necessary federal or state permits have been received prior to issuance of the floodplain development permit;

ii. Under the provisions of Indiana Code § 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (Indiana Code § 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

iii. No action shall be taken by the floodplain administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the floodplain administrator may issue the local floodplain development permit, provided the provisions contained in this UDO have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources.

iv. No development shall be allowed, which acting alone or in combination with existing or future development, will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least 0.15 of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Duration.

1. Floodplain development permits shall be valid for a period of one hundred eighty days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.

2. At the written request of the petitioner, the City may extend the period one or more times for up to a maximum of an additional one hundred eighty days. The City may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this UDO.

ii. Changes or Amendments.

1. The petitioner may submit revisions or amendments to an approved floodplain development permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved floodplain development permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.

2. Changes to the floodplain development permit shall be approved in writing.

iii. Construction Stage

1. Inspections Required. The floodplain administrator shall perform a minimum of three inspections to ensure that all applicable floodplain development requirements have been satisfied:

a. The first upon the establishment of the flood protection grade reference mark at the development site;

b. The second upon the establishment of the structure's footprint/establishment of the lowest floor; and

c. The final inspection upon completion and submission of the required finished construction elevation certificate. Authorized City officials shall have the right to enter and inspect properties located in the SFHA.

2. Certification.

a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the petitioner to submit to the floodplain administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The floodplain administrator shall review the lowest floor elevation survey data submitted. The petitioner shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the petitioner's risk.

b. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the petitioner to submit to the floodplain administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. The floodplain administrator shall review the floodproofing certification submitted. The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to

make correction required shall be cause to issue a stop-work order for the project.

c. Upon completion of construction, an elevation certification (FEMA elevation certificate form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the floodplain administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA floodproofing certificate form 81-65 or any future updates) is required to be submitted by the applicant to the floodplain administrator.

3. Stop Work Orders.

a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this UDO shall immediately cease.

b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

iv. Revocation of Permits.

1. The floodplain administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2. The floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.

(e) Site Development Permit.

(1) Purpose. The site development permit procedure is intended to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all site development activities.

(2) Applicability. No site development activity shall occur on platted or unplatted lands in any zoning district, unless a site development permit for such activity has been issued.

(A) Exemptions.

i. Site development activity on lots containing the uses: dwelling, single-family (attached); dwelling, single-family (detached); dwelling, duplex; dwelling, triplex; or dwelling, fourplex.

ii. Site development activity containing only new buildings or changes, alterations, or additions to an existing building or site~~,~~ with no additional improvements required.

iii. Site development activity containing only new signs, or changes, alterations, or additions to a sign.

iv. Site development activity containing related to an approved temporary use.

(3) Site Development Permit Review Process. Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to site development permit review. Additions or modifications to the common review procedures are noted below.

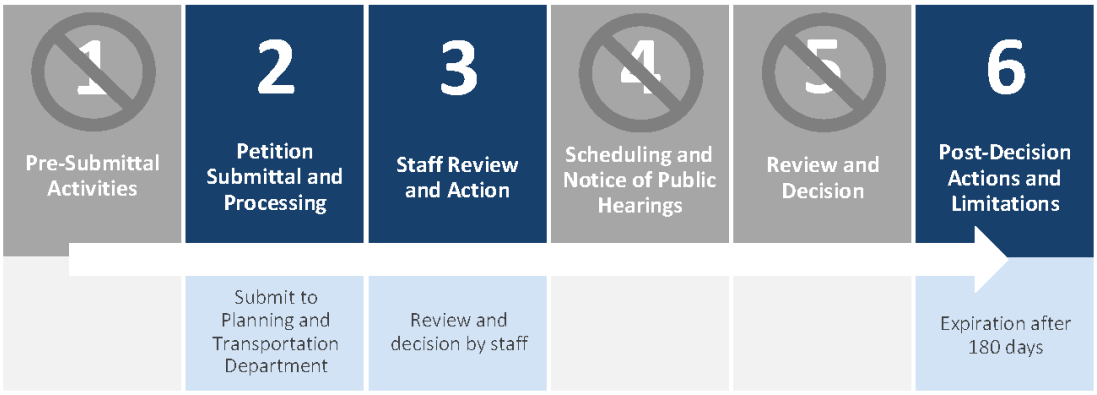


Figure 06.05-6: Summary of Site Development Permit Procedure

(A) Petition Submittal and Processing. The site development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements. The petition shall include, but not be limited to, the following documents:

1. Verification of site plan approval when such approval is required;

2. Construction plan including all proposed site improvements;

3. Topography of the site - proposed and existing two-foot contours;

4. Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.

(B) Staff Review and Action. The planning and transportation staff shall review the site development permit petition and approve, approve with conditions, or deny the petition within twenty working days of the receipt of a complete petition and all supportive documents in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria.

i. Construction Plan. The construction plans shall include all required and proposed environmental protections including but not limited to: tree protection zones, easements and setbacks from environmental features and conservation areas; as well as all required and proposed site improvements. The requirements are further detailed in the Administrative Manual.

ii. Planned Unit Development Approval. An approved final plan shall be in place prior to the issuance of a site development~~grading~~ permit.

iii. Stormwater Permit. If required by Title 13 (Stormwater) in the Bloomington Municipal Code, petitioner must submit an application for a stormwater management permit to the City of Bloomington Utilities Department at the time of application for the site development permit.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Duration.

1. Site development permits shall be valid for a period of one hundred eighty days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.

2. At the written request of the petitioner, the city may extend the period one or more times for up to a maximum of an additional one hundred eighty days.

ii. Changes or Amendments.

1. The petitioner may submit revisions or amendments to an approved site development permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved site development permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.

2. Changes to the site development permit shall be approved in writing.

(f) Certificate of Zoning Compliance.

(1) Purpose. The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability.

(A) Generally.

i. A Certificate of Zoning Compliance shall be required for any of the following activities:

1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;

2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change in Use);

3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;

4. Site development, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.

5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section 20.06.050(a) (Site Plan Review), and shall comply with the requirements of Section 20.04.030(h) (Tree and Forest Preservation).

6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or

structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of Historic Preservation Commission or its staff.

ii. A single certificate of zoning compliance may be issued for a combination of such actions if they occur together. Any petition for a certificate of zoning compliance, permit, or other approval for an action described in subsection (A)i.6. above shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit).

(B) Exemptions. Activities involving the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning and Transportation Department, are exempt from receiving a certificate of zoning compliance, unless such removal decreases the baseline canopy cover.

(3) Certificate of Zoning Compliance Review Process. Figure 06.05-7 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of zoning compliance review. Additions or modifications to the common review procedures are noted below.

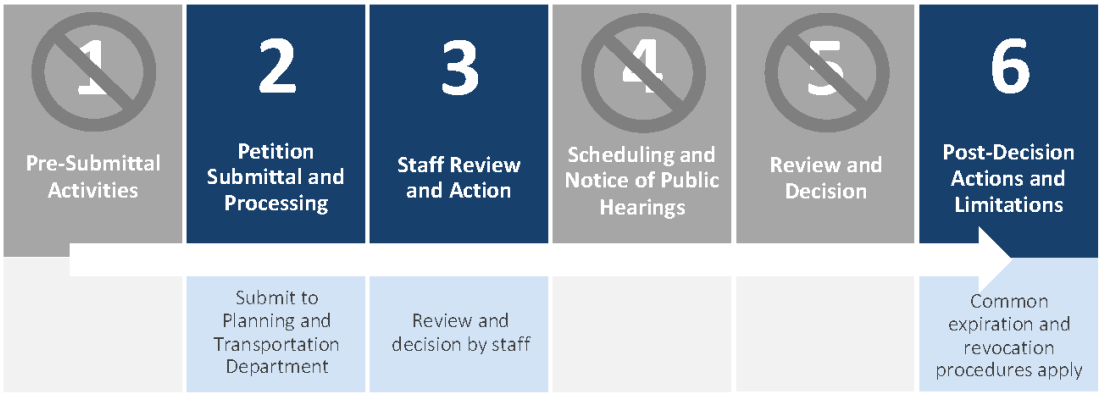


Figure 06.05-7: Summary of Certificate of Zoning Compliance Procedure

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

(B) Staff Review and Action. The Planning and Transportation Director shall review the certificate of zoning compliance petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Expiration of Approval. Approval of a certificate of zoning compliance shall be effective for a maximum period of one year unless:

1. Construction under a valid site development permit or building permit has commenced and is ongoing; or

2. Upon petition, the Planning and Transportation Director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration of Approval).

(g) Certificate of Occupancy.

(1) Purpose. The certificate of occupancy procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability.

(A) Generally. A certificate of occupancy shall be obtained prior to a building or structure being occupied or used in each of the following situations, except for detached single-family dwellings:

i. Occupancy or use of any new building or structure;

ii. Re-use or re-occupancy of any existing building or structure that requires either a permit from the county building department or a certificate of zoning compliance from the Planning and Transportation Department;

iii. Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.

(B) Certificate of Occupancy Required. If a certificate of occupancy is required pursuant to subsection (A) above, it is unlawful and a violation of this UDO for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until a temporary or final certificate of occupancy has been granted. Any violation of this provision shall be subject to a stop work order, mitigation, and/or fines and penalties as specified in Section 20.06.100 (Enforcement and Penalties).

(3) Certificate of Occupancy Review Process. Figure 06.05-8 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of occupancy review. Additions or modifications to the common review procedures are noted below.

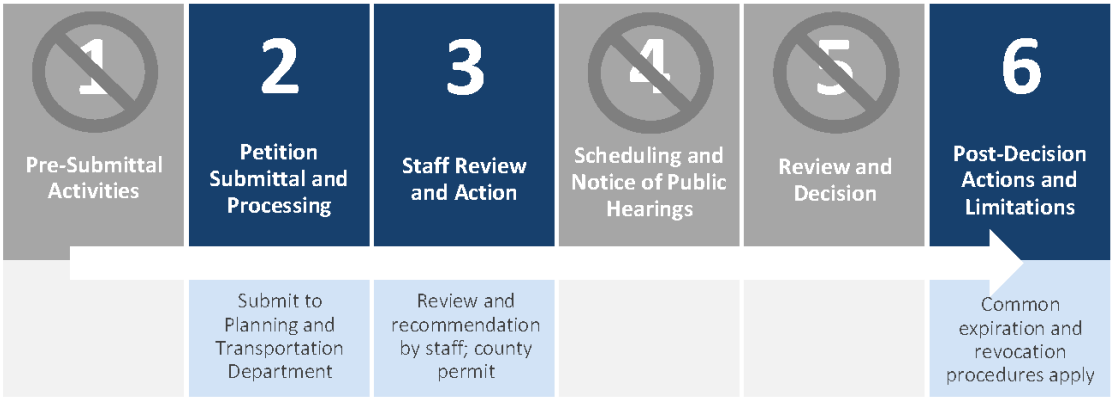


Figure 06.05-8: Summary of Certificate of Occupancy Procedure

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

(B) Staff Review and Action.

i. Temporary Certificate of Occupancy.

1. For a recommendation for a temporary certificate of occupancy to be issued each of the following shall be successfully completed:

a. Installation of required public and internal sidewalk improvements;

b. Installation of required parking areas surfaced and striped, including installation of upright ADA signage; and

c. Safe ingress and egress from all principal buildings.

2. All recommendations for a temporary certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.

3. A recommendation for a final certificate of occupancy shall be obtained within six months~~weeks~~ of the date of the recommendation for the temporary certificate of occupancy. Due to weather or other circumstances, this period may be extended once for a period of up to six months at the discretion of the Planning and Transportation Director or designee.

ii. Final Certificate of Occupancy.

1. For a recommendation for a final certificate of occupancy to be issued, the installation of all required site lighting, landscaping, and elevations as approved by the certificate of zoning compliance(s) shall be successfully completed.

2. All recommendations for a final certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.

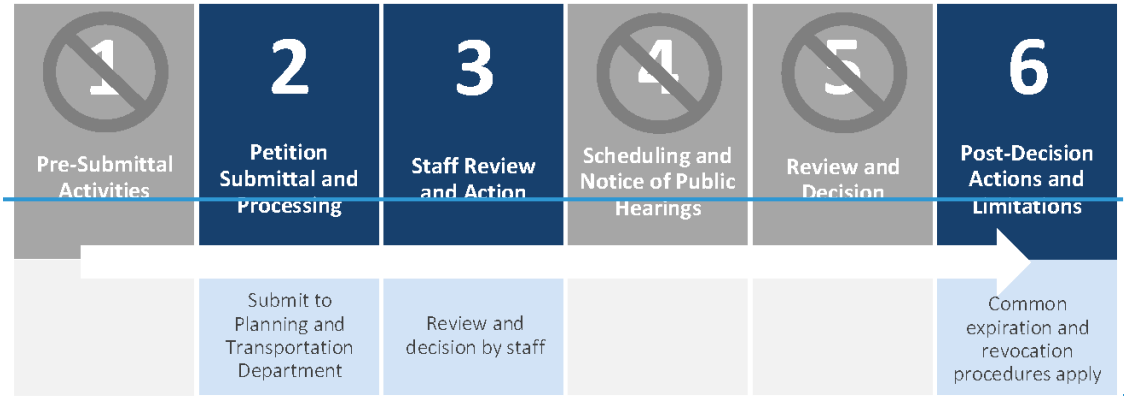
(C) Post-Decision Actions and Limitations. Post-decision actions and limitations shall be pursuant to Monroe County standards and procedures.

~~(h) Certificate of Final Acceptance.~~

~~(1) Purpose. The certificate of final acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO.~~

~~(2) Applicability. A certificate of final acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations.~~

~~(3) Certificate of Final Acceptance Review Process. Figure 06.05-9 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of final acceptance review. Additions or modifications to the common review procedures are noted below.~~



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

~~(A) Petition Submittal and Processing. The certificate of final acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).~~

~~(B) Staff Review and Action.~~

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

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

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

~~1. The completed public improvements shall comply with this UDO; have been constructed in accordance with City Engineering Department standards and specifications; and have been installed in accordance with the approved plans; and~~

~~2. All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Engineering Department.~~

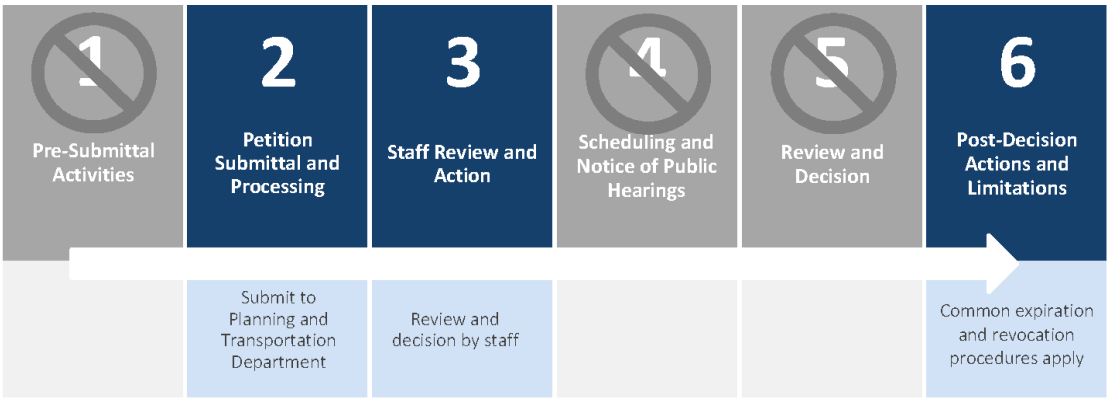
~~(C) Post-Decision Actions and Limitations. The City Planning and Transportation Department and City Engineering Department shall maintain records of all petitions, plans, and permits filed for a certificate of final acceptance.~~

(h~~i~~) Certificate of Nonconforming Use.

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

(2) Certificate of Nonconforming Use Review Process. Figure 06.05-10 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-10: Summary of Certificate of Nonconforming Use Review Procedure



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

(B) Staff Review and Action. The Planning and Transportation Director shall review the certificate of nonconforming use petition, and shall approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following criteria:

i. The petitioner shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. A certificate of nonconforming use authorizes the continuation of an existing use of a property or building with any additional terms and conditions of the certificate and shall be valid as long as the use of the building or land remains in effect and is not abandoned.

2. The certificate of nonconforming use shall clearly state that the existing use of the building or property was legally established prior to the effective date of the current UDO.

ii. Revocation of a Certificate of Nonconforming Use.

1. A certificate of nonconforming use may be revoked by the Planning and Transportation Director if the use of the property or building is inconsistent with the authorized use of the certificate of nonconforming use.

2. The Planning and Transportation Director shall notify the certificate holder in writing and provide thirty days from the date of the letter for the certificate holder to bring the use of the property into compliance with the certificate of nonconforming use, or the certificate shall be revoked.

(ij) Sign Permit.

(1) Purpose. The sign permit procedure is intended to provide a mechanism for enforcement of the sign regulations of this UDO in order to:

(A) Establish for all signs located on any premises a reasonable and impartial means to permit adequate communication;

(B) Control confusing sign displays that present a hazard to pedestrians and motorists along streets;

(C) Ensure light, air, and open space;

(D) Protect the natural beauty and environment of the City;

(E) Safeguard and enhance property values;

(F) Protect public and private investment in buildings and open spaces;

(G) Protect the public health, safety, and general welfare; and

(H) Comply with all state and federal laws and case decisions of courts applicable to the City concerning freedom of expression.

(2) Applicability.

(A) Generally.

i. Except as otherwise provided, no person shall erect any sign as defined in this UDO without first obtaining a sign permit from the Planning and Transportation Department.

ii. The use requesting the sign permit shall be legally established on the property for which the signage is being requested.

(B) Exemptions. Signs that are exempt from the sign permit requirement are specified in Section 20.04.100 (Signs).

(3) Sign Permit Review Process. Figure 06.05-11 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to sign permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-11: Summary of Sign Permit Review Procedure

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

(B) Staff Review and Action.

i. The planning and transportation staff shall review the sign permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. A staff decision on the petition shall be made within thirty days of receipt of a complete petition.

iii. If a petition for a sign permit is denied, and the denial is appealed to the Board of Zoning Appeals pursuant to Section 20.06.080(d) (Administrative Appeal), the Board of Zoning Appeals shall make a decision on the appeal at the next regularly scheduled hearing.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Duration. The sign authorized by a sign permit shall be completed and erected within six months of the date of issuance; otherwise, the sign permit shall lapse and become null and void, unless good cause for an extension of time for completion is approved by the Planning and Transportation Director.

ii. Extension. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the sign permit record.

iii. Changes or Amendments. When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the sign permit without prior approval of the Planning and Transportation Director. When granted, a written record of such amendment shall be entered upon the original sign permit petition and maintained in the files of the Planning and Transportation Department.

(jk) Temporary Use Permit.

(1) Purpose. The temporary use procedure is intended to provide a mechanism for enforcement of the temporary use regulations of this UDO, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

(2) Applicability.

(A) Generally. A temporary use permit shall be required prior to the establishment of any temporary use, unless otherwise exempted in subsection (B) below.

(B) Exemptions. The following uses are permitted and shall not be regulated as temporary uses under this UDO.

i. Garage or yard sales, tent meetings, nonprofit events and political rallies, provided they meet the following standards:

1. The event is allowed for a maximum of seven consecutive days;

2. No property shall hold more than three such events in a single calendar year; and

3. The hours of operation of such events shall be limited to between the hours of seven a.m. and eleven p.m.

ii. Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of ninety days.

iii. Any business activity licensed by Title 4 (Business Licenses and Regulations), of the Bloomington Municipal Code.

(3) Temporary Use Permit Review Process. Figure 06.05-12 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to temporary use permit review. Additions or modifications to the common review procedures are noted below.

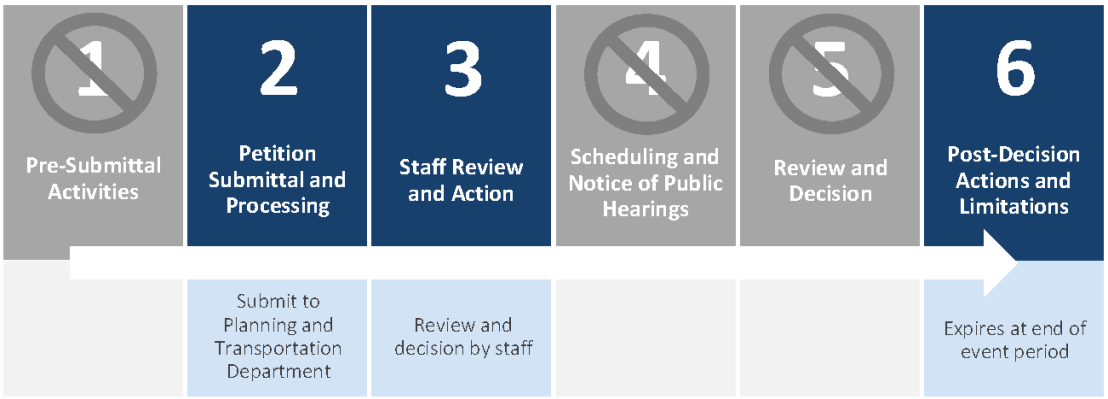


Figure 06.05-12: Summary of Temporary Use Permit Review Procedure

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

(B) Staff Review and Action. The planning and transportation staff shall review the temporary use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B)i. (Compliance with this UDO), and Section 20.03.030(h) (Temporary Uses).

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Temporary uses shall be terminated and removed at the end of the event period unless otherwise specified in Section 20.03.030(h) (Temporary Uses).

ii. A temporary use permit may be granted only one time per year on any individual zoning lot and is nonrenewable. For purposes of this standard, fireworks, Halloween pumpkin, and Christmas tree sales are considered separate uses.

(k~~l~~) Easements.

(1) Purpose. The purpose of this section is to outline the procedures for obtaining and recording easements, modifying platted or unplatted easements, terminating unplatted easements, and vacating platted easements and to ensure that the statutory requirements of the Indiana Code are met.

(2) Applicability. This Section 20.06.050(l) (Easements) governs easements that are:

(A) Required and/or granted pursuant to a provision of this UDO;

(B) Permitted or required as a commitment;

(C) Permitted or required as a condition of approval; or

(D) Shown on a recorded plat.

(3) Easement Review Process. Figure 06.05-13 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to easement review. Additions or modifications to the common review procedures are noted below.

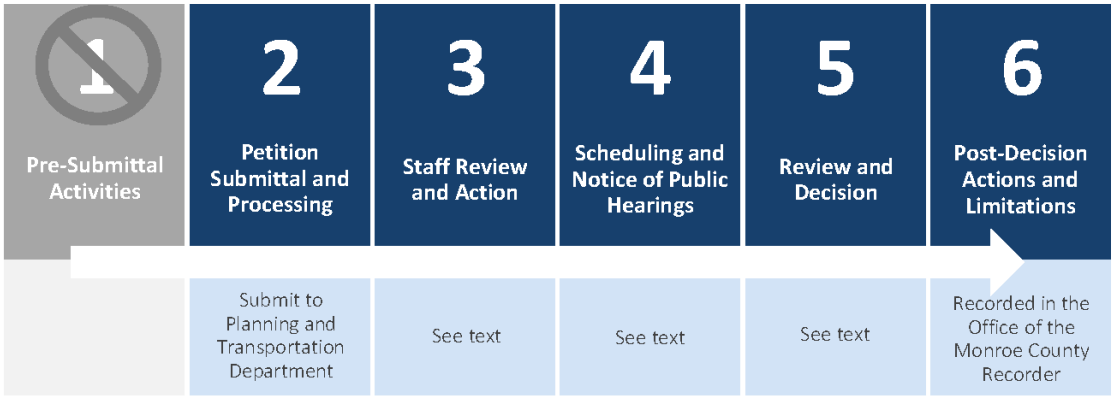


Figure 06.05-13: Summary of Easement Review Procedure

(A) Petition Submittal and Processing.

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

ii. Either the grantor or the grantee of an easement may apply to the approving body for modification of an easement.

iii. Persons who own or hold an interest in a lot or lots adjacent to a platted easement may petition the Common Council for vacation of the easement in the manner outlined in Indiana Code § 36-7-3-12.

iv. Any easement required by this UDO that is not included in a plat subject to Section 20.06.060 (Subdivision Procedures) shall comply with the procedure outlined in this Section 20.06.050(l) (Easements).

(B) Staff Review and Action.

i. Easements Not Required by Conditions or Commitments. The Planning and Transportation Director shall review the easement petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), if the Planning and Transportation Director determines that the proposed action complies with Section 20.06.040(d)(6)(B)iii. (Compliance with Utility, Service, and Improvement Standards), and those general standards for easements in Section 20.05.040(b) (General Standards) as applicable, and will not create significant adverse impacts on surrounding properties.

ii. Easements Required by Conditions or Commitments. If the easement to be vacated was established as a result of a permitted or required commitment or condition of approval by the Plan Commission or Board of Zoning Appeals, the body that required the commitment or condition of approval shall approve both the easement vacation petition and the termination of the commitment or condition. The decision of that body shall be based on a determination as to whether the proposed action complies with Section 20.06.040(d)(6)(B)iii. (Compliance with Utility, Service, and Improvement Standards), and

those general standards for easements in Section 20.05.040(b) (General Standards) as applicable, and will not create significant adverse impacts on surrounding properties.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Form. Easement instruments shall be prepared in a recordable form acceptable to the City Legal Department.

ii. Recording. Approved easement instruments shall be recorded in the county recorder's office. The original recorded easement shall be delivered to the grantee and a copy shall be delivered to the Planning and Transportation Department.

iii. 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 UDO.

iv. Removal of Improvements. When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

v. Time Limitation. If an easement modification or termination petition has been denied, the petitioner shall not file a new petition with the same or substantially similar request for a period of six months.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 21-23, § II(Att. B), 6-14-2021; Ord. No. 22-11, § II(Art. A), 5-18-2022; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.060 Subdivision procedures.

(a) General Standards.

(1) Purpose. The purpose of these subdivision procedures, and the related standards in Chapter 20.05 (Subdivision Standards) is to guide the development of the Plan Commission's jurisdiction to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities; that the needs of public utilities and facilities be recognized in the future growth; and that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

(2) Applicability.

(A) Generally. This Section 20.06.060 (Subdivision Procedures) shall apply to all subdivisions of land in any zoning district located within the jurisdiction of the Plan Commission, except as stated in subsection (B) below. No land within that jurisdiction shall be subdivided until:

i. A plat conforming to these regulations has been approved and certified by the Plan Commission; and

ii. The approved secondary plat has been filed with the county recorder's office.

(B) Exemptions. The regulations of this Section 20.06.060 (Subdivision Procedures) shall not apply to the following:

i. An adjustment of lot lines as shown on a recorded plat which does not reduce the lots below the minimum zoning requirements of Chapter 2 and does not increase the original number of lots. Such adjustment is subject to Sections 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).

ii. A division of land into two or more tracts for an agricultural use of ten or more acres, not involving any new street or access easement.

iii. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in state law.

v. Modification of existing streets to conform to the Comprehensive Plan.

vi. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.

vii. The exchange of land between owners of adjacent property provided that such exchange does not reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels. Such adjustment is subject to Sections 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).

viii. The platting of condominium units regulated by Indiana Code Article 32-25 (Condominiums).

(C) Jurisdiction. After the provisions of this Section 20.06.060 (Subdivision Procedures) and related provisions in Chapter 20.05 (Subdivision Standards) have been adopted, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by this UDO.

(D) Subdivision Type. All subdivisions shall be designed according to one of the subdivision types specified in Chapter 20.05 (Subdivision Standards). A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the Plan Commission.

(b) Primary Plat.

(1) Purpose. The primary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability. A primary plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

(3) Primary Plat Review Process. Figure 06.06-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to primary plat review. Additions or modifications to the common review procedures are noted below.

Figure 06.06-1: Summary of Primary Plat Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D) (Development Review Committee (DRC) Meeting).

iii. For petitions subject to review and a decision by the Plan Commission, pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

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

(D) Scheduling and Notice of Public Hearings. Within thirty days after receipt of a complete petition, the primary plat petition shall be scheduled for a public hearing before the Plan Commission or plat committee and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision. The Plan Commission or plat committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

i. All subdivision proposals shall be consistent with the need to minimize flood damage.

ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA.

vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Subdivision Waivers. Waivers from any standards within Chapter 5 shall be reviewed according to the following criteria:

i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injuries to other property; and

ii. The conditions upon which the request for a Subdivision Waiver are based are unique to the property; and

iii. The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan, except that waivers related to sidewalks and tree plots in the Transportation Plan may be requested.

(G) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. All decisions of the Plan Commission or plat committee approving, denying, or placing conditions upon a primary plat must be in writing and signed by the president of the Plan Commission, the chair of the plat committee, or the Planning and Transportation Director.

2. The approval of a primary plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.

ii. Revisions to Primary Plat. Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Expiration of Primary Plat.

1. A secondary plat petition shall be filed no later than twelve months after the date of approval of the primary plat, otherwise the primary plat approval shall be considered void, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

2. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the primary plat record.

(c) Secondary Plat.

(1) Purpose. The secondary plat procedure provides a mechanism for the City to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability. No secondary plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded in the office of the Monroe County Recorder until the plat has been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the president of the Plan Commission, chair of the plat committee, or the Planning and Transportation Director.

(3) Secondary Plat Review Process. Figure 06.06-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to secondary plat review. Additions or modifications to the common review procedures are noted below.

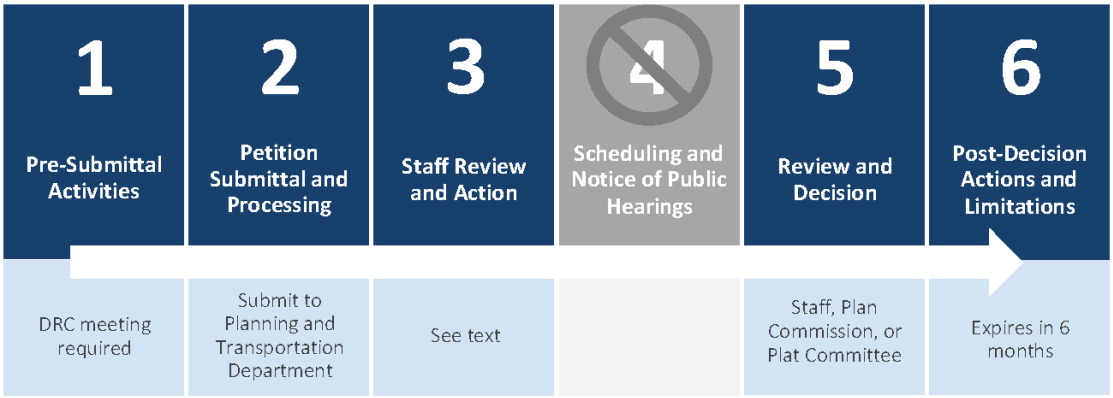


Figure 06.06-2 to be edited to remove "DRC meeting required" from the first step.

Figure 06.06-2: Summary of Secondary Plat Procedure

(A) Pre-Submittal Activities. ~~A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).~~

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

(C) Staff Review and Action. Staff review and action standards in Section 20.06.040(d) (Staff Review and Action) shall apply with the following modifications:

i. Review and Decision by Staff.

1. If Table 06-1 (Summary Table of Review Procedures) authorizes the plat committee or Plan Commission to make a decision on a secondary plat, and the plat committee or Plan Commission determines that the application is not unusually complex or does not raise potentially unique or serious impacts on the City or the surrounding neighborhoods, the plat committee or Plan Commission may, at their discretion, refer the decision to the staff for decision pursuant to the same criteria that the plat committee or Plan Commission would have been required to apply to that decision.

2. Prior to approval of a secondary plat, the Plan Commission or plat committee shall have approved the primary plat; and the primary plat must not be expired.

3. The staff shall, based upon the facts presented for review, notify the petitioner in writing what revisions, changes, or further changes in the petition are needed for approval.

4. Following the petitioner's submittal of plans that incorporate the necessary revisions, the staff shall approve the secondary plat, or the Planning and Transportation Director may forward the secondary plat to the plat committee for review; or forward the secondary plat to the Plan Commission for review.

ii. Review and Decision by the Plan Commission or Plat Committee. If the Plan Commission elects to review the secondary plat, or delegates to the plat committee authority to review the secondary plat, then the Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Review and Decision. The Plan Commission or plat committee shall review the secondary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. After compliance with this UDO and upon approval of the secondary plat, the Planning and Transportation Director shall sign and seal the plat at the appropriate locations.

2. The staff shall then notify the petitioner of the Planning and Transportation Director's actions.

3. The petitioner shall then file the secondary plat for recording in the office of the Monroe County Recorder, as required by law.

4. Within thirty days after recording the secondary plat, the petitioner shall provide the City Planning and Transportation Department with a copy of the recorded plat in a form acceptable to the City.

ii. Expiration of Secondary Plat.

1. If the secondary plat, or a phase thereof, has not been recorded within a maximum period of six months from the date of approval by the Plan Commission or plat committee, the secondary plat shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

2. For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or plat committee, successive phases shall be recorded within eighteen months of the previous phase. If a successive phase fails to meet the eighteen-month requirement, the approval of the phases that have not been recorded shall be null and void, but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

iii. Financial Bond Required.

1. Purpose. In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that ~~all~~ public facility improvements and installations required under the provisions of this UDO and Planning and Transportation and Engineering Departments requirements shall be completed.

2. Applicability.

a. A performance agreement between the petitioner and the City, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.

~~b. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.~~

b~~c~~. The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the City. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).

c~~d~~. The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

3. Review. The ~~City~~ Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Engineering Department shall verify that the performance bond or letter of credit shall:

a. Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost ~~of the project~~ in order to be sufficient to complete the improvements and installations in compliance with this UDO and ~~City~~ Engineering Department requirements;

~~b. Provide bond satisfactory to the City or to the county;~~

b~~c~~. Run to and be in favor of the City ~~or the county~~;

c~~d~~. Specify the time for the completion of the improvements and installations (both on site and off site);

d~~e~~. Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years;

e~~f~~. Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [d]~~e.~~ above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved by the Board of Public Works. The maintenance bond shall be in the amount of five percent of the

original performance bond, or ten thousand dollars, whichever is greater, or as determined by the City Engineer; and

fg. Be in a form approved by the ~~City~~ Legal Department.

4. Report. The ~~City~~ Engineering Department shall recommend approval or rejection of the performance bond to the Board of Public Works.

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

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

7. Extension of Completion Time. Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the ~~City Planning and Transportation~~ Engineering Department may approve the petitioner's written request for an extension of time for up to one additional year, ~~granted at six month intervals and~~ conditioned ~~in every case~~ upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations.~~, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.~~ Additional one year extensions beyond the effective period of three years may be considered by the Board of Public Works based on the following criteria:

a. The petitioner remains responsive and responsible;

b. The petitioner continues to make progress on the required public facility improvements;

c. There are no other approved subdivisions that require use of the public facility improvements;

d. There are no other property owners or residents within the subdivision that are served by insufficient public facilities as determined by the Engineering Department;

e. The extension is in the public's best interest and will not jeopardize the health, safety, or welfare of the public.

Extensions beyond an effective period of three years may require an increase in the bond amount and may require modifications to the public facility improvements in order to ensure compliance with current standards. All extension requests must be made in writing at least 3 months prior to the end of the approved effective period.

8. Nonperformance. Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the Engineering~~City Planning and Transportation~~ Department, the City may take the necessary steps to

proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

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

10. Performance Bond Reductions.

a. P~~Annual p~~artial releases of performance sureties held by the City may~~shall~~ be approved by the Board of Public Works~~City Engineering Department~~ in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer or his or her designee, and the developer or his or her designee.

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

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

ii. No performance bond shall be reduced beyond seventy-five percent of the original bond amount.

iii. Periodic partial releases shall not occur before completion of at least thirty percent of the improvements covered by the performance bond.

(d) Vacating Plat.

(1) Purpose. The vacating plat procedure provides a mechanism for the City to review a petition for the vacation of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability.

(A) Secondary Plat.

i. The owner of land in a secondary plat may file with the Plan Commission or plat committee a petition to vacate all or part of the secondary plat pertaining to the land owned by the petitioner.

ii. In a case in which not all the owners of land in a secondary plat are in agreement regarding a proposed vacation, one or more owners of the land in the secondary plat may file with the Plan Commission or plat committee a petition to vacate all of the secondary plat or only that part of the secondary plat that pertains to land owned by the petitioner or petitioners. A petition under this subsection shall:

1. State the reasons for and the circumstances prompting the request;

2. Specifically describe the property in the secondary plat proposed to be vacated; and

3. Give the name and address of every other owner of land in the secondary plat.

(B) Rights-of-way. This plat vacation procedure shall not be used to vacate rights-of-way, regardless of whether they are platted. Rights-of-way shall be vacated pursuant to Indiana Code § 36-7-3-12.

(C) Covenants or Commitments. The plat vacation petition may include a request to vacate any recorded covenants or commitments filed as part of the secondary plat. The covenants or commitments are then also subject to vacation.

(D) Easements.

i. This plat vacation procedure shall not be used to vacate platted easements. Platted easements shall be vacated pursuant to Section 20.06.050(l) (Easements).

ii. Per Indiana Code § 36-7-3-16, platted easements are vacated by the Common Council.

(E) Public Utilities. Notwithstanding the provisions of this Section 20.06.060(d) (Vacating Plat), plat vacation proceedings do not deprive a public utility of the use of all or part of a public right-of-way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public right-of-way or public place for the location and operation of its facilities. However, the utility may waive its rights under this section by filing its written consent in the plat vacation proceedings.

(3) Vacating Plat Review Process. Figure 06.06-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to the vacating plat review. Additions or modifications to the common review procedures are noted below.

Figure 06.06-3: Summary of Vacating Plat Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D) (Development Review Committee (DRC) Meeting).

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

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

(D) Scheduling and Notice of Public Hearings. The vacating plat petition shall be scheduled for a public hearing before the Plan Commission or plat committee and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision. The Plan Commission or plat committee shall review the vacating plat petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the following specific approval criteria:

i. Grounds for Remonstrances and Objections. All persons may comment at the public hearing in accordance with the procedural rules of the Plan Commission or plat committee. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed plat vacation, but only on one or more of the following grounds:

1. The plat 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 plat vacation would make access to the lands of the aggrieved person by means of a public right-of-way difficult or inconvenient;

3. The plat vacation would hinder the public's access to a place of worship, school, or other public building or place; and/or

4. The plat vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

ii. Findings of Fact. The Plan Commission or plat committee may approve the petition for plat vacation of all or part of a secondary plat only upon making written findings that:

1. Conditions in the platted area have changed so as to defeat the original purpose of the secondary plat;

2. It is in the public interest to vacate all or part of the secondary plat; and

3. The value of that part of the land in the secondary plat not owned by the petitioner will not be diminished by vacation.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Decision.

1. The findings of fact shall be signed by the president of the Plan Commission or plat committee chair.

2. The Plan Commission or plat committee shall furnish a copy of its decision to the office of the Monroe County Recorder for recording.

3. The plat vacation instrument shall be signed by the president of the Plan Commission or plat committee chair and the owner of the vacated property.

4. The petitioner shall record the plat vacation instrument in the office of the Monroe County Recorder within sixty days of the approval of the plat vacation. Failure to record the vacation within that time period shall render the vacating plat null and void. The petitioner shall deliver a copy of the recorded plat vacation instrument to the City Planning and Transportation Department.

ii. Bond Requirement. In conjunction with the approval of a plat vacation, and unless determined to be unnecessary by the Plan Commission or plat committee, the petitioner shall provide financial bond for all public improvements pursuant to Section 20.06.060(c)(3)(E)iii. (Financial Bond Required).

iii. Time Limitation. After the termination of a plat vacation proceeding under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for three years.

(Amd. of 1-14-2020; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Art. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.070 Plan and ordinance amendments.

(a) Comprehensive Plan Amendment. The following procedure is established for review and amendment of the Comprehensive Plan.

(1) The Plan Commission may recommend, and the Common Council may determine the appropriate interval for a review, but such review should be conducted once every four years.

(2) Amendments to the Comprehensive Plan shall proceed pursuant to Indiana Code § 36-7-4, Series 500.

(b) Zoning Map Amendment.

(1) Purpose. The zoning map amendment procedure is intended to provide a mechanism for the City to consider a petition for the rezoning of real property within the jurisdictional area of the Plan Commission and to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.

(2) Applicability. The zoning map amendment procedure applies to all proposals requesting to change the zoning district classification of a parcel of real property to a different zoning district classification. This procedure does not include changing the zoning classification of a parcel to a Planned Unit Development, which is governed by Section 20.06.070(c) (Rezoning to Planned Unit Development).

(3) Zoning Map Amendment Review Process. Figure 06.07-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to zoning map amendment review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-1: Summary of Zoning Map Amendment Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

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

(D) Scheduling and Notice of Public Hearings.

i. The zoning map amendment petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

ii. Mailed notice shall not be required if the Plan Commission or Common Council initiate a petition to repeal and replace the zone maps for all or substantially all of the City.

(E) Review and Decision.

i. Plan Commission Review and Recommendation.

1. The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following specific approval criteria:

a. The recommendations of the Comprehensive Plan;

b. Current conditions and character of structures and uses in each zoning district;

c. The most desirable use for which the land in each zoning district is adapted;

d. The conservation of sensitive environmental features;

e. The conservation of property values throughout the jurisdiction; and

f. Responsible development and growth.

2. The Plan Commission shall forward the petition to the Common Council with:

a. A favorable recommendation;

b. A favorable recommendation with conditions and/or commitments;

c. A negative recommendation;

d. No recommendation; or

e. Continue the petition to a definite future meeting date.

3. If the petition has not been continued, the Plan Commission shall certify and forward the petition to the Common Council.

ii. Common Council Review and Decision.

1. The Common Council shall act on the petition within ninety days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-608.

2. Commitments may be allowed or required as part of a proposal to amend the zoning map under Indiana Code § 36-7-4-608 and this UDO.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval of the Amendment.

1. When an amendment of the Official Zoning Map is approved, such amendment shall be incorporated into the Official Zoning Map in the geographic information system maintained by the City.

2. For zoning map amendments located adjacent to public streets, all required right-of-way shall be dedicated in compliance with the Transportation Plan. Such dedication shall take place within one hundred eighty days of approval of the zoning map amendment. The one-hundred-eighty-day time limit may be extended by the Planning and Transportation Director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the City.

ii. Automatic Termination of Commitments. A commitment made in connection with a zoning map amendment approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(c) Rezoning to Planned Unit Development (PUD).

(1) Purpose. The rezoning to a Planned Unit Development (PUD) procedure is established to achieve the purposes of Section 20.02.050 (Planned Unit Development (PUD) District) and to ensure that the statutory requirements established in the Indiana Code § 36-7-4-1500 et seq. are met. The PUD procedure shall not be used when a Conditional Use permit, variance, minor modification, or rezoning to an existing base zoning district could achieve a similar result.

(2) Applicability.

(A) This procedure applies to new Planned Unit Development (PUD) proposals, and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD district ordinance or the general layout of any element of the preliminary plan, and that does not qualify for approval pursuant to Section 20.06.080(a) (Minor Modification).

(B) Any property owner in a district other than the MD district may propose a PUD zoning district in accordance with these procedures. A parcel proposed for a PUD is not required to be under single ownership. However, if not under single ownership, the multiple owners must all consent to the development of their individual properties consistent with the requirements of the proposed PUD district ordinance. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained in the UDO. An approved preliminary plan shall be binding upon the petitioner, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.

(C) All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by Chapter 20.06 (Administration and Procedures).

(3) Rezoning to Planned Unit Development (PUD) Review Process. Figure 06.07-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to rezoning to Planned Unit Development (PUD) review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-2: Summary of Rezoning to Planned Unit Development (PUD) Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

(B) Petition Submittal and Processing. A petition for rezoning to a Planned Unit Development (PUD) petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. PUD Plan Required.

1. A petition for rezoning to a PUD shall include all submittal requirements as specified by the Planning and Transportation Director or required by the administrative manual.

2. A preliminary PUD plan and then a final PUD plan is required, unless the Planning and Transportation Director determines that the proposed divergence from UDO standards is so minor that only a final PUD plan is needed.

3. The preliminary plan shall include the conceptual location of all required improvements.

Approval of the PUD plan is required prior to approval of a development permit in a PUD district.

ii. PUD Plan Contents. The submittal requirements and specifications for the PUD plan shall be established in the administrative manual.

iii. Petition. A petition for a Planned Unit Development shall not be considered complete until all information and documentation required by this subsection and the administrative

manual has been submitted and all meetings required by Section 20.06.070(c)(3) (Rezoning to Planned Unit Development (PUD) Review Process) have been completed.

(C) Staff Review and Action.

i. PUD District Ordinance and Preliminary Plan. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

ii. Final Plan.

1. The Plan Commission may, by rule, delegate to staff authority to review final plans. If authority is delegated to staff, the Planning and Transportation Director shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District).

2. Staff may allow or require the owner to make a written commitment and shall have all powers and duties of the Plan Commission under this section except the power to approve modification or termination of a commitment.

3. Minor Deviations from Preliminary Plan. If the Planning and Transportation Director finds the final plan proposes minor deviations from the approved preliminary plan that do not require a PUD district ordinance amendment or a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i. (Preliminary Plan), and that do not change the concept or intent of the development, he or she may review and approve or deny the final plan without public notice or a public hearing, as authorized by rule of the Plan Commission. The Planning and Transportation Director's decision is subject to appeal under Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission).

4. Determination that Amendment is Required.

a. If the Planning and Transportation Director finds the final plan proposes changes to the approved PUD district ordinance, or deviations from the approved preliminary plan that require a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i. (Preliminary Plan), he or she shall not approve the final plan, but shall notify the petitioner that a PUD amendment is required pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

b. If the petitioner disagrees with the Planning and Transportation Director's determination, he or she may request that the Plan Commission review the final plan and determine whether such amendment is required. Such request shall be submitted in writing to the Planning and Transportation Department not later than fourteen days after the Planning and Transportation Director's determination is made.

c. The Plan Commission procedure upon such review shall be the same as for an appeal under Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission). If the Plan Commission determines that no amendment to the PUD district ordinance or preliminary plan is required, the Plan Commission shall review and act upon the final plan. In this case, the Plan

Commission decision shall be final and appealable pursuant to Indiana Code § 36-7-4-1016.

d. If the Plan Commission determines that an amendment is required pursuant to Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission), the Plan Commission shall review the proposal as a PUD amendment petition and shall forward a recommendation to the Common Council, pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

iii. Scheduling and Notice of Public Hearings.

1. PUD District Ordinance and Preliminary Plan. The rezoning to a Planned Unit Development (PUD) petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

2. Final Plan. The final plan petition shall be scheduled for a public hearing before the Plan Commission, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings) when:

a. The Plan Commission recommends denial of the PUD district ordinance and preliminary plan; or

b. The Plan Commission provides no recommendation on the PUD district ordinance and preliminary plan and the Common Council approves the PUD district ordinance and preliminary plan.

(D) Review and Decision.

i. PUD District Ordinance and Preliminary Plan.

1. Plan Commission Review and Recommendation. The Plan Commission shall review the rezoning to a Planned Unit Development (PUD) petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District) below.

a. The Plan Commission shall forward the petition to the Common Council with:

i. A favorable recommendation;

ii. A favorable recommendation with conditions and/or commitments;

iii. A negative recommendation;

iv. No recommendation; or

v. Continue the petition to a definite future meeting date.

b. If the petition has not been continued, the Plan Commission shall certify and forward the petition to the Common Council.

2. Changes by Plan Commission.

a. The Plan Commission may vote to favorably recommend a proposal with changes to the PUD district ordinance or to the preliminary plan if the

petitioner agrees in writing to the changes. If the petitioner is unable to respond to the proposed changes prior to the vote, then such motion and vote shall be: either for favorable recommendation, with the changes, contingent upon the petitioner's acceptance of the changes in writing within ten days of the Plan Commission's approval, or, in the alternative, if the petitioner fails to accept the changes in writing within said specified time, the Plan Commission's motion and vote shall be to continue the petition to the next Plan Commission meeting.

b. The Plan Commission shall permit the petitioner to comment upon changes to the PUD district ordinance or to the preliminary plan made by the Plan Commission after a motion to approve with changes is made but prior to the vote, and the Plan Commission may amend its motion accordingly.

3. Revisions. Following Plan Commission approval, the petitioner shall submit revised copies of the PUD district ordinance and preliminary plan that address the comments, concerns, and conditions of approval of the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

4. Common Council Review and Decision.

a. The Common Council shall vote on the proposal within ninety days after the Plan Commission certifies the proposal in accordance with Indiana Code § 36-7-4-608.

b. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety days, the ordinance codified in this chapter takes effect as if it had been adopted (as certified) ninety days after certification.

c. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety days, the proposal is defeated.

d. The Common Council may adopt or reject the proposal and may also exercise powers set forth under the Indiana Code § 36-7-4-1500 Series and this section. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments under Indiana Code § 36-7-4-608.

ii. Final Plan. When the Plan Commission is the final review authority for a final plan, the Plan Commission shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District).

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Preliminary Plan.

1. Effect of Approval.

a. When a PUD district ordinance and preliminary plan for a Planned Unit Development have been approved by the Common Council, the PUD district ordinance and preliminary plan shall become effective and its location shall be shown on the Official Zoning Map. The Official Zoning Map shall be amended to designate the site as a PUD zoning district.

b. For PUDs located adjacent to existing public streets, all required right-of-way for such public streets shall be dedicated in compliance with the Transportation Plan. Such dedication shall take place within one hundred eighty days of approval of the PUD district ordinance. The one-hundred-eighty-day time limit may be extended by the Planning and Transportation Director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the City.

c. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD district ordinance and preliminary plan, subject to approval of a final plan.

d. No permit of any kind shall be issued until the final plan has been approved.

2. Duration.

a. Abandonment. The preliminary plan shall be considered abandoned if, three years after the approval of the preliminary plan by the Common Council, no final plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the preliminary plan should be extended for a period up to a maximum of one hundred eighty days. If no extension is sought for the Planned Unit Development, and the three-year period since Common Council approval has elapsed, the Plan Commission may initiate a proposal to rezone the area designated as a Planned Unit Development to an appropriate zoning district. Any such rezoning shall follow the process provided in Section 20.06.070(b) (Zoning Map Amendment). The owner or owners of any property proposed to be rezoned by the Plan Commission under the provisions of this subsection shall be notified at least twenty-one days in advance of the Plan Commission public hearing on the proposed rezoning.

b. Review. If, ten years after the approval of the preliminary plan by the Common Council, final plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved final plans, the Plan Commission may, on its own initiative, make a recommendation to the Common Council to rezone those portions of the Planned Unit Development that do not have approved final plans to an appropriate zoning district.

3. Changes or Amendments.

a. PUD District Ordinance. Amendments to the PUD district ordinance shall follow the procedure for creating a new PUD district ordinance pursuant

to this Section 20.06.070(c) (Rezoning to Planned Unit Development (PUD)).

b. Preliminary Plan. To the extent that a preliminary plan is a conceptual and general rendering of a proposed development conforming to the PUD district ordinance, a final plan may deviate from the approved preliminary plan in some respects without necessitating an amendment to the preliminary plan. However, any deviation from an approved preliminary plan that alters the concept or intent of the Planned Unit Development shall be subject to the procedure for approval of a new preliminary plan. The Plan Commission may require that a petition for preliminary plan amendment encompass the entire Planned Unit Development. Deviations that require a preliminary plan amendment include, but are not limited to, the following:

i. Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;

ii. Increases in residential density;

iii. More than a ten percent change to the proportion of housing types;

iv. Substantial increase in the building envelope;

v. More than a one percent reduction of proposed open space;

vi. Changes in functional uses of open space, where such change constitutes an intensification of open space usage;

vii. Substantial change in the ratio of off-street parking spaces to use;

viii. Substantial changes in standards, continuity, or general location of roads, utilities, or stormwater management features; or

ix. Substantive changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by this UDO.

ii. Final Plan.

1. Effect of Approval.

a. No permit of any kind shall be issued for any purpose within a Planned Unit Development zoning district except in accordance with the approved final plan. Any material deviation from the final plan is subject to appropriate enforcement action.

b. No permit of any kind shall be issued until the final plan has been approved.

2. Duration.

a. Abandonment. The final plan shall be considered abandoned if no site development permits or building permits have been obtained and are still valid for the area contained in the final plan within three years after final plan approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this UDO.

b. Extension. An extension, not to exceed twelve months, may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one twelve-month extension.

3. Changes or Amendments.

a. Minor Changes. The Planning and Transportation Director may approve minor changes to an approved final plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to Section 20.06.070(c)(3)(E)ii.4. (Appeal to the Plan Commission). This shall include the following:

i. Minor changes in the location and siting of buildings and structures;

ii. Changes in height of less than one story, but not over eight feet in any case;

iii. Minor changes to an approved landscape plan that do not alter the general concept or screening effectiveness of the landscaping;

iv. Minor changes to the internal street system and off-street parking areas;

v. Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD district ordinance and preliminary plan in that general location; and

vi. Changes of less than ten percent of the gross floor area of an approved building.

b. Major Changes. The following changes shall require a new final plan, provided that this subsection b. shall not be interpreted to allow any change that would otherwise require an amendment to the PUD district ordinance and/or the preliminary plan:

i. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;

ii. Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of Section 20.04.030 (Environment), or other such development or design standards in the PUD district ordinance;

iii. Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways; and/or

iv. Any reduction in aesthetic treatment.

4. Appeal to Plan Commission. Interested parties, as defined in Section 20.06.040(e)(2)(D) (Notice to Interested Parties), affected by the decision of the Planning and Transportation Director upon review of a final plan may within ten days of such decision request that the Plan Commission review the Planning and Transportation Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be

required with notice pursuant to the Plan Commission rules of procedure. The Plan Commission may affirm, reverse, or modify the Planning and Transportation Director decision.

5. Revisions. Following final approval, the petitioner shall submit revised copies of the final plan that address the comments and concerns of the staff. The petitioner shall refer to the final plan petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Automatic Termination of Commitments. A commitment made in connection with the adoption of a PUD district ordinance or PUD final plan approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(4) Approval Criteria for Rezoning to a Planned Unit Development (PUD) District. The Plan Commission and Common Council shall only approve a petition for rezoning to a PUD district if they determine that the petition:

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

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

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

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

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

i. The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;

ii. The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or

iii. The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a tier 1 or tier 2 affordable housing incentive under Section 20.04.110(c)(5) (Affordable Housing Incentives) by either:

1. Income-restricting at least ten percent more of the dwelling units at or below the income levels required to earn a tier 1 or tier 2 incentive; or

2. Income restricting the same number of dwelling units required to earn a tier 1 or tier 2 affordable housing incentive, but limiting incomes to at least ten

percent lower AMI level than would have been required to earn a tier 1 or tier 2 incentive under Section 20.04.110(c)(5) (Affordable Housing Incentives).

(5) Changes to an Approved PUD District.

(A) Changes to the UDO that directly affect public health and safety shall apply to any PUD even if such changes are adopted during the PUD build-out.

(B) To the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition), changes to the UDO that alter any development standards for which the PUD district ordinance is silent shall apply to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change.

(C) To the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition), if a PUD is no longer proceeding in accordance with its PUD district ordinance, commitments, or time requirements imposed through the procedures in this Section 20.06.070(c) (Rezoning to Planned Unit Development (PUD)) or by agreement, amendments to the UDO may be applied to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change.

(D) After at least ninety-five percent of a PUD has been built-out, the PUD may be subject to being rezoned into an appropriate standard zoning district pursuant to Section 20.06.070(b) (Zoning Map Amendment).

(d) Zoning Text Amendment.

(1) Purpose. The zoning text amendment procedure is intended to provide a mechanism for the City to consider a petition for an amendment to the text of this UDO and to ensure that the statutory requirements established in the Indiana Code for amending the ordinance text are met.

(2) Applicability. The zoning text amendment procedure applies to all proposals requesting to change the text of this UDO.

(3) Zoning Text Amendment Review Process. Figure 06.07-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to zoning text amendment review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-3: Summary of Zoning Text Amendment Procedure

Figure 06.07-3: Summary of Zoning Text Amendment Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing.

i. Only the members of the Common Council or the Plan Commission shall have standing to initiate a proposal to amend the text of this UDO.

ii. The staff shall prepare the proposal upon the direction of either the Plan Commission or the Common Council. The staff shall prepare the proposal so that it is consistent with Indiana Code § 36-7-4-601.

(C) Staff Review and Action. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings. Within sixty days of initiating a proposal to amend the text of this UDO or of receiving a proposal from the Common Council, the zoning text amendment petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision.

i. Plan Commission Review and Recommendation. The Plan Commission shall review the zoning text amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the specific approval criteria in Section 20.06.070(d)(4) (Approval Criteria for Zoning Text Amendment).

1. The Plan Commission shall certify and forward the proposal to the Common Council with:

a. A favorable recommendation;

b. A negative recommendation;

c. No recommendation; or

d. Continue the proposal to a definite future meeting date.

ii. Common Council Review and Decision. The Common Council shall vote on the proposal within ninety days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-607.5, which governs whether the proposal is adopted or defeated.

(F) Post-Decision Actions and Limitations. If the proposal is adopted by the Common Council pursuant to Indiana Code § 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in this UDO printed by the City.

(4) Approval Criteria for Zoning Text Amendment. In reviewing the proposal, the Plan Commission and Common Council shall pay reasonable regard to:

(A) The Comprehensive Plan;

(B) Current conditions and the character of current structures and uses in each zoning district;

(C) The most desirable use of land in each zoning district;

(D) The conservation of sensitive environmental features;

(E) The conservation of property values throughout the jurisdiction; and

(F) Responsible development and growth.

(Amd. of 1-14-2020; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.080 Flexibility and relief procedures.

(a) Minor Modification.

(1) Purpose. The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this UDO where strict application of the UDO would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the UDO. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this UDO and shall not be used to circumvent the variance procedure.

(2) Applicability.

(A) Other Incentives are Prerequisite. All available incentives and allowances in this UDO shall be used before a minor modification may be considered, including but not limited to the exceptions in Section 20.04.020 (Dimensional Standards). (For example, a petitioner shall apply all available alternate standards for increased height before applying for a minor modification for increased height.)

(B) Table of Allowable Minor Modifications. A petition for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 06-2 (Allowable Minor Modifications).

Table 06-2. Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
Lot width, minimum	10
Lot area, minimum	10
Lot Dimensional Standards	
Front building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building facade at build-to range, minimum	25
Side building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Rear building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Encroachment into setback pursuant to Table 04-6	10
Impervious surface coverage, maximum	5
Building Standards	
Primary structure height, maximum	10
Primary structure height, minimum	10

Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 04-7: Authorized Exceptions to Height Requirements	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaped area	10
Fence or wall height, maximum	15

(C) Reasonable Accommodations Under the FFHA.

i. In response to a written petition identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Planning and Transportation Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

1. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or

2. Reduce any off-street parking requirement by no more than one space.

ii. The Planning and Transportation Director may approve a type of reasonable accommodation different from that requested by the petitioner if the Planning and Transportation Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Planning and Transportation Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

(D) Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). The Planning and Transportation Director may grant minor modifications in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Planning and Transportation Director approve a modification that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this UDO prohibits such use or accessory use, structure, or activity.

(3) Limitations on Minor Modifications.

(A) Except when requested as a reasonable accommodation for Fair Housing Act or Religious Land Use and Institutionalized Persons Act purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Chapter 20.04 (Development Standards and Incentives).

(B) The minor modification procedure shall not apply to any proposed modification or deviation that results in:

i. A change in permitted uses or mix of uses;

ii. A deviation from building or fire codes;

iii. A deviation from engineering standards;

iv. Requirements for public roadways, utilities, or other public infrastructure or facilities; or

v. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(4) Minor Modification Review Process.

(A) Petition Submittal and Handling. A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a Conditional Use permit, temporary use permit, site plan review (minor or major), certificate of zoning compliance, or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision.

i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the Planning and Transportation Director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria).

ii. Where the concurrently reviewed petition requires review and approval by the Plan Commission, Plat Committee, or Common Council, the decision-making body, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria).

(C) Effect of Approval. Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the petition.

(D) Expiration of Minor Modification. A minor modification shall automatically expire if the associated development petition is denied or if approval of the concurrently reviewed petition expires, is revoked, or otherwise deemed invalid.

(5) Minor Modification Approval Criteria. A minor modification may be approved if the decision-making body finds that the modification:

(A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;

(B) Is not necessitated by the petitioner's actions; and

(C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance.

(1) Purpose. The variance procedure provides a mechanism for the City to authorize variances from the development standards of this UDO when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this UDO, where, owing to special conditions, literal enforcement of this UDO will result in practical difficulties or unnecessary hardship.

(2) Applicability.

(A) Development Standards Variance.

i. The board of zoning appeals or hearing officer, in accordance with the procedures established in this UDO, may grant variances from the development standards applicable to the zoning district in which the subject property is located.

ii. It is not within the jurisdiction of the board of zoning appeals or hearing officer to grant development standards variances of Chapter 20.05 (Subdivision Standards).

(B) Floodplain Variance.

i. The board of zoning appeals or hearing officer, in accordance with the procedures established in this UDO, may grant variances from the standards in Section 20.04.040(d) (Flood Hazard Reduction), only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

ii. Variances may be granted for the reconstruction, restoration, repair, or rehabilitation of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

iii. No variance for a residential use within a floodway that requires a permit for construction in a floodway from the Indiana Department of Natural Resources pursuant to the provisions of Indiana Code § 14-28-1 or a project that is subject to Section 20.04.040(e)(2)(C) may be granted.

(3) Variance Review Process. Figure 06.08-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to variance review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-1: Summary of Variance Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting.

iii. For petitions subject to review and decision by the board of zoning appeals, a development review committee meeting may be required at the discretion of the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

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

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

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

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

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

1. General Approval Criteria.

a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

b. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and

c. The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.

2. Affordable Housing Incentive Criteria. In addition to the general approval criteria in subsection (1) above, the Board of Zoning Appeals or hearing officer may grant a variance from Section 20.04.070(d)(5) (Neighborhood Transition Standards) for any project that qualifies for the affordable housing incentives established in Section 20.04.110(c) (Affordable Housing) if the petitioner can demonstrate that:

a. The neighborhood transition standards substantially reduce or eliminate the building height incentive that would otherwise be allowed through the affordable housing incentive; and

b. The development impact to abutting and adjacent properties is minimized through building placement, design, and massing.

~~3. Determinate Sidewalk Variance Approval Criteria. While not to be included as separate findings of fact, items to consider when determining the practical~~

~~difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:~~

~~a. That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or~~

~~b. That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or~~

~~c. The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or~~

~~d. The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or~~

~~e. Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.~~

ii. Floodplain Variance.

1. Review Considerations. In reviewing floodplain variance requests, the Board of Zoning Appeals or the hearing officer shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following:

a. The danger of life and property due to flooding or erosion damage.

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

c. The importance of the services provided by the proposed facility to the community.

d. The necessity of the facility to a waterfront location, where applicable.

e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

f. The compatibility of the proposed use with existing and anticipated development.

g. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Review Criteria. The Board of Zoning Appeals or the hearing officer may grant a floodplain variance if, after a public hearing, it makes findings of fact in writing, that there is:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship;

c. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

iii. Commitments.

1. The board of zoning appeals or the hearing officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).

~~2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the office of the Monroe County Recorder before a certificate of zoning compliance is issued.~~

2~~3~~. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(F) Post-Decision Actions and Limitations.

i. Effect of Approval.

1. The granting of a variance from the development standards authorizes the development and establishes the terms of use.

2. Variances are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits shall be obtained before any grading, construction, or use commences.

ii. Signature and Notice.

1. Generally.

a. The findings of fact shall be signed by the chair of the Board of Zoning Appeals or the hearing officer.

b. The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or hearing officer.

2. Floodplain Variance.

a. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

i. Specifies the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

ii. Clarifies the issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

iii. Such construction below the flood protection grade increases risks to life and property.

b. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.

iii. Duration. Unless otherwise specified at the time of approval or before expiration, any variance granted by the Board of Zoning Appeals or hearing officer shall expire:

1. In cases where new construction or modifications to an existing structure are required, three years after the date that the variance was granted, unless a building permit has been obtained and construction of the structure or structures has commenced; or

2. In cases where new construction or modifications to an existing structure are not required, three years after the date that the variance was granted, unless a certificate of occupancy has been obtained and the use commenced; or

3. At the date of termination as established by the Board of Zoning Appeals or hearing officer as a condition or commitment if different from (iii)(1) or (iii)(2) above.

(c) Administrative Interpretation.

(1) Purpose. The administrative interpretation procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this UDO.

(2) Authority. Responsibility for making interpretations of provisions of this UDO is assigned as follows:

(A) The Planning and Transportation Director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this UDO, including, but not limited to: interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDO and other provisions of the Bloomington Municipal Code; interpretations of compliance with a condition of approval; and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district. The Planning and Transportation Director shall also be responsible for interpretations of the zoning district boundaries on the Official Zoning Map.

(B) The City engineer shall be responsible for all interpretations of the floodplain and engineering provisions in the text of this UDO.

(3) Interpretation Procedure. Figure 06.08-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to administrative interpretation review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

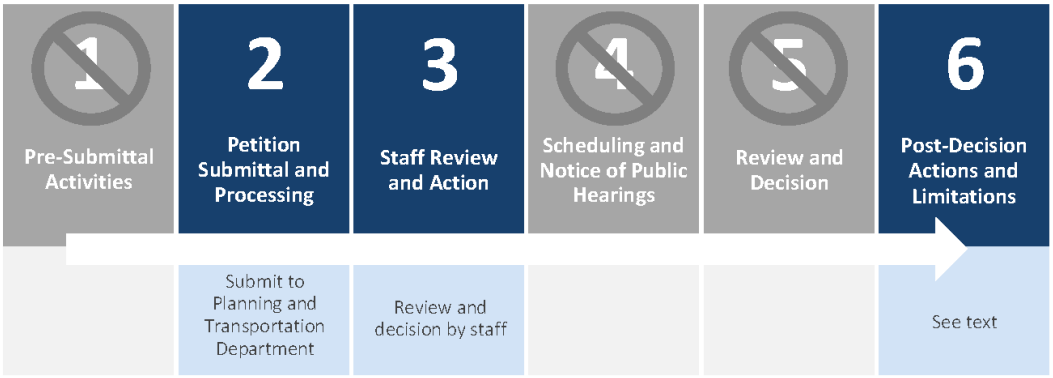


Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

(A) Petition Submittal and Processing.

i. A request for administrative interpretation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

ii. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

(B) Staff Review and Action. The Pplanning and Ttransportation Directorstaff or Citytraffic and transportation Eengineer (as applicable) shall review the request for interpretation, shall consult with the Legal DepartmentCity attorney and affected City officials, and shall render a decision based on the following specific approval criteria:

i. General Interpretation. The interpretation shall be consistent with:

1. The purposes of this UDO; and

2. The purposes of the zoning district (and overlay district(s), if applicable) in which the property is located; and

3. If the interpretation is based on the meaning of specific words that are not defined in this UDO, adopted City regulations, or the Indiana Code, with common use of words in the English language; and

4. Prior interpretations of the UDO on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria 1. through 3. above.

ii. Use Interpretation.

1. The Planning and Transportation Director shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.

2. When determining the level of permission or associated Use-Specific Standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.

3. The Planning and Transportation Director shall consult with the City attorney and affected City officials before rendering the interpretation.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations), shall apply, with the following modifications:

i. Notice.

1. The Planning and Transportation Director shall inform the petitioner in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.

2. The decision shall be in the form of a written interpretation and shall be made available to the public.

ii. Effect of Approval.

1. The interpretation shall be binding on subsequent decisions by the Planning and Transportation Director, City Engineer ~~traffic or transportation engineer~~, or other City administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Board of Zoning Appeals or a court of law.

2. No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the City.

3. A land use determination finding a particular use to be permitted, or allowed as a Conditional Use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.

iii. Official Record of Interpretations. The Planning and Transportation Department shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

iv. Board of Zoning Appeals. The Board of Zoning Appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the Planning and Transportation Director or City Engineer~~traffic and transportation engineer~~ acting pursuant to his or her authority and duties under this UDO.

(4) Criteria for Interpretations.

(A) Text Provisions. Interpretation of text provisions and their petition shall be based on the following considerations:

i. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Chapter 20.07 (Definitions), and by the common and accepted usage of the term;

ii. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;

iii. The general purposes served by this UDO, as set forth in Section 20.01.010(b) (Purpose);

iv. Consistency with the Comprehensive Plan; and

v. Consistency with the measurement standards of this UDO.

(B) Zoning Map Boundaries. Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 20.02.010 (Zoning Districts Established), and consistent with the Comprehensive Plan.

(C) Use Regulations. Interpretations of land use determinations shall be based on the following considerations:

i. Any listed use defined in Chapter 20.07 (Definitions), shall be interpreted as defined in that section;

ii. No land use determination shall authorize any use in any zoning district unless evidence is presented demonstrating that it will comply with the general zoning regulations established for that particular zoning district;

iii. No land use determination shall authorize any use in a particular zoning district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zoning district and is more similar to such uses than to other uses listed as permitted or conditional in another zoning district;

iv. If the proposed use is most similar to a use allowed only as a Conditional Use in the zoning district, then any land use determination authorizing such use shall be subject to Conditional Use Approval pursuant to Section 20.06.050(b) (Conditional Use Permit); and

v. No land use determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question, unless such use meets the standard of either subsection (iii) or (iv) above.

(d) Administrative Appeal.

(1) Purpose. The administrative appeal procedure is employed by the City in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this UDO.

(2) Applicability.

(A) An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, charged with the administration or enforcement of any part of this UDO.

(B) This administrative appeals section shall not apply to fines levied under the authority of Section 20.06.100 (Enforcement and Penalties). Such fines may be appealed under the procedures specified in Section 20.06.100 (Enforcement and Penalties).

(3) Administrative Appeal Review Process. Figure 06.08-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to administrative appeal review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-3: Summary of Administrative Appeal Procedure

(A) Petition. An appeal petition shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. Burden of Proof on Petitioner. The petitioner has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of petition.

ii. Time Limit. An administrative appeal shall be filed with the Planning and Transportation Department within ten days of the order, requirement, decision, or determination that is being appealed.

iii. Stay of Proceedings. An appeal stays all proceedings from further action unless the Planning and Transportation Director determines that a stay would create adverse impacts to the health, safety, or welfare of the City or neighborhood.

iv. Stop Work Order. When an appeal from the decision of an administrative official or body has been filed, the Planning and Transportation Director may issue a stop work order on the premises affected.

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

i. Staff review shall only confirm that the petition is complete and that the appeal is heard by the appropriate authority.

ii. The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/petitioner.

(C) Scheduling and Notice of Public Hearings. The appeal shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(D) Review and Decision.

i. The appropriate decision-making body shall affirm, reverse, or amend a decision or interpretation made by another decision-making body in accordance with the approval criteria in Section 20.06.080(d)(3)(F) (Appeals Approval Criteria).

ii. The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

iii. The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

(F) Appeals Approval Criteria. In considering an appeal, the Board of Zoning Appeals shall consider the approval criteria applicable to all petitions in Section 20.06.040(d) (Staff Review and Action), the specific approval criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures), and shall consider the following:

i. The written statement and supportive material submitted by the appellant;

ii. The record of action supplied by the administrative official or body from which the appeal is taken;

iii. The written and oral testimony of the public;

iv. The testimony of the appellant;

v. The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed; and

vi. The testimony of the administrative official or body from which the appeal is taken.

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.090 Nonconformities.

(a) Purpose. This Section 20.06.090 is intended to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this UDO, but that no longer conform to the requirements of this UDO. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this UDO and the goals of the City.

(b) Regulations Applicable to All Nonconformities.

(1) Generally. Any lot, site, structure, or land use which does not conform with one or more provisions of this UDO, but which lawfully existed upon the effective date of the provisions of this UDO with which the lot, structure or use does not conform, shall be a lawful nonconforming lot, site, use, or structure within the meaning of this section.

(2) Authority to Continue. A lawful nonconforming lot, site, use, or structure may continue except as provided in this section and in Section 20.01.040(a)(2) (Uses Rendered Nonconforming), and Section 20.01.040(a)(3) (Buildings, Structures, and Lots Rendered Nonconforming).

(3) Determination of Nonconformity Status. The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity.

(4) Certificate of Nonconforming Use. In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a certificate of nonconforming use pursuant to Section 20.06.050(i) (Certificate of Nonconforming Use).

(5) Maintenance and Minor Repair.

(A) Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity and that they conform to the building code and other applicable regulations of this UDO. Minor repairs and maintenance include the following:

i. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this UDO;

ii. Maintenance of land to protect against and mitigate health and environmental hazards;

iii. Repairs that are required to remedy unsafe conditions; and

iv. Repairs necessary to comply with current building code requirements.

(B) Normal maintenance and repair do not include the razing of walls to the foundation and rebuilding, nor does it include altering a structure which contains a lawful nonconforming use in any way which results in additional bedrooms or other habitable space.

(6) Change in Ownership or Tenancy. Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section 20.06.090 (Nonconformities).

(7) Compliance to the Maximum Extent Practicable. Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental features, the petitioner shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning and Transportation Director.

(c) Nonconforming Uses. Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses.

(A) A nonconforming use may be extended throughout a conforming building or structure, provided that:

i. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;

ii. No additional dwelling units shall be permitted in the building;

iii. No additional nonresidential units and/or uses shall be permitted; and

iv. Such extension would not result in a violation of the parking standards pursuant to Section 20.04.060 (Parking and Loading).

(B) Any existing occupied conforming single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as

improvements do not increase the degree of nonconformity or increase the height or building footprint.

(C) A nonconforming use that is located in a nonconforming building or structure or on a lot with nonconforming site features shall comply with the requirements of Sections 20.06.090(d) (Nonconforming Structures) and 20.06.090(f) (Nonconforming Site Features) as applicable.

(D) No additional structure not conforming to the requirements of this UDO shall be erected in connection with the nonconforming use of land or structure.

(E) Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this UDO.

(2) Change in Use.

(A) A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.

(B) A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this UDO.

(C) A lawful nonconforming use which has been abandoned, including a use involving occupancy by four or five adults which has been voluntarily waived and relinquished pursuant to Section 20.06.090(c)(4) (Residential Occupancy), shall not be resumed or replaced by another nonconforming use.

(3) Abandonment of a Nonconforming Use. A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of twelve months, or when the furnishings have been removed and not replaced for a continuous period of twelve months.

(4) Residential Occupancy.

(A) Authority to Continue. In the R1, R2, R3, and R4 zoning districts, a nonconforming use involving occupancy of a dwelling unit by four or five adults who are not all related to each other, which was duly registered on or before October 1, 1985, in accordance with Ordinance No. 85-15; or was duly registered on or before November 1, 1995, in accordance with Ordinance No. 95-21, shall be deemed a lawful nonconforming use which may be continued under this UDO, without further registration, and shall be considered a lawful nonconforming use that may continue only as provided in this section.

(B) Transition from Prior Regulations.

i. Where a lawfully existing dwelling unit was lawfully occupied by four or five adults who were not all related to each other on the effective date of this UDO, but becomes nonconforming under this UDO because of being so occupied, the property owner may register such property as a lawful nonconforming use, and if properly and timely registered, such use will be a lawful nonconforming use which may be continued under this UDO without further registration.

ii. Forms for such registration shall be available in the Planning and Transportation Department and shall be completed by the property owner or agent and filed in the Planning and Transportation Department within one hundred eighty days of the effective date of this UDO.

iii. For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this UDO, or the predominant lawful use for the preceding five years, whichever is greater.

(C) Pending or Approved Building Permit.

i. When a complete building permit application has been filed with the Monroe County Building Department, where the proposed structure included a nonconforming use involving a dwelling unit intended for occupancy by four or five adults who are not all related to each other shall be considered a lawful nonconforming use subject to the following:

1. The building permit application conforms to all applicable regulations in effect at the time of application;

2. The property owner's intention to accommodate said four or five adults is stated in writing;

3. The property was registered pursuant to this subsection within one hundred eighty days of the effective date of this UDO;

4. The property was lawfully eligible for occupancy by four or five adults not all related to each other prior to the effective date of this UDO;

5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the City or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

(D) Abandonment of Residential Occupancy. Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4) (Residential Occupancy), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to City staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

(d) Nonconforming Structures.

(1) Authority to Continue. A lawfully nonconforming structure may continue in its existing condition, however no increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(2) Nonconforming Structures in Regulated Floodplains.

(A) Changes to Structures. Any structure or use located in a regulated floodplain shall be governed by the general regulations of this Section 20.06.090 (Nonconformities) to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed where:

i. A permit is issued by the department of natural resources for such modifications; and

ii. If the addition, in combination with all other additions to the abode or residence that have been constructed since the abode or residence was originally built, would increase the market value of the abode or residence to an amount more than fifty percent greater than: (1) the market value of the abode or residence if no additions have been constructed since the abode or residence was originally built; or (2) the approximate market value the abode or residence would have in the form in which the abode or residence was originally built if

at least one addition has already been constructed. For the purposes of Subsection (c), the market value of an abode or a residence does not include the value of the land on which the abode or residence is built.

(B) Replacement of Structures. A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood elevation; all necessary permits must be obtained from the department of natural resources and all other applicable requirements of state law are met; and that application for a building permit must be made within six months of the date of destruction or removal.

(3) Restoration and Repairs. A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions of this Section 20.06.090 (Nonconformities) have been met regardless of other regulations in this UDO. Replacement, restoration, and repairs shall conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

(4) Structure Damaged or Destroyed.

(A) A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including acts of God, may be replaced, provided the owner or agent makes application for a building permit within six months of the date of destruction or removal.

(B) The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this UDO, to the extent possible and to the extent permitted by building code or other applicable regulation.

(e) Nonconforming Lots. A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (Nonconformities).

(1) All lots legally established and recorded prior to the effective date of this UDO or its subsequent amendments that do not meet the lot area and lot width standards of this UDO shall be deemed a substandard lot, otherwise known as a lawful nonconforming lot of record.

(2) A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this UDO as long as all use restrictions and other development standards of this UDO are met.

(f) Nonconforming Site Features. A lawfully nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required. No increase in the degree of nonconformity with any site feature is permitted except as expressly provided in this section.

(1) Full Compliance. A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings, except that existing nonconforming setbacks, architecture, and height for existing structures can remain.

(2) Limited Compliance.

(A) Applicability. A lawful nonconforming site or structure shall be brought into compliance with the standards in paragraph (B) below when any of the following occur on the site:

i. Nonresidential and Mixed-Use.

1. Any change in use, expansion, enlargement, or relocation of any use;

2. Reestablishment of a prior conforming use that has been discontinued for a period of twelve months or longer; or

3. Expansions, alterations, or modifications that increase the gross floor area of the building by more than ten cumulative percent, including previous additions approved under any UDO effective since February 12, 2007.

ii. Multifamily and Group Living.

1. Any expansions, alterations, or modifications to an existing building, with the exception of accessory structures less than five hundred eighty square feet, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces;

2. Any change in use, or any expansion, enlargement, or relocation of any use; or

3. Any addition of dwelling units.

iii. Single-Family Detached, Duplex, Triplex, and Fourplexes. A lawful nonconforming use or site feature on a lot where the primary use is a single-family detached, duplex, triplex, or fourplex dwelling may continue except as provided below:

1. Enlargement or modification of an existing driveway shall be subject to Section 20.04.050(c)(3)(C) (Surface Material); and

2. Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to Section 20.06.090(c)(4) (Residential Occupancy).

(B) Required Compliance. A lawful nonconforming site or structure that meets or exceeds the thresholds established in paragraph (A) above shall comply with the following standards:

i. Building Setbacks and Height. Existing buildings shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case full compliance with this UDO shall be required.

ii. Parking Setback and Maximum Number of Spaces. All parking spaces over the maximum number of spaces allowed must be removed. If all setbacks cannot be met through the removal of excess parking spaces, then priority shall be given to the parking spaces located in the front setback. If on a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street. Any parking spaces or asphalt that encroaches into public right-of-way or adjacent property not owned by the petitioner must be removed.

iii. Parking. Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 20.04.060 (Parking and Loading). Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.

iv. Paving. Any substandard parking surfaces shall be brought into compliance with Section 20.04.060(i)(7) (Surface Material).

v. ADA-Accessible Parking. All required ADA-accessible parking spaces must be installed in accordance with Section 20.04.060(f) (Accessible Parking). If no additional room for parking

is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.

vi. Bicycle Parking. All required bicycle parking must be installed per Section 20.04.060(1) (Minimum Bicycle Parking Required) and Section 20.04.060(m) (Bicycle Parking Location and Design).

vii. Landscaping. If full compliance with Section 20.04.080 (General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

viii. Pedestrian Facilities. Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that curb ramps shall comply with the Americans with Disabilities Act.

ix. Signage. All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.

x. Dumpster Enclosures. All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (Screening).

xi. Lighting. All lighting shall be brought into compliance with Section 20.04.090 (Outdoor Lighting).

xii. Entrances and Drives. All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.

xiii. Minimum Landscape Area. If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.

xiv. Fencing. Any fence or wall that contains prohibited components as outlined in Section 20.04.080(n)(4)(A) must remove the prohibited components only.

(g) Nonconforming Signs.

(1) Generally.

(A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area or change in sign face type to electronic reader board, except as expressly provided in this Section 20.06.090(g) (Nonconforming Signs).

(B) Ordinary maintenance is permitted and shall include replacement of supports with different materials or design from the previous supports but shall not include any increase in the dimensions or numbers of supports.

(C) A lawful nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening or other improvement to any public sidewalk, path, trail, street, road, alley, or other public right-of-way or facility, by the City. For purposes of this section, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public

improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined vision clearance triangle.

(D) In situations described in subsection (C) above, the sign may be relocated upon the same zoning lot as its original location, if the board or commission with authority to acquire right-of-way in the particular case declines to seek purchase of full sign rights for permanent removal of the sign.

(E) A sign that is relocated under this Section 20.06.090(g)(1) (Generally) shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the staff, which may consider the factors listed in Section 20.06.090(g)(2) (Practicability of Compliance with Development Standards), among others, in determining practicability.

(2) Practicability of Compliance with Development Standards. In determining the practicability of bringing lawful nonconforming signs into compliance with development standards pursuant to Section 20.06.090(f) (Nonconforming Site Features), the staff may consider the availability of public funds for any required compensation to any person, and/or whether or not waivers have been provided pursuant to Section 20.04.100(h) (Waiver of Right to Damages).

(3) Repair. Minor changes to a lawfully nonconforming sign shall be permitted only where necessary in order to keep the sign in good and safe repair and operating condition; such changes may include replacement of supports with different materials or design, but shall not include any enlargement to the dimensions of such supports or any increase in the number of such supports.

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.100 Enforcement and penalties.

(a) Authority. All departments, officials, and public employees of the City that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this UDO and shall issue no permit for any use, building, activity or purpose which would be in conflict with the provisions of this UDO. Any permit issued in conflict with the provisions of this UDO shall be null and void. The Planning and Transportation 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 UDO.

(b) Penalties and Remedies for Violations.

(1) For the purposes of this UDO, a violation shall be defined as violation of or failure to comply with:

(A) Any provision or requirement of this UDO; or

(B) Any condition, requirement or commitment established with the approval of a variance, Conditional Use, site plan, Planned Unit Development, subdivision, certificate of zoning compliance, or other development approval under this UDO; 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 person who is a responsible party as defined in Section 20.06.100(e) (Enforcement Procedures—Notices of Violation) 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 this Section 20.06.100 (Enforcement and Penalties), and the City 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) Removal of a building, structure, or other improvement;

(C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;

(D) Any other remedy specified in this UDO; and/or

(E) Other remedy acceptable to the City.

(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 20.06.100(e)(5); and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this UDO or any condition, requirement, or commitment established in connection with this UDO or any development approval hereunder.

(6) In addition to all other penalties and remedies provided for herein, if a building or structure is demolished (which shall include partial demolition) in violation of Section 20.06.050(c) (Demolition Delay Permit), then, for a period of two years following such demolition, no new certificate of zoning compliance authorizing any use or any release of a building or demolition permit shall be issued for any activity upon the lot of record upon which the building or structure was located, or any adjoining lot of record under common ownership or control, except for an approved restoration or replacement of the demolished building or structure, or as otherwise agreed to by the City or ordered by the court in enforcement proceedings. The Planning and Transportation Director shall be authorized to execute and record in the office of the Monroe County Recorder a sworn statement containing these restrictions upon the properties affected thereby.

(7) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section 20.04.030(h) (Tree and Forest Preservation), the responsible party shall be required to meet the following requirements:

(A) Replace the removed trees with healthy trees of similar species.

i. The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Planning and Transportation Director.

ii. The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.

iii. Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the Planning and Transportation Director.

(B) Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

(8) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental features as outlined in Section 20.04.030 (Environment), the responsible party

shall be required to meet the following requirements, and no violation shall be deemed corrected for purposes of fining until all required steps are completed:

(A) Submit a remediation plan to the Planning and Transportation Department indicating how the disturbed area shall be restored to its pre-disturbed condition. The Planning and Transportation Director may require the utilization of native seed mixes and native plantings to restore areas to their pre-disturbed condition.

(B) Remediation plans shall be submitted by the responsible party within seven days of receiving notice from the Planning and Transportation Department.

(C) An approved remediation plan must be fully carried out as soon as reasonably possible. A violation shall be deemed corrected as of the date of submission of a remediation plan if such plan is subsequently approved and if such plan is fully carried out as soon as reasonably possible. However, any unreasonable delay in implementation of the plan may result in each day of the period of delay being deemed an additional violation subject to the maximum fine provided for in this UDO.

(9) In addition to all other penalties and remedies provided for herein, the City may refuse to issue any certificate of zoning compliance, certificate of occupancy, or other permit or approval for any use, development, occupancy or other activity upon or concerning any lot or parcel created in violation of Chapter 20.05 (Subdivision Standards) and/or Section 20.06.060 (Subdivision Procedures) of this UDO. The City may further take legal action to restrain and enjoin further violations, including but not limited to sales or offers of sales of lots or parcels, in violation of Chapter 20.05 (Subdivision Standards) and/or Section 20.06.060 (Subdivision Procedures).

(10) The remedies provided for in this UDO shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(c) Administration. The Planning and Transportation Director or his or her 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; and report to the Plan Commission on an as-needed basis as to the number and type of complaints and the outcome of each.

(d) Penalty.

(1) Any violation of this UDO shall be subject to a civil penalty of not more than two thousand five hundred dollars for each such violation, and not more than seven thousand five hundred dollars for the second and any subsequent violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(2) The following violations of this UDO shall be subject to the fines listed in Table 06-3 (Summary of Fines for UDO Violations) for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this UDO within three years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in subsection (1) above. (For example, a violation that is subject to a one hundred dollar fine per Table 06-3 (Summary of Fines for UDO Violations) will be subject to a two hundred dollar fine for the second offense, a four hundred dollar fine for the third offense, and so forth.) A responsible party will be deemed to have violated the same provision for purposes of this subsection where the violations fall under the same section of this UDO or under the same subject matter heading where such heading contains multiple sections.

Table 06-3. Summary of Fines for UDO Violations

UDO Violation	Fine (US Dollars)
Temporary signage without permit	$100.00
Parking on unimproved surface	$50.00
Temporary use without permit	$500.00
Permanent signage without permit	$250.00
Change in use without certificate of zoning compliance (CZC)	$100.00
Illegal land use	$2,500.00
Operation of home occupation without CZC	$200.00
Failure to obtain CZC	$500.00
Failure to comply with CZC	$250.00
Failure to comply with development standards	$100.00
Violation of environmental standards	$2,500.00
Failure to obtain floodplain development permit	$2,500.00
Any other violation	Up to $2,500.00

(e) Enforcement Procedures—Notices of Violation.

(1) If the Planning and Transportation Director or his or her designee finds that any violation of this UDO is occurring, or has occurred, a notice of zoning violation (NOV) may be issued to the responsible party. Such NOVs 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

(C) Any person, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the 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 zoning 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) Additional remedies the City may seek for violation;

(F) That the fine is paid to the City of Bloomington;

(G) That the NOV may be appealed to the Board Of Zoning Appeals;

(H) That the fine may be contested in the Monroe County Circuit Courts.

(3) Each item of noncompliance enumerated on the notice of violation 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 zoning violation was reported or observed.

(4) If the responsible party refuses inspection of the property, the Planning and Transportation Director or his or her designee may obtain an inspection warrant from any court of record in the county in which the property is located.

(5) In addition to issuing a notice of violation (NOV), the Planning and Transportation Director or his or her designee may use and/or seek through legal proceedings one or more of the following remedies:

(A) Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred; and/or

(B) Issue a stop work order; and/or

(C) Request the county building department to issue a stop work order and suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or

(D) Draw on a performance or maintenance bond, as necessary, to affect any remedial actions required to abate the violations; and/or

(E) Revoke the permits, certificates and/or approvals that have been violated; and/or

(F) Any and all penalties and remedies listed in Section 20.06.100(b) (Penalties and Remedies for Violations).

(f) Appeals.

(1) Appeals of notices of violation shall be made to the Board of Zoning Appeals as set forth in Section 20.06.080(d) (Administrative Appeal).

(2) Fines levied for zoning violations may be challenged in the Monroe County Circuit Court.

(Amd. of 1-14-2020; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

Chapter 20.04 DEVELOPMENT STANDARDS AND INCENTIVES

20.04.010 Applicability.

(a) New Development. The requirements of this chapter shall apply to all new development pursuant to Section 20.01.020 (Authority, Applicability, and Jurisdiction), unless otherwise exempted in this chapter.

(b) Activities that Trigger Compliance.

(1) Construction of any new primary structure on a lot shall require compliance with all standards in this chapter unless an exception is stated in this UDO.

(2) Table 04-1 identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in Chapter 20.04 (Development Standards and Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 04-1 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.

(3) Section 20.06.090(f) (Nonconforming Site Features) identifies activities that trigger full and limited compliance for lawful nonconforming sites and structures with specific development standards contained in Chapter 20.04 (Development Standards and Incentives).

(4) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 04-1. Development Standards Compliance Thresholds for Conforming Sites and Structures

UDO Standard	UDO Section	Change Use		New Development		Redevelopment			
						Minor Site Plan		Major Site Plan	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional standards	20.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and connectivity	20.04.050	✓		✓		✓		✓	
Parking and loading	20.04.060	✓		✓		✓		✓	

Site and building design	20.04.070		✓	✓			✓	✓	
Landscape, buffering, and fences	20.04.080		✓	✓		✓		✓	
Outdoor lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021)

20.04.020 Dimensional standards.

(a) Purpose. This section is intended to provide dimensional standards and uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO.

(b) Applicability. Compliance with this Section 20.04.020 (Dimensional Standards) shall be required pursuant to Section 20.04.010 (Applicability).

(c) General Dimensional Standards. The following tables, Table 04-2 through Table 04-5, establishes the dimensional standards for Residential, Mixed-Use, and other zoning districts contained in Chapter 20.02 (Zoning Districts). In case of a conflict between the dimensions shown in this Section 20.04.020 and the dimensions shown for individual districts in Chapter 20.02 (Zoning Districts), the provisions of this Section 20.04.020 shall govern.

(1) Residential Zoning Districts. Dimensional standards for Residential zoning districts are shown in Table 04-2 (Residential District Dimensional Standards).

(2) Mixed-Use Zoning Districts. Dimensional standards for Mixed-Use zoning districts are shown in Table 04-3 (Mixed-Use District Dimensional Standards).

(3) Downtown Character Overlays. Dimensional standards for the Downtown Character Overlays are shown in Table 04-4 (Downtown Character Overlay Dimensional Standards).

(4) Nonresidential Zoning Districts. Dimensional standards for Nonresidential zoning districts are shown in Table 04-5 (Nonresidential District Dimensional Standards).

Table 04-2. Residential District Dimensional Standards

Dimensional Standards		R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (minimum, only for lots created after the effective date)								Entire Development	Dwelling Site
Lot area	sq. ft.	20,000 [2]	7,200 [2]	5,000 [2]	4,000 [2]	5,000	5,000	43,560	3,000
	acres	0.459 [2]	0.165 [2]	0.115 [2]	0.092 [2]	0.115	0.115	1.00	0.069

Lot width	100 feet [2]	60 feet [2]	50 feet [2]	35 feet [2]	50 feet	50 feet	200 feet	40 feet
Building Setbacks (minimum)							Entire Development	Dwelling Site
Front build-to line	None	None	15 feet [3]	None	None	None	None	None
Front	15 feet	15 feet [3]	None	15 feet [3]	15 feet	15 feet	25 feet	10 feet
Attached front-loading garage or carport	25 feet [4]	25 feet [4]	10 feet behind the primary structure's front building wall		25 feet [4]		None	None
Side	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [5] [7]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [5] [7]	5 feet [2] [7]	10 feet [6]	10 feet [6]	20 feet	Primary structure: 7 feet Accessory structure: 2 feet
Rear	25 feet [2]	25 feet [2] [7]	25 feet [2] [7]	25 feet [2] [7]	15 feet [6]	15 feet [6]	20 feet	
Other Standards							Entire Development	Dwelling Site
Front parking setback (minimum)	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Side parking setback (minimum)	None	None	None	None	8 feet	8 feet	None	None
Rear parking setback (minimum)	None	None	None	None	8 feet	8 feet	None	None
Impervious surface coverage (maximum)	30%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)	None	None	None	None	40%	35%	None	None

Primary structure height (maximum)	40 feet	40 feet	35 feet	40 feet	3 stories, not to exceed 40 feet [2] [6]	5 stories, not to exceed 63 feet [2] [6]	None	20 feet
Accessory structure height (maximum)	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet
sq. ft. = square feet								

Notes:

[1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.

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

[3] Or the median front setback of abutting residential structures, whichever is less.

[4] Or equal to the setback of the primary structure, whichever is greater.

[5] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to two feet.

[6] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[7] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.

Table 04-3. Mixed-Use District Dimensional Standards

Dimensional Standards		MS [7]	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (minimum, only for lots created after the effective date)									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		65 feet
Building Setbacks (minimum)									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building facade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1][6]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1][6]			10 feet						
Other Standards									

Front parking setback (minimum)	20 feet behind the primary structure's front building wall						See Table 04-4	20 feet behind the primary structure's front building wall
Side parking setback (minimum)	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Rear parking setback (minimum)	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Impervious surface coverage (maximum)[4]	70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum)[5]	30%	40%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)	None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]	6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)	20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet
sq. ft. = square feet								

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be twelve feet.

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

[4] Lots zoned MM north of 1st Street, south of 2nd Street east of Maple Street (extending south of 2nd Street to 1st Street) and west of Morton Street shall have an impervious surface coverage maximum of eighty-five percent.

[5] Lots zoned MM north of 1st Street, east of Maple Street (extending south of 2nd Street to 1st Street) and west of Morton Street shall have a minimum landscape area of fifteen percent.

[6] Lots zoned MM north of 1st Street south of 2nd Street east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.

[7] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.

Table 04-4. Downtown Character Overlay Dimensional Standards

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

coverage (maximum)			Kirkwood Corridor: 100%			
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	15%
Primary structure height (maximum) [1] [2] [3] [4]	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	General and Kirkwood Corridor: 3 stories, not to exceed 40 feet Restaurant Row: 3 stories, not to exceed 35 feet	3 stories, not to exceed 40 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet
Primary structure height (minimum)	25 feet	35 feet	General and Kirkwood Corridor: 25 feet Restaurant Row: 20 feet	20 feet	25 feet	25 feet
Accessory structure height (maximum)	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet
sq. ft. = square feet						

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be twelve feet.

[3] See Section 20.04.110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

Table 04-5. Nonresidential District Dimensional Standards

Dimensional Standards	EM	PO

Lot Dimensions (minimum, only for lots created after the effective date)		
Lot area	None	None
Lot width	100 feet	None
Building Setbacks (minimum)		
Front	25 feet	15 feet
Side	20 feet [1]	5 feet
Rear	20 feet [1]	5 feet
Other Standards		
Front parking setback (minimum)	20 feet behind the primary structure's front building wall	15 feet
Impervious surface coverage (maximum)	70%	None
Landscape area (minimum)	30%	None
Primary structure height (maximum)	4 stories, not to exceed 50 feet [1]	20 feet
Accessory structure height (maximum)	35 feet	20 feet
sq. ft. = square feet		

Notes:

[1] When adjacent to the R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over thirty feet.

(d) Lot and Space Requirements.

(1) Minimum Lot Dimensions. No space that is needed to meet the width, setback, area, open space, impervious surface coverage, parking, landscaping, or other requirements of this UDO for a lot or building may be sold, leased, or subdivided away from such lot or building. All lots affected by a proposed subdivision shall meet the standards of this UDO.

(2) Number of Primary Buildings or Uses per Lot.

(A) Except for projects approved as cottage development pursuant to Section 20.03.030(b)(7) (Dwelling, Cottage Development), only one principal building for single-family, duplex, triplex, or fourplex uses, with permitted accessory buildings, may be located on a lot or parcel. Every dwelling shall have legal means of access to a right-of-way.

(B) Where a lot or parcel is used for multifamily, mixed-use, commercial, or industrial purposes, more than one primary building may be located upon the lot when such buildings conform to all requirements of this UDO applicable to the uses and district.

(C) No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

(e) Setbacks.

(1) Measurement.

(A) Setbacks referred to in this UDO shall be measured as stated in Chapter 20.07 (Definitions), under the term "setback" and "build-to range."

(B) For private streets, setbacks shall be measured from the edge of the curb, easement, or right-of-way, whichever distance is greater.

(C) Where existing right-of-way is wider than that proposed on the Transportation Plan, the setback shall be measured from the existing right-of-way.

(D) For lots of record with no street frontage, a minimum building setback of ten feet is required from the property line where access is gained. All other lot lines shall be considered side lot lines for the purposes of setbacks.

(E) The minimum front building facade at the build-to range percentage shall be determined by calculating the width of the principal building that is within the build-to range divided by the total width of the lot at the street frontage.

(2) Single-Family Attached and Multifamily Dwellings.

(A) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

(B) For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) shall observe the required side setback for the district.

(3) Exceptions to Setback Requirements.

(A) The setback exceptions established in Table 04-6 shall not authorize the encroachment of any development across property lines or into a public right-of-way.

(B) Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

Table 04-6. Authorized Exceptions to Setback Requirements

Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awning, balconies, canopies, patios, and attached exterior stairs	Up to 6 feet.
Bay windows, chimneys, eaves	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Fire escapes	Up to 6 feet into side and rear setbacks.
Front entry	For existing and new primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure is permitted to encroach into the front building setback, however a minimum 4' setback is required from the front property line.
Accessible ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports	Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to 3 feet.
Additions to existing primary structures	For single-family, duplex, and triplex structures, additions to the first floor footprint of existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). Vertical additions to existing primary structures may utlize existing front setbacks

	provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures.
Additions to structures that don't meet build-to ranges	Additions may be added that move the building closer to build-to range compliance, even if compliance is not achieved.
DU = dwelling unit	

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

(D) For parking and building setback purposes, Interstate 69 is not considered a front.

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

(f) Building Height.

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

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

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

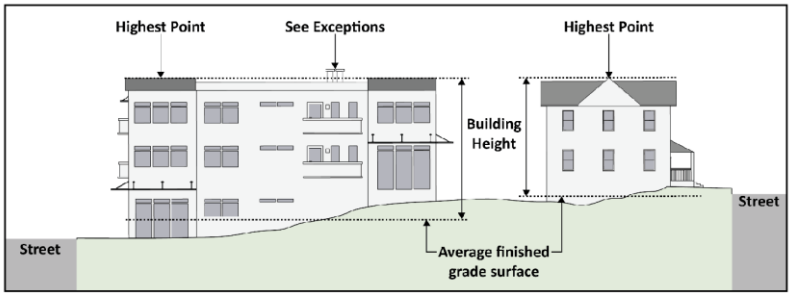


Figure 50: Building Height

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

Table 04-7. Authorized Exceptions to Height Requirements

Type of Exception	Extent of Exception

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

(g) Building Floor Plate.

(1) The area of the lot covered by the primary building shall be included in the calculation of building floor plate in all districts.

(2) The area of a lot covered by accessory buildings, parking garages, carports, and utility and storage sheds shall not be included in this calculation.

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

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.030 Environment.

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

(b) Applicability. Compliance with this Section 20.04.030 (Environment) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.030(c) (Steep Slopes) through 20.04.030(i) (Lake Watershed Areas).

(c) Steep Slopes.

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

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

(3) Easements. All slope areas required to be preserved subject to this section shall be placed within conservation easements pursuant to the standards of Section 20.05.040 (Easements).

(4) Excessive Slopes. Areas of land where the pre-development slopes are twenty-five percent or greater shall not be disturbed for any improvements with the exception of utility lines.

(5) Steep Slopes. Any development on slopes between twelve percent and less than twenty-five percent shall be allowed a maximum disturbance of fifty percent of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one or more of the following characteristics:

(A) Presence of highly erodible soils as identified in the Web Soil Survey produced by the National Cooperative Soil Services and operated by the USDA Natural Resources Conservation Service;

(B) Adjacent to slopes of greater than eighteen percent;

(C) Adjacent to water resources;

(D) Adjacent to other environmental features that are required to be preserved as part of this UDO; or

(E) Presence of tree cover on fifty percent or more of the surface area of the slope.

(6) Construction Measures. Any development on slopes twelve percent or greater and less than twenty-five percent shall incorporate construction measures such as retaining walls and walkout basements as well as current preferred practices for erosion control measures during construction, as provided in Title 13 (Stormwater) of the Bloomington Municipal Code.

(7) Street Grades. Arterial and collector streets shall not exceed grades of six percent and local streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.

(8) Street Design. All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) Soil Constraints. When unstable or contaminated soils are found, the effect of cutting and filling, alterations to slope, and the stabilization measures required to either avoid or address unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.

(10) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements in Section 20.04.030(d), Section 20.04.030(f), Section 20.04.030(g), and Section 20.04.030(h) also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.

(d) Drainage.

(1) Applicability. All proposed site plans submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Exemption. The construction of single-family, duplex, triplex, fourplex, Mobile home, and manufactured home dwellings on existing lots of record where fully engineered drainage infrastructure

is in place prior to occupancy of the home shall be exempt from the requirements of this Section 20.04.030 (Environment).

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

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

(e) Riparian Buffers.

(1) Applicability.

(A) This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, lots of record of less than one-half acre in size shall not be subject to 20.04.030(e)(6) (Intermediate Zone) nor 20.04.030(e)(7) (Fringe Zone) of this section.

(B) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(e)(1), shall provide at least a twenty-five-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(e)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:

i. Use of one hundred percent native vegetation;

ii. Use of permeable pavement for one hundred percent of all the on-site parking areas;

iii. Biofiltration swales; or

iv. Fifty percent vegetated roof.

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

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

(4) Graduated Buffer Zones. All intermittent or perennial streams shall be protected by a riparian buffer composed of three distinct zones. These zones shall be defined as:

(A) Streamside Zone (Zone 1). The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) Intermediate Zone (Zone 2). The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) Fringe Zone (Zone 3). The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

(5) Streamside Zone Design. The streamside zone (Zone 1) shall be designed as follows:

(A) Location. Immediately adjacent to the stream channel.

(B) Buffer Width.

i. For the main branches of Jackson Creek south of 2nd Street and Clear Creek south of Grimes Lane, the width of this zone shall be a minimum of fifty feet on each side of the stream, measured from the centerline of the stream.

ii. For all other streams, the width of this zone shall be a minimum of twenty-five feet on each side of the stream, measured from the centerline of the stream.

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

(D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

i. Utility installation~~,~~ if no alternative location is available;

ii. Street crossings, where necessary to achieve connectivity;

iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;

iv. Connector path and multi-use trail constructed with a permeable surface;

v. Demolition of existing buildings or structures, provided that the disturbance does not extend more than ten feet from the building's or structure's footprint, does not impact the shoreline or bed of a stream or creek, and a remediation plan is submitted to and approved by the Senior Environmental Planner prior to disturbance.~~.~~

(6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:

(A) Location. Immediately outside the streamside zone (Zone 1).

(B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.

(C) Vegetation Requirements. All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.0B0(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.

(D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

i. Utility installation; if no alternative location is available;

ii. Street crossings, where necessary to achieve connectivity;

iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;

iv. Connector path and multi-use trail constructed with a permeable surface.

~~(6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:~~

~~(A) Location. Immediately outside the streamside zone (Zone 1).~~

~~(B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.~~

~~(C) Vegetation Requirements. Vegetative cover within this zone shall consist of undistu1bed, existing vegetation, supplemented by native, groundcover and edge vegetation except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in Section 20.04.0S0(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.~~

~~(D) Disturbance Activities. Only the following land-disturbing activities may be allowed within this zone, subject to approval of the Planning and Transportation Department:~~

~~i. All activities allowed in Zone 1 (streamside zone); and~~

~~ii. Stormwater management facilities~~.

(7) Fringe Zone Design. The fringe zone (Zone 3) shall be designed as follows:

(A) Location. Immediately outside the intermediate zone (Zone 2).

(B) Buffer Width. The required width shall be a minimum of twenty-five feet measured perpendicular from the outer boundary of Zone 2.

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

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

i. All activities allowed within Zones 1 and 2.

ii. Streets, as needed to achieve connectivity where no reasonable alternative route can be identified and where a need for new streets has been established, as required by adopted City regulations and Common Council policy.

(8) Additional Riparian Buffer Design Standards.

(A) Riparian buffer design shall be fitted to the topography and soil conditions of the site. Preference shall be given to preserving existing vegetation within riparian buffer areas. Protection of tree crowns and root zones within the dripline shall be required for all trees planned for retention.

(B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.

(C) In order to ensure vegetative diversity, a minimum of nine different plant species shall be used within the overall riparian buffer area. At least three of these species shall be trees selected from Section 20.04.080(d) (Permitted Plant Species).

(D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.

(9) Riparian Buffer Maintenance. Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3 but shall be prohibited in Zones 1 and 2.

(f) Karst Geology.

(1) Applicability.

(A) This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

(B) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City Senior Environmental Planner.

(2) Adjacent Properties. Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, the buffer zones required by this subsection (f) shall be established.

(3) Compound Karst Features. For the purposes of this subsection, compound karst features shall be defined as any two or more karst features where the last closed contour of the features are located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour at its widest point of each individual karst feature with a tangential line.

(4) Karst Conservancy Easement (KCE). All karst features shall be protected by Karst Conservancy Easements (KCE). Such easements shall be established in accordance with the following standards:

(A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.

(B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.

(C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within twenty-five feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's Geographic Information System (GIS) using a contour interval of two feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.

(D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in Section 20.04.030(f)(3) (Compound Karst Features) above and all of the area within twenty-five feet horizontally from the outer boundary of the compound karst feature.

(5) Setback. No structures shall be located within ten feet of a Karst Conservancy Easement.

(6) Stormwater Discharge. Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.

(7) Stormwater Detention. Karst conservancy easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.

(8) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole nor within twenty-five feet of the last closed contour of the sinkhole.

(9) Spring or Cave Entrances. Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

(g) Wetlands.

(1) Applicability. This section shall apply to all land-disturbing activities on properties containing wetlands.

(2) Adjacent Properties. Where wetlands are present on adjacent properties, and where required buffer areas for such wetlands would extend onto the subject property, the buffer zones required by this subsection (g) shall be established.

(3) Compliance with Other Regulations Also Required. In addition to the standards of this UDO, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR), Indiana Department of Environmental Management (IDEM), and Army Corps of Engineers regulations.

(4) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within twenty-five feet of a wetland.

(5) Wetland Conservancy Easement. A wetland buffer area extending twenty-five feet from a delineated wetland shall be placed within a conservancy easement consistent with the standards of Section 20.05.040 (Easements) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.

(6) Draining. Draining of a delineated wetland is prohibited.

(7) Stormwater Discharge. Stormwater discharge into a wetland shall not be increased over, or substantially reduced below, its preexisting rate.

(h) Tree and Forest Preservation.

(1) Applicability. This section shall apply to all land-disturbing activities on properties containing closed-canopy wooded areas.

(2) Retention of Existing Canopy. The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 04-8. Minimum Required Vegetation Canopy

Baseline Canopy Cover	Retained Canopy Cover
80—100%	0.50 × Baseline canopy cover
60—79%	0.60 × Baseline canopy cover
40—59%	0.70 × Baseline canopy cover
20—39%	0.80 × Baseline canopy cover
0—19%	0.90 × Baseline canopy cover
~~Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least 7 acres (10 acres × 0.70) of canopy cover~~	

Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least 7 acres (10 acres × 0.70) of canopy cover

(3) Preference to Stands of Vegetation. The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than ten percent of

the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (h). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

(4) Smaller Parcels. For parcels of land less than one~~two~~ acre~~s~~, the preservation standards in Table 04-8 (Minimum Required Vegetation Canopy) may be altered by the ~~City~~ Planning and Transportation Director; preference may be given to protecting and/or preserving heritage trees that are of particular value due to their type, size or age. ~~to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy.~~

(5) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements found in Sections 20.04.030(c) (Steep Slopes), 20.04.030(d) (Drainage), 20.04.030(f) (Karst Geology), and 20.04.030(g) (Wetlands) also meets the requirements for tree and forest preservation under Section 20.04.030(h)(2) (Retention of Existing Canopy), such acreage shall be counted toward fulfillment of all applicable requirements.

(6) Conservancy or Tree Preservation Easement. Where contiguous areas of at least eight thousand seven hundred twelve feet (one-fifth acre) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated ten feet beyond the driplines of the trees to be preserved.

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

(i) Lake Watershed Areas.

(1) Applicability. This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the City's Geographic Information System (GIS).

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

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

(4) Site Design. Site design shall locate structures and land-disturbing activities so as to avoid tree concentrations. Streets, parking areas, and building pads shall conform closely to existing contours and minimize grading.

(5) Steep Slopes. The maximum slope on which buildings may be constructed shall be twenty~~twelve~~ percent. No disturbance shall occur on any slope greater than twenty~~twelve~~ percent, measured as described in Section 20.04.020 (Dimensional Standards).

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(6) Redundant Stormwater Quality Measures. Sites greater than one acre shall incorporate redundant stormwater runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:

(A) Periodic third-party inspection and report;

(B) A homeowner's association with financing capability;

(C) City authorization to order maintenance;

(D) City authorization to seek injunctive relief;

(E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and

(F) Provisions, meeting the standards of the administrative manual, for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.040 Floodplain.

(a) Purpose. The flood hazard areas of the City of Bloomington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

(8) Minimize the impact of development on adjacent properties within and near flood prone areas;

(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(10) Minimize the impact of development on the natural, beneficial values of the floodplain;

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible;

(12) Meet community participation requirements of the National Flood Insurance Program;

(13) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(14) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(15) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(16) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and

(17) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(b) Applicability.

(1) This Section 20.04.040 (Floodplain) shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Bloomington, Indiana including any additional areas of special flood hazard annexed by the City of Bloomington, Indiana.

(2) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this UDO and other applicable regulations.

(3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this UDO and other applicable regulations.

(c) General Standards.

(1) Basis for Establishing the Areas of Special Flood Hazard.

(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City, delineated as an "AE Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map dated December 17, 2010 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of the City of Bloomington, Indiana and the corresponding Flood Insurance Rate Maps (FIRM) dated December 17, 2010 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map, dated December 17, 2010, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(D) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

(2) Establishment of Floodplain Development Permit. A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard as established in Section 20.06.050(d).

(3) Compliance.

(A) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.

(B) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(C) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(5) Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profile or table of still water elevations shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(6) Interpretation.

(A) In the interpretation and application of this ordinance all provisions shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the governing body; and

(iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability. The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this UDO does not create any liability on the part of the City of Bloomington, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this UDO or any administrative decision made lawfully thereunder.

(8) Penalties for Violation. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City.

(A) The City shall inform the owner that any such violation is considered a willful at to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(B) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(d) Administration.

(1) Designation of Administrator. The Common Council of the City of Bloomington hereby appoints the Planning Director (or their designee) to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

(2) Floodplain Development Permit and Certification Requirements. An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Application Stage.

(i) A description of the proposed development;

(ii) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;

(iii) A legal description of the property site;

(iv) For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;

(v) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(vi) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;

(vii) Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;

(viii) Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;

(ix) Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;

(x) Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;

(xi) Plans showing how any proposed structure will be anchored to resist flotation or collapse;

(xii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;

(xiii) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Section 20.04.040(d)(3)(H) and Section 20.04.040(d)(5) for additional information.)

(xiv) Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(B) Finished Construction.

(i) Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

(ii) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

(iii) Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

(A) Enforce the provisions of this ordinance.

(B) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.

(C) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(D) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

(E) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(F) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.

(G) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

(i) Verify and document the market value of the pre-damaged or pre-improved structure;

(ii) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;

(iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement' for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and

(iv) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Section 20.04.040(e) of this ordinance are required.

(H) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

(I) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 20.04.040(e)(2)(A), 20.04.040(e)(2)(C)(i), and Section 20.04.040(e)(2)(D) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(J) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 20.04.040(d)(3)(l) is applicable.

(K) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(L) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.04.040(d)(2).

(M) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.04.040(d)(2).

(N) Make on-site inspections of projects in accordance with Section 20.04.040(d)(4).

(O) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.

(P) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.

(Q) Provide information, testimony, or other evidence as needed during variance hearings.

(R) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 20.04.040(d)(4).

(S) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 20.04.040(d)(4).

(T) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 20.04.040(d)(5).

(U) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(V) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(4) Administrative Procedures.

(A) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) Stop Work Orders.

(i) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

(ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(C) Revocation of Permits.

(i) The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(ii) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(D) Floodplain Management Records.

(i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of

whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

(ii) These records shall be available for public inspection at the City of Bloomington Planning and Transportation Department.

(E) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities. To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Bloomington's flood maps, studies and other data identified in Section 20.04.040(c)(1) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(A) Requirement to Submit New Technical Data.

(i) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

(ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(iii) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

(iv) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(B) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City of Bloomington Planning and Transportation Department Director and may be submitted to FEMA at any time.

(C) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Bloomington have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bloomington's Flood Insurance Rate Map accurately represent Bloomington's boundaries, include within such notification a copy of a map of Bloomington suitable for reproduction, clearly showing the new corporate limits or the new area for which Bloomington has assumed or relinquished floodplain management regulatory authority.

(e) Provisions for Flood Hazard Reduction. All development shall comply with the provisions of this Section 20.04.040(e). Petitions for new or revised subdivisions shall also comply with the standards in Section 20.05.050(c).

(1) Conditional Uses. ~~The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).~~

(A) The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).

(i) Transportation facilities, including, but not limited to, bridges, streets or drives;

(ii~~B~~) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;

(iii~~C~~) Parking lots constructed solely of permeable pavers;

(iv~~D~~) Recreational equipment; and

(v~~E~~) Buildings/structures.

(B) Any activity exempted from a floodplain development permit does not need a conditional use approval.

(2) Floodplain Status Standards.

(A) Standards for Identified Floodways (Riverine). Located within SFHAs, established in Section 20.04.040(c)(1), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

(i) If the site is in a regulatory floodway as established in Section 20.04.040(c)(1), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and

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apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

(ii) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.

(iii) The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

(iv) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 20.04.040(d)(5)(A). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

(v) In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(vi) For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(B) Standards for Identified Fringe (Riverine). If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

(C) Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine).

(i) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

ii. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

(D) SFHAs not Identified on a Map.

(i) If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(ii) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(iii) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(3) General Standards. In all areas of special flood hazard, the following provisions are required:

(A) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(C) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation,

plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(E) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(H) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(I) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres;

(J) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development;

(K) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes in areas of shallow flooding, designated as Zone AO or Zone AH on the FIRM;

(L) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

(4) Specific Standards. In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Section 20.04.040(c)(1), the following provisions are required:

(A) Building Protection Requirement. In addition to the general standards described in Section 20.04.040(e)(3) structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(i) Construction or placement of a residential structure;

(ii) Construction or placement of a non-residential structure;

(iii) Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds fifty percent of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;

(iv) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds fifty percent of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);

(v) Installing a manufactured home on a new site or a new manufactured home on an existing site;

(vi) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty days;

(vii) Reconstruction or repairs made to a repetitive loss structure; and

(viii) Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(B) Residential Construction.

(i) New construction or substantial improvement of any residential structures shall meet provisions described in Section 20.04.040(e)(2) and Section 20.04.040(e)(3).

(ii) In Zone A and Zone AE. new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of 20.04.040(e)(4)(C)(vi) must be met.

(iii) In Zone AH, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(iv) In Zone AO, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet greater than the flood depth specified on the FIRM above the highest adjacent grade. If no flood depth is specified, the community shall use two feet as the minimum depth. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(v) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood

openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

c. Doors and windows do not qualify as openings;

d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

e. Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

2. The floor of such enclosed area must be at or above grade on at least one side.

(vi) A residential structure may be constructed on fill in accordance with the following

1. Fill shall be placed in layers no greater than one foot deep before compacting to ninety-five percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

2. Fill shall extend five feet beyond the foundation of the structure before sloping below the BFE;

3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one feet vertical;

4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;

5. Fill shall be composed of clean granular or earthen material.

(vii) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(C) Non-Residential Construction.

(i) New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Section 20.04.040(e)(2) and applicable general standards described in Section 20.04.040(e)(3).

(ii) In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met.

(iii) In Zone AH, new construction or substantial improvement of any non-residential structure (excludes accessory structures) shall have the lowest floor, including basement, elevated at least to the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(iv) In Zone AO, new non-residential construction or substantial improvements of any non-residential structure (excludes accessory structures) shall either:

(v) Have the lowest floor, including basement, elevated at least two feet greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes; or

(vi) Be floodproofed to an elevation at least two greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade.

(vii) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

c. Doors and windows do not qualify as openings;

d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

e. Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

2. The floor of such enclosed area must be at or above grade on at least one side.

(viii) A nonresidential structure may be constructed on fill in accordance with the following:

1. Shall be placed in layers no greater than one foot deep before compacting to ninety-five percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

2. Shall extend five feet beyond the foundation of the structure before sloping below the BFE;

3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical;

4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;

5. Shall be composed of clean granular or earthen material.

(ix) A nonresidential structure may be floodproofed in accordance with the following:

1. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(x) A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(D) Manufactured Homes and Recreational Vehicles.

(i) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(B)(v).

3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(i) Recreational vehicles placed on a site in the SFHA shall either:

1. Be on site for less than one hundred eighty days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or

2. Meet the requirements for "manufactured homes" as stated earlier in this section.

(E) Accessory Structures. Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

(i) Shall have a floor area of four hundred square feet or less;

(ii) Use shall be limited to parking of vehicles and limited storage;

(iii) Shall not be used for human habitation;

(iv) Shall be constructed of flood resistant materials;

(v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(vi) Shall be firmly anchored to prevent flotation;

(vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;

(viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(C)(vii); and

(ix) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(F) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development. Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

(i) Shall have open sides (having not more than one rigid wall);

(ii) Shall be anchored to prevent flotation or lateral movement;

(iii) Shall be constructed of flood resistant materials below the FPG;

(iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;

(v) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

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

(5) Standards for Subdivision and Other New Developments

(A) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.

(D) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres, whichever is less.

(E) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

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

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.050 Access and connectivity.

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

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

(c) Driveways and Access.

(1) Number of Drives.

(A) Single-Family, Duplex, Triplex, and Fourplex Residential Uses. For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:

i. The maximum circle drive width shall be ten feet;

ii. The lot shall have a minimum of one hundred twenty feet of street frontage on the street the circle drive will access; and

iii. The minimum distance between the driveway access points of a circle drive shall be sixty feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(B) All Other Uses. No property shall be permitted to have more than two driveway access points per street frontage.

(2) Location and Separation of Drives.

(A) Generally.

i. Except as allowed under Section 20.04.050(c)(3)(B)(i), no entrance or drive shall be installed:

1. Closer to a street than the existing or proposed front building wall running less than forty-five degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.

ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.

iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a local street and consistent with access management by the Transportation Plan or is a private street.

(B) Street Classification. The classification of all streets shall be as indicated on the Transportation Plan as contained in the Comprehensive Plan.

(C) Distance Calculations.

i. The distances applicable to the standards outlined in this Section 20.04.050 (Access and Connectivity) shall be determined as follows:

1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or

2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive. These measurements are taken along the right-of-way line.

ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the City Engineer.

iii. The width of an allowed driveway shall be measured along the typical driving path at its maximum width.

iv. Driveway and street separation standards shall apply along the same side of the street only.

(D) Arterial or Collector Streets.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. No entrance or drive along an arterial or collector street shall be installed within fifty feet of any intersecting street.

ii. All Other Uses.

1. No entrance or drive along an arterial or collector street shall be installed:

a. Within one hundred fifty feet of any intersecting street.

b. Within one hundred feet of another driveway entrance.

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

(E) Local Streets.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. No entrance or drive along a local street shall be installed within thirty feet of any intersecting street.

ii. All Other Uses.

1. No entrance or drive along a neighborhood street shall be installed:

a. Within one hundred feet of any intersecting street.

b. Within fifty feet of another driveway entrance.

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

(F) Improved Alley Access in the R1, R2, R3, R4, RM, MS, and MD Districts. A driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.

(3) Driveway and Access Design.

(A) Generally.

i. The City Engineering Department shall determine curb radii and other construction standards for all entrances based on the smallest design vehicle possible and to still accommodate the most common vehicle and occasional larger vehicles with appropriate encroachments, and whether an acceleration lane, deceleration lane, or passing blister is required.

ii. Driveways shall not impede the flow of drainage. Where driveway culverts are necessary to accommodate drainage, the culvert pipe size shall be determined by a licensed engineer to prevent flooding.

(B) Driveway Pavement Widths.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. The width of a driveway between the required front building setback and the street shall not exceed eighteen feet.

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

1. Twenty-four feet if from a nonresidential use onto an arterial or collector street. The City engineer may authorize a thirty-four-foot entrance to accommodate heavy truck use.

2. Twenty-four feet if from a nonresidential use onto a local street.

3. Twenty-four feet if from a mixed-use or multifamily residential use onto any type of street.

(C) Surface Material.

i. Unless specifically stated otherwise in this UDO, all entrances and drives shall be asphalt, concrete, or other material approved by the City.

ii. The Planning and Transportation Director may approve structurally engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.

iii. Areas using permeable pavers shall not be counted in impervious surface calculations.

iv. For new development, all driveway aprons onto a street shall be constructed of concrete.

v. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

vi. Drive cuts shall ramp to meet the pedestrian and/or bicycle facility in order to keep the pedestrian and/or bicycle facility at the same grade, unless approved by the City Engineer due to site elevation constraints.

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

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

(5) Vision Clearance Triangle.

(A) Applicability.

i. A vision clearance triangle shall be maintained at every street intersection. Vision clearance triangles may be required at other vehicular connections as determined by staff.

ii. Vision clearance triangles for intersections may be reduced upon a determination by the City Engineering Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

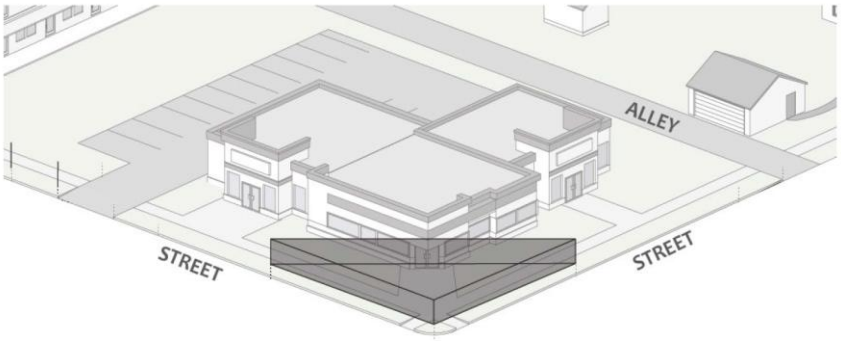

Figure 51: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths. The vision clearance triangle leg lengths shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets

published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Engineering Department.

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

(d) Pedestrian and Bicycle Circulation.

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

(2) Applicability. Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (local) streets with no adjacent pedestrian facilities, and additions to existing residential structures. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

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

(4) Pedestrian Network Required.

(A) All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages, multiuse trails where indicated on the Transportation Plan, and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.

(B) All concrete sidewalk and asphalt path improvements shall be constructed as per city planning and transportation department and engineering department requirements.

(C) All buildings shall have a sidewalk connection from the building entrance to the adjacent public street.

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

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

(7) Placement. To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement. In situations of limited existing right-of-way, a minimum five-foot-wide tree plot is required and any portions of required pedestrian facilities that are not located within the right-of-way must be placed within a pedestrian easement.

(8) Minimum Tree Plot Width. All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with ground cover. The Planning and Transportation Director may allow tree

grates, tree boxes, or other appropriate streetscape treatments in areas that anticipate increased pedestrian traffic.

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

(10) Paths, Sidewalks, and Trails.

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

(B) Additional Facility Amenities. Additional amenities shall be required in accordance with the design standards identified in the Transportation Plan.

(C) Sidewalks.

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

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

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

iv. Separation. Sidewalks shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage or against the minimum landscape area for the property.

2. In situations where the City Planning and Transportation Department has determined that a pedestrian easement is not feasible due to right-of-way width constraints or site elevation constraints, the City Planning and Transportation Department may approve the following design options:

a. A ten-foot-wide sidewalk with reduced vegetated plot width.

b. Integral sidewalk with a minimum six-inch curb and six-foot wide sidewalk.

v. Cross-Slopes. All sidewalks (over entrances and drives, intersections, etc.) shall be constructed to comply with the Americans with Disabilities Act and all applicable adopted City standards.

(D) Multiuse Paths. Where multiuse paths are identified on the Transportation Plan, or as construction of new streets warrants the provision of multiuse paths, as determined by the Planning and Transportation Director, such facilities shall be provided as follows:

i. Minimum Width. Ten feet.

ii. Surface. Multiuse paths shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the Planning and Transportation Department in order to mitigate environmental impacts.

iii. Location. Multiuse paths shall be constructed a minimum of one foot inside the public right-of-way line or within a pedestrian easement along all abutting street frontages.

iv. Separation. Multiuse paths shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the multiuse path location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the multiuse path is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the multiuse path must be located within a pedestrian easement on private property, the portions of the multiuse path within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property.

2. In situations where the City Planning and Transportation Department has determined that a pedestrian easement is not feasible, the City Planning and Transportation Department may approve a five-foot-wide multiuse path with reduced vegetated plot width.

v. Cross-Slopes. All multiuse paths (over entrances and drives, intersections, etc.) shall be constructed to comply with the Americans with Disabilities Act and all applicable adopted City standards.

(E) Bike Lanes. Where development projects include the construction of new public streets and redevelopment projects include alteration of existing right-of-way that are identified as having bike lanes in the Transportation Plan, such facilities shall be provided as follows:

i. Type. The type of bicycle facility required shall be determined by the Transportation Plan.

ii. Minimum Width. A minimum of five feet, or as indicated in the Transportation Plan. Any adjacent curb and gutter shall not be included in the bike lane width measurement.

iii. Location. Striped bike lanes shall be located at the outer edge of the street, adjacent to the curb, or as indicated in the most recent Transportation Plan.

iv. Substitution. Substitution of a ten-foot-wide multiuse path may be allowed if approved by the City Planning and Transportation Department and such substitution is consistent with the most recent Transportation Plan.

(F) Multiuse Trails. Where multiuse trails are identified on the Transportation Plan, such facilities shall be provided as follows:

i. Minimum Width. Pavement width shall be a minimum of twelve feet, and the paved trail shall have two-foot-wide shoulders on both sides and shall be surfaced as determined by the parks and recreation department.

ii. Surface. Multiuse trails shall be paved with asphalt. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts.

iii. Dedication. All multiuse trails shall be dedicated to the City parks and recreation department within rights-of-way of at least fifty feet in width. Right-of-way width for multiuse trails may be reduced by the City Planning and Transportation Department after approval by the City parks and recreation department.

(G) Connector Paths. Where a development is adjacent to a public park, school, commercial area, or existing or proposed multiuse trail as identified in the Transportation Plan, connector paths shall be provided as follows:

i. The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the City parks and recreation department. The parks and recreation department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.

ii. Minimum Width. Connector paths shall be a minimum of ten feet in width.

iii. Surface. Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts.

iv. Easement. Connector paths shall be contained within pedestrian easements of at least twenty feet in width pursuant to Section 20.05.040 (Easements).

v. Undeveloped Properties. Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.

(11) Payment-in-Lieu of Pedestrian and Bicycle Circulation Construction

(A) Purpose: The City of Bloomington supports the installation of paths, sidewalks, and trails by the development community at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a payment-in-lieu of the installation of new infrastructure. It is the purpose of this section, and rules and regulations set forth, to establish a payment-in-lieu of path, sidewalk, or trail construction requirements and to establish a process to facilitate the construction, improvement, and maintenance of those facilities within the City.

(B) General: Any project required to install paths, sidewalks, trails, multiuse paths, bike lanes, or multiuse trails as required in this Section 20.04.050 may request to pay a payment-in-lieu of said physical improvements. Requests to pay a payment-in-lieu of physical improvements shall be reviewed and approved or denied in accordance with this Section 20.04.050(d)(11)(D). All funds derived from sums paid-in-lieu of the physical improvements shall go into the alternative transportation fund. The alternative transportation fund shall be for the purpose of reducing our community's dependence upon the automobile. Expenditures from the fund shall be approved by the council.

(C) Evaluation Criteria: Any site plan, portion of a site plan, or subdivision required by Section 20.04.050 to install paths, sidewalks, and trails may request payment-in-lieu of said physical improvements where the Planning and Transportation Department has determined that a required path, sidewalk, and trail is not reasonable due to existing practical difficulties associated with the property including, but not limited to:

(i) The topography of the lot or tract together with the topography of the adjacent lots or tracts and the nature of the street right-of-way make it impractical for construction of physical improvements; and/or

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(ii) The adjacent lots or tracts are at present developed without paths, sidewalks, and trails and there is no reasonable expectation of additional connections on the block in the near future; and/or

(iii) Uniformity of development of the area would best be served by deferring path, sidewalk, and trail construction on the lot or tract until some future date.

(D) Review and Decision

(i) All requests for payments-in-lieu of the construction of paths, sidewalks, and trails shall be heard by the City of Bloomington Transportation Commission and evaluated based on the criteria set forth in this section.

(E) Fee Calculation: The fee calculation for approved payments-in-lieu of paths, sidewalks, and trails shall be based on the adopted Planning and Transportation Fee Schedule and shall be paid in full prior to:

(i) Release of a secondary plat for recording for applicable projects; or

(ii) Issuance of a Certificate of Zoning Compliance for a building permit for applicable projects; or

(iii) Issuance of a Certificate of Zoning Compliance for any other projects requiring said physical improvements in which secondary plat or building permit issuance does not apply.

(F) Future Site Improvements or Changes: Any fee paid-in-lieu of the construction of paths, sidewalks, and/or trails that is approved by the Transportation Commission shall apply only to the requirements in effect at the time of the development. This provision shall not be construed to grant an exception from the installation of paths, sidewalks, and/or trails for any future subdivision or development of the site that would otherwise require such improvements under the standards of the UDO at the time of approval.

(e) Public Transit.

(1) General Standards.

(A) For the purposes of this section, transit facilities shall include:

i. Benches;

ii. Shelters; or

iii. Other similar transit stop amenities.

(B) Where a development is required to install one or more transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. Where such facilities are proposed within the public right-of-way, approval by the City Board of Public Works shall also be required.

(C) The Bloomington Public Transportation Corporation may waive a required transit facility if that corporation deems it unnecessary based on existing facilities.

(2) Existing Public Transportation Routes.

(A) Transit Facility. For any development of at least twenty dwelling units, or for any nonresidential development of at least twenty thousand square feet gross floor area, developed adjacent to one or more public transportation routes, a transit facility shall be constructed on all routes for which one or more of the following criteria are met:

i. The proposed development is expected to generate public transit usage; or

ii. The nearest existing transit facility on the route is more than one-fifth of one mile (one thousand fifty-six feet) away from the closest primary building on the site, measured along rights-of-way; or

iii. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes. In such a case, the busier routes shall receive the facility.

(B) Location. The transit facility shall occupy:

i. A site within or adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site approved by the Bloomington Public Transportation Corporation that is or will be contained within a transit facility easement.

(C) Pedestrian Accessibility. Transit facilities shall be connected to the public sidewalk system and ADA-accessible routes.

(3) Future Public Transportation Routes.

(A) Transit Facility Easement. For any development where one or more public transportation routes are reasonably expected to exist on adjacent public streets in the future, and where the development is expected to generate public transit usage, transit facility easements shall be established on each future route if one or more of the following criteria exist:

i. Route Overlap. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes; or

ii. Insufficient Right-of-Way. Insufficient right-of-way exists to reasonably allow a transit facility and/or transit service access.

(B) Location. Transit facility easements shall occupy:

i. A site adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site as approved by the Bloomington Public Transportation Corporation.

(4) Transit Facilities and Easements.

(A) Pedestrian Traffic. Public transit facilities shall be designed so that they will not interfere with the normal flow of pedestrian traffic on public or private sidewalks.

(B) Construction Standards. Public transit facilities shall be built to meet the requirements of the Bloomington Public Transportation Corporation.

(C) Setback Exemption. Public transit facilities shall be exempt from the building setback standards of the zoning district.

(D) Minimum Easement Depth. Ten feet.

(E) Minimum Easement Width. Fifteen feet.

(F) Recording of Easements. See Section 20.05.040 (Easements).

(5) Bus Turnout Areas.

(A) Bus Turnout. Bus turnout areas shall be constructed in conjunction with a transit route if a transit stop is warranted, as determined by the Bloomington Public Transportation Corporation and the City, and the street on which the public transportation route is established is classified as a primary arterial on the most recent Transportation Plan.

(B) Dimensional Standards. Bus turnout areas shall be built to the dimensional requirements of the Bloomington Public Transportation Corporation.

(C) Construction Standards. The engineering design of bus turnout areas shall be coordinated with the City Planning and Transportation Department.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. B), 5-18-2022; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.060 Parking, loading, and storage.

(a) Purpose. This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Providing necessary access for service and emergency vehicles;

(3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;

(4) Encouraging multi-modal transportation options and enhanced pedestrian safety;

(5) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the City;

(6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

(7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

(b) Applicability. Compliance with this Section 20.04.060 (Parking and Loading) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.060(d) (Minimum Vehicle Parking Requirement) through 20.04.060(1) (Minimum Bicycle Parking Required).

(c) Parking Calculations.

(1) Generally.

(A) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

(B) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.

(C) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated. Businesses with parking areas designed exclusively for vehicle display shall provide a minimum of one van accessible ADA parking space.

(D) When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of one-half or larger shall be rounded down to the next lowest whole number.

(E) Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 20.04.060(g)(1) (Shared Parking Facilities).

(2) Unlisted Uses. For uses not listed in Table 04-9 (Minimum Vehicle Parking Requirements) or Table 04-10 (Maximum Vehicle Parking Allowance), the City Planning and Transportation Department is authorized to do any of the following:

(A) Apply the minimum or maximum off-street parking space requirement specified in Table 04-9 (Minimum Vehicle Parking Requirements) or Table 04-10 (Maximum Vehicle Parking Allowance), for the listed use that is deemed most similar to the proposed use as determined by the City Planning and Transportation Department (based on operating characteristics, the most similar related occupancy classification, or other factors related to potential parking demand determined by the department).

(B) Establish the minimum or maximum off-street parking space and loading requirements based on a parking study prepared by the petitioner according to Sections 20.04.060(g) (Adjustments to Minimum Parking Requirements) or 20.04.060(h) (Adjustments to Maximum Parking Allowance).

(d) Minimum Vehicle Parking Requirement.

(1) Applicability.

(A) Generally. Each development or land use subject to this section pursuant to Section 20.04.060 (Parking and Loading) shall provide at least the minimum number of vehicle parking spaces required for each land use listed in Table 04-9 (Minimum Vehicle Parking Requirements).

(B) MD District. Minimum parking requirements do not apply to development in the Courthouse Square Character Area or the Downtown Core Character Area south of 4th Street.

Table 04-9. Minimum Vehicle Parking Requirements

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

Notes:

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

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

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

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

Table 04-10. Maximum Vehicle Parking Allowance

Use	Maximum Vehicle Parking Allowance
Residential Uses	
Household Living	
Dwelling, single-family (detached)	No limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the potential minimum, or 1.25 spaces per bedroom, whichever is less. When there is no required minimum number of spaces, the number of spaces listed per DU in Table 04-9 shall be used in the 125% calculation.
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU
Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
Group Living	
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 DUs
Continuing care retirement facility	
Fraternity or sorority house	0.8 spaces per bed
Group care home, FHAA small	2.5 spaces per 1,000 square feet GFA
Group care facility, FHAA large	
Nursing or convalescent home	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units
Opioid rehabilitation home, small	2.5 spaces per 1,000 square feet GFA
Opioid rehabilitation home, large	
Single room occupancy	2 spaces; plus 1 space per bedroom
Student housing or dormitory	0.75 spaces per bedroom
Supportive housing, small	2.5 spaces per 1,000 square feet GFA
Supportive housing, large	
Public, Institutional, and Civic Uses	
Community and Cultural Facilities	

Art gallery, museum, or library	2 spaces per 1,000 sq. ft. GFA
Cemetery or mausoleum	1 space per 4 seats in chapel or assembly area
Club or lodge	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Community center	3.3 spaces per 1,000 square feet GFA
Conference or convention center	2 spaces per 1,000 sq. ft. GFA
Crematory	3.3 spaces per 1,000 sq. ft. GFA
Day-care center, adult or child	3.3 spaces per 1,000 sq. ft. GFA
Government service facility	3.3 spaces per 1,000 sq. ft. GFA
Jail or detention facility	2 spaces per 1,000 sq. ft. GFA
Meeting, banquet, or event facility	4 spaces per 1,000 sq. ft. GFA
Mortuary	3.3 spaces per 1,000 sq. ft. GFA
Park	5 spaces per 1 acre plus 2.5 spaces per 1,000 sq. ft. of site used for recreational equipment area
Place of worship	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Police, fire, or rescue station	4 spaces per 1,000 sq. ft. GFA plus 1 space per each vehicle used for police, fire, and rescue
Urban agriculture, noncommercial	1.25 spaces per 1 acre
Educational Facilities	
School, college or university	4 spaces per 1,000 sq. ft. GFA
School, public or private	4 spaces per 1,000 sq. ft. GFA
School, trade or business	4 spaces per 1,000 sq. ft. GFA
Healthcare Facilities	
Hospital	1 space per patient bed design capacity
Medical clinic	5 spaces per 1,000 sq. ft. GFA
Methadone treatment facility	3.3 spaces per 1,000 sq. ft. GFA
Opioid rehabilitation facility	3.3 spaces per 1,000 sq. ft. GFA
Commercial Uses	
Agricultural and Animal Uses	
Kennel	3.3 spaces per 1,000 sq. ft. GFA
Orchard or tree farm, commercial	1.25 spaces per 1 acre
Pet grooming	3.3 spaces per 1,000 sq. ft. GFA
Plant nursery or greenhouse, commercial	3.3 spaces per 1,000 sq. ft. of GFA retail sales
Veterinarian clinic	3.3 spaces per 1,000 sq. ft. GFA
Entertainment and Recreation	
Amenity center	2.5 spaces per 1,000 sq. ft. GFA
Country club	2 spaces per golf hole plus 2.5 spaces per 1,000 sq. ft. GFA
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 4 spaces per 1,000 sq. ft. GFA
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 2.5 spaces per 1,000 sq. ft. of site area used for recreation

Sexually oriented business	5 spaces per 1,000 sq. ft. GFA
Stadium	1 space per 8 seats
Food, Beverage, and Lodging	
Bar or Dance club	4 spaces per 1,000 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of outdoor seating area
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: 10 spaces per 1,000 sq. ft. GFA Outdoor seating area: 5 spaces per 1,000 sq. ft. of outdoor seating area
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
Retail Sales	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
Vehicles and Equipment	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/office area; plus 1 space per service bay
Transportation terminal	1.25 spaces per 0.5 acres
Vehicle fleet operations, small	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fleet operations, large	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	1.25 spaces per 0.5 acres
Vehicle repair, major	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle repair, minor	
Vehicle sales or rental	
Vehicle wash	2.5 spaces per 1,000 sq. ft. of indoor sales/office are plus 1 space per service bay

Employment Uses	
Manufacturing and Processing	
Commercial laundry	3.3 spaces per 1,000 sq. ft. GFA
Food production or processing	3.3 spaces per 1,000 sq. ft. GFA
Manufacturing, artisan	2.5 spaces per 1,000 sq. ft. GFA
Manufacturing, light	3.3 spaces per 1,000 sq. ft. GFA
Manufacturing, heavy	3.3 spaces per 1,000 sq. ft. GFA
Salvage or scrap yard	1.25 spaces per 0.5 acres plus 2.5 spaces per 1,000 sq. ft. GFA
Storage, Distribution, or Warehousing	
Bottled gas storage or distribution	3.3 spaces per 1,000 sq. ft. GFA
Contractor's yard	3.3 spaces per 1,000 sq. ft. GFA plus 1 space per each company vehicle up to a maximum of 30 company vehicles
Distribution, warehouse, or wholesale facility	3.3 spaces per 1,000 sq. ft. GFA
Storage, outdoor	1.25 spaces per 1 acre
Storage, self-service	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/office space
Resource and Extraction	
Gravel, cement, or sand production	1.25 spaces per 1 acre
Quarry	1.25 spaces per 1 acre
Stone processing	1.25 spaces per 1 acre
Utilities and Communication	
Communication facility	1.25 spaces per 1 acre
Solar collector, ground- or building-mounted	1.25 spaces per 1 acre
Utility substation and transmission facility	1.25 spaces per 1 acre
Wind energy system, large	1.25 spaces per 1 acre
Wind energy system, small	1.25 spaces per 1 acre
Accessory Uses	
Chicken flock	No additional parking
Crops and pasturage	No additional parking
Detached garage	No additional parking
Drive-through	No additional parking
Dwelling, accessory unit	No additional parking
Electric vehicle charging facility	No additional parking
Greenhouse, noncommercial	No additional parking
Home occupation	No additional parking
Outdoor retail and display	No additional parking
Outdoor trash and recyclables receptacles	No additional parking
Recycling drop-off, self-serve	No additional parking
Swimming pool	No additional parking
Temporary Uses	
Book buyback	No additional parking
Construction support activities	No additional parking
Farm produce sales	No additional parking
Real estate sales or model home	No additional parking
Seasonal sales	No additional parking

Special event	No additional parking
DU = dwelling unit sq. ft. = square feet	

(f) Accessible Parking.

(1) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC).

(2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for persons with disabilities.

(3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.

(4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is twenty-five spaces or less.

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

(1) Shared Parking Facilities.

(A) Generally.

i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.

ii. Where a minimum number of parking spaces are required by Table 04-9 (Minimum Vehicle Parking Requirements), the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the City Planning and Transportation Department may authorize the shared use of parking facilities subject to the following:

iii. In a shared parking arrangement, each property shall provide a minimum of sixty percent of the individual parking requirements provided in Table 04-9 (Minimum Vehicle Parking Requirements). In no case shall the total combined parking spaces be less than one hundred twenty percent of the greater individual parking requirement.

iv. Any property using shared parking facilities shall be located within six hundred feet of such parking facility, using established sidewalks and crosswalks where available.

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

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

(3) Affordable and Senior Housing. The minimum number of required vehicle parking spaces for multifamily residential structures shall be reduced by thirty-five percent if:

(A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives); or

(B) A minimum of seventy-five percent of the dwelling units are restricted for lease or sale by persons sixty-five years of age or older.

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

(A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use.

(C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

(E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off-street parking requirements of this chapter.

(5) Modification of Minimum Parking Requirement Based on Parking Study. If a petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 04-9 (Minimum Vehicle Parking Requirements), and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the City Planning and Transportation Department may authorize a reduction in required off-street parking spaces based on that study.

(h) Adjustments to Maximum Parking Allowance. No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 04-10 (Maximum Vehicle Parking Allowance), unless approved by the City Planning and Transportation Department based on the following:

(1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;

(2) The petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 04-10 (Maximum Vehicle Parking Allowance), and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and

(3) Any parking provided above the maximum required in Table 04-10 (Maximum Vehicle Parking Allowance), is constructed in a parking structure or with approved pervious surfaces.

(i) Vehicle Parking Location and Design.

(1) Applicability. The standards in Section 20.04.060(i) (Vehicle Parking Location and Design) shall apply to all surface and aboveground vehicle parking and maneuvering areas.

(2) Location.

(A) Generally.

i. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served, unless otherwise allowed pursuant to 20.04.060(g)(1).

ii. Parking areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.

iii. No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.

iv. All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).

v. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.

vi. No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

(B) In the R1, R2, R3, R4, RM, RH, MS, and MD Districts.

i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding eighteen feet in width.

ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to twenty feet in depth and twenty feet in width. Depth of required parking areas may exceed twenty feet if leading to a vehicular entrance of a detached garage or carport. In the MD, MS, RM, and RH districts, the required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.

iii. For lots at the corner of a street and the alley, the driveway on the alley shall be setback fifteen feet from the intersection of the street and the alley.

(3) Dimensions of Parking Spaces and Drive Aisles. All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards and per Table 04-11:

(A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.

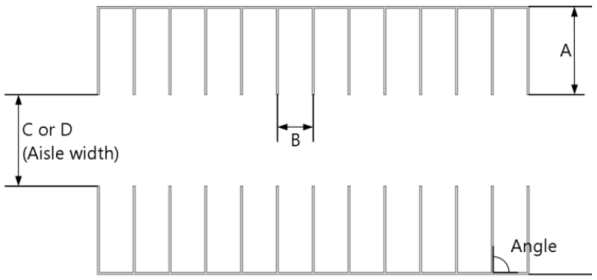

Figure 52: Illustrative Scale and Character

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

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

Notes:

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

[2] Parking spaces for motorcycles may be provided and must be a minimum of three feet in width and six feet in length.

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

(4) Stacked Parking. Stacked parking arrangements are permitted.

(5) Back-Out Parking.

(A) Generally. All on site vehicle parking areas shall be designed to avoid the need for vehicles to back onto public streets when exiting the parking space, unless otherwise stated in this UDO.

(B) Exceptions. Single-family, duplex, triplex, and fourplex uses in any zoning district shall be permitted to back-out directly onto an alley or a public street, other than an arterial street.

(C) Back-Out Parking Waiver. Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

i. The lot in question does not exceed twenty thousand feet in area;

ii. A maximum of eight back-out parking spaces are permitted per site;

iii. Parking shall directly access an improved alley; and

iv. Parking spaces shall be designed to be no less than forty-five degrees to the alley.

(6) Stormwater Drainage.

(A) Water draining from a parking lot shall not flow across a sidewalk.

(B) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.

(7) Surface Material.

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

(B) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete, except that the driveway apron for a single-family, duplex, triplex, or fourplex use on a local street may use asphalt or concrete.

(C) Areas using permeable parking pavers shall not count towards impervious surface calculations.

(D) Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, ~~and display areas for vehicle sales and rental uses,~~ all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.

(E) All driving lanes and parking aisles in parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

(8) Electric Vehicle Charging. Parking areas with fifty or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every twenty-five parking spaces provided on site. For auto sales, the electric vehicle charging requirements are only based on customer and employee parking spaces. If more than six EV charging stations are required, at least one shall be an ADA van accessible parking space. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

(A) Located on the same lot as the principal use;

(B) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

(C) Outfitted with a standard electric vehicle charging station.

(9) Parking Area Landscaping. All development shall comply with Section 20.04.080(h) (Parking Lot Landscaping).

(10) Parking Area Lighting. All development shall comply with Section 20.04.090 (Outdoor Lighting).

(11) Pedestrian and Bicycle Circulation. All development shall comply with Section 20.04.050 (Access and Connectivity).

(j) Loading Area Location and Design.

(1) Applicability. This Section 20.04.060(j) (Loading Area Location and Design) shall apply to all loading areas.

(2) Location. Loading berths shall be located at the rear of a structure.

(3) Design.

(A) Loading berths shall be paved with asphalt or concrete.

(B) Loading berths shall be effectively screened from view from adjacent public streets and residential uses by solid building walls, constructed of similar building materials as the primary structure and not less than six feet in height.

(C) The design of loading berth areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

(k) Drive-Through Facilities and Vehicle Stacking Areas.

(1) Applicability. The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

(2) Minimum Number of Vehicle Stacking Spaces. All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 04-12 (Minimum Vehicle Stacking Space Requirements), and shall comply with the standards in this Section 20.04.060(k) (Drive-Through Facilities and Vehicle Stacking Areas).

Table 04-12. Minimum Vehicle Stacking Space Requirements

Use	Required Stacking Spaces
Car wash	4 spaces per bay or lane
Food and beverage uses	3 spaces per service lane
Other uses	3 spaces per service lane
Financial institutions	2 spaces per service lane

(l) Minimum Bicycle Parking Required.

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

(2) Required Bicycle Parking Spaces.

(A) Generally.

i. Each development subject to this Section 20.04.060(l) (Minimum Bicycle Parking Required) shall provide a minimum of six bicycle parking spaces or the number of bicycle parking spaces required in Table 04-13 (Minimum Bicycle Parking Requirements), whichever is more.

ii. The minimum number of bicycle parking spaces required in Table 04-13 (Minimum Bicycle Parking Requirements) shall be based on the total number of vehicle parking spaces provided on site or in a permitted off site location to serve the principal uses.

Table 04-13. Minimum Bicycle Parking Requirements

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

Use	All Other Zoning Districts	MD Zoning District

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Residential uses	10%, or one space per 5 bedrooms, whichever is more	20%, or one space per 5 bedrooms, whichever is more
Public, institutional, and civic uses	5%	15%
Commercial uses	5%	10%
Employment uses	2%	5%

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

(C) Cottage Development. A minimum of one class II bicycle parking space is required per dwelling unit. Secure garages may count toward this requirement, but a minimum of four class II bicycle parking spaces shall be provided.

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

(E) When No On-Site Vehicle Spaces are Provided. Where no vehicle parking spaces are provided on site, one bicycle parking space shall be required for every five thousand square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

(F) Existing Public Bicycle Parking Spaces. Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change in use, and are located within one hundred feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

(G) Bicycle Parking Reduction. Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if:

i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or

ii. Existing bicycle parking facilities are located within the public right-of-way and within one hundred feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on site.

(m) Bicycle Parking Location and Design.

(1) Location.

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

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

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

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

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

(2) Design.

(A) Generally.

i. Bicycle parking location and design shall comply with City of Bloomington standards in the administrative manual.

ii. Bicycle parking shall accommodate two points of contact that are separated horizontally.

iii. Bicycle parking shall be accessible from the pedestrian/bicycle way without the need to lift the bicycle over a curb.

iv. Bicycle parking shall be located no farther than the closest motor vehicle parking space, excluding accessible vehicle parking spaces.

(B) Type.

i. All bicycle parking requirements shall be met using either long-term class I or short-term class II bicycle security facilities.

ii. For multifamily residential uses, developments with twenty-five or more dwelling units shall provide:

1. A minimum of one-half of the total required bicycle parking spaces as covered, short-term class II bicycle parking facilities; and

2. A minimum of one-quarter of the total required bicycle parking spaces as long-term class I facilities.

iii. For nonresidential and mixed-use developments with more than twenty thousand square feet of gross floor area, all required bicycle parking facilities shall be class II covered spaces.

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

(n) Use of Parking Areas.

(1) Exclusive Use.

(A) Unless a shared parking agreement has been established in accordance with Section 20.04.060(g)(1) (Shared Parking Facilities), required vehicle and bicycle parking spaces shall be designed, maintained and used exclusively for the tenants, occupants, and customers of the buildings or uses on the site.

(B) Excess or unused vehicle or bicycle parking spaces or loading spaces may not be rented or leased to the general public or to those who are not tenants, occupants and customers of the buildings or uses where the parking is located unless:

i. Otherwise allowed pursuant to Section 20.04.060(g)(1) (Shared Parking Facilities); or

ii. A vehicle parking garage is listed as a permitted or Conditional Use in the zoning district where the parking lot or parking garage is located pursuant to Table 03-1 (Allowed Use Table).

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

(A) Vehicles and trailers shall not be stored or parked on an unimproved surface.

(B) Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.

(C) Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

(3) Motor Vehicle Repair.

(A) Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration, and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use.

(B) Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

(C) A maximum of three wrecked or inoperable vehicles awaiting repair may be stored on site at one time. No such vehicle shall be stored on site in excess of thirty days.

(4) Vehicles and Trailers. Except for uses where auto repair is authorized, the parking of vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited for periods in excess of thirty days, unless such vehicle or trailer is completely enclosed within a building or within an approved salvage or scrap yard.

(5) Storage, Occupancy, or Similar Uses. Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

(o) On-street Parking Standards for Private Streets. The following standards related to on-street parking apply to all developments where the City has approved the use of private streets that have not been dedicated to the City.

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

(2) Bump-outs.

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

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

(C) Bump-outs shall be installed at angles greater than ninety degrees away from the street curb to facilitate street maintenance and shall use designs approved by the Engineering

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Department~~Transportation and Traffic Engineer~~ based on considerations of pedestrian and traffic safety and efficient maintenance.

(p) Outdoor Storage. In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, dumpsters, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel, unless otherwise approved by the Municipal Code:

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

(2) During the process of being loaded or unloaded, the duration of which may not exceed seventy-two consecutive hours.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 23-10, § 2(Att. A), 6-21-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-11, § II(Att. A), 5-21-2025; Ord. No. 2025-12, § II(Att. A), 5-21-2025; Ord. No. 2025-29, § II(Att. A), 8-6-2025; Ord. No. 2025-41, § II(Att. A), 11-19-2025)

20.04.070 Site and building design.

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

(1) Protect and enhance the character and quality of Bloomington's neighborhoods;

(2) Protect and enhance the long-term market value of property within Bloomington;

(3) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;

(4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;

(5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

(6) Minimize negative impacts of on-site activities to adjacent uses; and

(7) Balance the community's economic and aesthetic concerns.

(b) Applicability.

(1) Compliance with this Section 20.04.070 (Site and Building Design) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.070(c) (MD District) through 20.04.070(e) (Projects Abutting to Historic Buildings).

(2) Any exterior renovation of a building shall comply with this Section 20.04.070 (Site and Building Design) for the portions of the building affected by the renovation. If the renovation is proposed for only a portion of a building, the Planning and Transportation Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.

(c) MD District.

(1) Generally. Notwithstanding subsections (d) and (e) below, all construction activity shall be subject to the design standards set forth in the applicable Downtown Character Overlay as specified in Section

20.02.030(g) (MD: Mixed-Use Downtown) and Section 20.02.060(a) (DCO: Downtown Character Overlay District).

(2) Street Lighting Plans in the MD District. All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan and shall comply with the following:

(A) Generally.

i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.

ii. Pedestrian scaled street lighting shall not exceed fifteen feet in height. Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.

(B) Lighting Fixture Styles.

i. Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.

ii. All pedestrian scaled street lighting in the MD district shall be of a traditional design style (gas lamp, acorn, or similar decorative style) except as otherwise provided below.

iii. Properties in the following Downtown Character Overlays may use traditional or contemporary design styles:

1. Downtown core;

2. University village (excluding Kirkwood Corridor and Restaurant Row);

3. Downtown gateway; and

4. Showers technology.

(d) Building Design.

(1) Third-Party Review. The Planning and Transportation Director may retain an independent third-party consultant to review any proposed building design in order to assist with review of compliance with the standards in this Section 20.04.070(d) (Building Design). Where the decision on an application is made by the Plan Commission or City Council (as shown in Table 06-1), the consultant may offer alternative compliant design option(s) that addresses each element of building design addressed in this Section 20.04.070(d) (Building Design). The body making the final decision on the application may approve some or all of the suggested design options if it determines that the suggested option:

(A) Significantly enhances the visual appeal of the building;

(B) Significantly enhances the perceived quality of the building facades visible from public streets;

(C) Creates no adverse impacts on surrounding properties beyond those that would be permitted if the standards in this Section 20.04.070(d) (Building Design) were applied; and

(D) Strengthens the public-private interaction at the street level.

(2) Mixed-Use and Nonresidential.

(A) Applicability. The following standards shall apply to parcels in the MN, MM, MC, MS, ME, MI, and MH zoning districts.

(B) Exceptions. Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1) (Third Party Review). Such residential

dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(3) (Residential).

(C) Materials. All facades of a primary building shall consist of one or more of the following primary and secondary exterior finish materials:

i. Primary Exterior Finish Materials.

1. Cementitious siding;

2. Masonry;

3. Brick;

4. Natural stone;

5. Precast concrete;

6. Split-faced block; and/or

7. Transparent glass.

ii. Secondary Exterior Finish Materials.

1. Wood;

2. EIFS;

3. Metal panel or siding (minimum twenty-six gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners (except corrugated); or

4. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

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

i. Awning or canopy that extends at least twenty-four inches from the building face;

ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings twenty-five feet or less in height may utilize a minimum of two feet of difference;

iii. A regular pattern of transparent glass constituting a minimum of fifty percent of the total wall/facade area of the first-floor facade/elevation and a minimum of thirty percent of each upper floor on each facade/elevation;

iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade and extend from the ground to the top of the building.

(E) Patterns. All facades of a primary building visible from any roadway shall contain the following color and texture changes:

i. Facades shall consist of at least one primary and one secondary color.

ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.

iii. Variations in texture and color elements shall repeat vertically a minimum of every thirty feet.

(F) Eaves and Roofs. Buildings with sloped roofs (those greater than three to twelve pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls, and consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Flat roofs (those less than three to twelve pitch) shall include a parapet on supporting walls and may use a flat roof with a rubber membrane or other similar approved material.

(G) Three-Hundred-Sixty-Degree Architecture. Those sides of a building that are not visible from the street frontage shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.

(H) Primary Pedestrian Entry.

i. One primary pedestrian entrance shall be provided for every facade facing a street. This includes a sidewalk connection to the adjacent public or private right-of-way.

ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.

iii. The pedestrian entry shall contain at least three of the following architectural details:

1. Pilasters, change in building mass, or a distinct facade module projection;

2. Public art display;

3. ~~Prominent building address, building name, and e~~Enhanced exterior light fixtures, such as wall sconces or light coves;

4. Raised corniced entryway parapet; or

5. Recessed or framed sheltered element of at least three feet in depth to protect pedestrians from weather;

6. Integral planters or wing walls that incorporate landscaping or seating.

(I) Windows on Primary Facades. All first-story windows on the facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) Anti-Monotony Standards. In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

i. Differences in rooflines;

ii. Differences in building footprint;

iii. Differences in the number of floors per building.

(K) Street Addresses.

i. Street address displays shall consist of Arabic numerals (e.g., one, two, three…) no less than eight inches in height. For multifamily uses, the address display shall be a minimum of five inches and a maximum of ten inches in height.

ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.

iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) Residential.

(A) Applicability. The following standards shall apply to the construction, expansion, addition, or alteration of any building in the R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) Materials. Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

i. Horizontal lap siding (e.g., vinyl, cementitious, wood);

ii. V-grooved tongue-and-groove siding;

iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;

iv. Cedar or other wood materials;

v. Stucco, plaster, or similar systems (excluding EIFS);

vi. Stone;

vii. Split face block, ground face block, or brick;

viii. Cast or cultured stone;

ix. Cast in place concrete;

x. Earthen structural materials;

xi. Metal panel or siding (minimum twenty-fix gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners (except corrugated); or

xii. Other materials that replicate the look and durability of the above materials, as approved by the staff.

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

(D) Foundations. All buildings shall be placed on permanent foundations.

(E) Roofs.

i. For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a three to twelve roof pitch) with a rubber membrane or other similar approved material.

ii. Primary structures larger than one thousand square feet of gross floor area may use a flat roof (less than three to twelve roof pitch) with a parapet and shall comply with any applicable standards established in Section 20.03.030 (Use-Specific Standards).

(F) Rain Gutters and Downspouts. Rain gutters and downspouts are required.

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

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

i. Facades shall consist of at least one primary and one secondary color.

ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.

iii. Variations in texture and color elements shall repeat vertically a minimum of every thirty feet.

(I) Primary Pedestrian Entry. In the case of new construction of multifamily units in the RM and RH zoning districts, the following standards shall apply:

i. One primary pedestrian entrance shall be provided for every facade facing a street.

ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.

iii. The pedestrian entry shall contain at least three of the following architectural details:

1. Pilasters, change in building mass, or a distinct facade module projection;

2. Public art display;

3. Prominent building address, building name, and enhanced exterior light fixtures such as wall sconces or light coves;

4. Raised corniced entryway parapet; or

5. Recessed or framed sheltered element of at least three feet in depth to protect pedestrians from weather;

6. Integral planters or wing walls that incorporate landscaping or seating.

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

i. Awning or canopy;

ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings twenty-five feet or less in height may utilize a minimum of two feet of difference;

iii. A regular pattern of transparent glass constituting a minimum of fifty percent of the total wall/facade area of the first-floor facade/elevation facing a street for nonresidential uses;

iv. A regular pattern of transparent glass constituting a minimum of thirty percent of the total wall/façade area of the first-floor facade/elevation facing a street for residential uses;

v. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade;

vi. Projecting porches, balconies, or entry stoops at relevant elevations.

(K) Anti-Monotony Standards. In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

i. Differences in rooflines;

ii. Differences in building footprint.

(4) Refuse and Recycling Containers. Except for single-family, duplex, triplex, and fourplex dwellings, all uses shall provide adequate space on site for refuse and recycling containers. Such areas shall comply with the standards in Section 20.04.080(m)(3) (Loading, Service, and Refuse Areas).

(5) Neighborhood Transition Standards.

(A) Setbacks. Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the minimum building setback of the adjacent Residential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater. When adjacent to the R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over thirty feet.

(B) Building Height.

i. Any portion of a building within fifty feet of a property in the R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings within fifty feet are not eligible for additional building height under Section 20.04.110 (Incentives).

ii. Any portion of a building between fifty feet and one hundred feet of a property in the R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district, plus one story (not to exceed fifteen feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings between fifty feet and one hundred feet are not eligible for additional building height under Section 20.04.110 (Incentives).

iii. Any portion of a building beyond one hundred feet from a property in the R1, R2, R3, or R4 zoning district shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond one hundred feet are eligible for additional building height under Section 20.04.110 (Incentives).

iv. Building features referenced in Table 04-7 (Authorized Exceptions to Height Requirements), shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

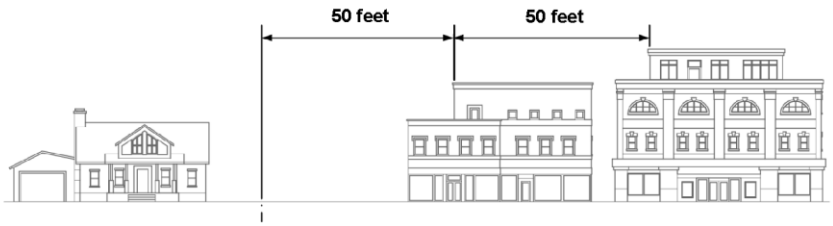

Figure 3.2 E: Building Height in Transition Areas

(6) Street Addresses.

(A) Street address displays shall consist of Arabic numerals (e.g., one, two, three…) no less than three inches in height.

(B) Street address displays shall be placed on the front of the structure and on the mailbox post where mailboxes are located along the street.

(C) All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(e) Projects Abutting to Historic Buildings. The following standards shall apply to all facades of primary buildings in the MS, MN, MM, MC, ME, MI, MD, and MH zoning districts that are visible from the road frontage:

(1) Building Height Stepdowns. Buildings abutting the side of outstanding and/or notable structures as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective abutting historic structure.

(2) Alignment with Setbacks. Notwithstanding the provisions of Section 20.04.020 (Dimensional Standards), new buildings abutting the side of an outstanding and/or notable structure as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall align their respective facades to match the front setback established by a surveyed structure rather than the required build-to line.

(3) Alignment with Belt Courses. Where a building facade is required to incorporate horizontal belt course elements pursuant to Section 20.02.060(a)(8)(A) (Belt Courses), the required horizontal elements shall visually align with similar horizontal design elements of abutting historic structures.

(4) Belt Courses.

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

(B) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

(f) Universal Design.

(1) In multifamily residential buildings and student housing and dormitory buildings constructed after April 18, 2020 that contain more than twenty-five dwelling units, at least twenty percent of the dwelling

units shall incorporate at least one entrance at grade level and not requiring any steps up or down or a ramp for entry.

(2) In addition, one of the following additional elements of "universal design" is required:

(A) All interior doorways with at least thirty-two-inch wide openings;

(B) At least one bathroom with thirty-two-inch counter height;

(C) At least one bathroom with wall reinforcements for handrails; and/or

(D) All light switches installed between forty-four and forty-eight inches in height.

(g) Solar Ready Building Design. All new construction of primary structures shall meet either (1) or (2) below:

(1) Design building as solar or renewable energy ready and incorporate the following into the site plan:

(A) Roof load bearing specifications shall be sized to bear the weight of a solar installation;

(B) The roof shall be oriented to maximize solar capacity and roof types shall be compatible with solar installation mounting;

(C) Non-solar rooftop equipment (HVAC systems, chimneys, vents) shall be placed to avoid shading of solar equipment and maximize the amount of continuous roof space;

(D) Electrical panels shall be sized to accommodate a future solar system and space shall be allocated in the utility room o outside for a solar DC-AC inverter; and

(E) Conduit for wiring shall be placed from the roof to the electrical panel.

(2) Submit a completed U.S. EPA Renewable Energy Ready Home Solar Site Assessment or another approved solar-ready assessment is required.

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

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-10 § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.080 Landscaping, buffering, and fences.

(a) Purpose. The landscaping standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster an aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

(b) Applicability. Compliance with this Section 20.04.080 shall be required pursuant to Section 20.04.010 (Applicability) or the specific applicability criteria established in Sections 20.04.080(1) (Vacant Lot Landscaping) and 20.04.080(n) (Fences and Walls).

(c) General Landscaping.

(1) Placement of Landscape Materials.

(A) Rights-of-Way and Easements. It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements, where such improvements are permitted. Plant species shall be approved by either the City or the easement holder.

(B) Utility Infrastructure.

i. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections.

ii. Large canopy trees shall be planted at least ten feet from public sanitary sewer, water service lines, and natural gas lines. Medium and small trees shall be planted at least five feet from public sanitary sewer, water service lines, and natural gas lines, except that medium and small trees planted less than five feet from public sanitary sewer, water service lines, and natural gas lines may be approved by the Planning and Transportation Director.

iii. A tree crown may project over a right-of-way or easement.

iv. All landscape plans shall also be reviewed by the utilities department to ensure that there are no conflicts between proposed landscape and utility lines.

v. Where utility lines pass overhead of a tree plot, medium or small trees may be used with approval of the Urban Forester.

vi. Where utility lines or tree plot~~tree plat~~ widths are an impediment to planting large, canopy trees in a tree plot, the Urban Forester may approve medium or small trees.

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

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

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

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

(2) Plant Material Standards.

(A) Live Plantings. All plant material shall be living and healthy. Dead, diseased or artificial plants shall not be recognized as contributing to required landscape treatments.

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

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

(D) Species Diversity.

i. On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty percent of the total number of newly planted trees on site. On sites that require an aggregate total of forty or more shrubs, any given genus of shrubs shall be limited to a maximum of thirty percent.

ii. Where shrubs are required to be planted, up to fifteen percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. If substitutions are intended for use in stormwater management facilities, a maximum of 30 percent may be substituted or as approved by the Planning and Transportation Director. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(a) (Landscaping).

(E) New Planting Sizes. The following minimum sizes shall apply to all required plant material:

i. Deciduous Trees. All newly planted deciduous trees shall be at least two-inch caliper. The size for street tree plantings may be reduced to one and a half inch caliper if approved by the Urban Forester.

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

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

(F) Substitution.

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

ii. Existing Vegetation.

1. The City Planning and Transportation Department may permit the substitution of required on-site landscape with existing vegetation provided that the existing vegetation is in good health and quality and is found on the permitted plant list in this UDO. Existing street trees can be used to meet street tree requirements on a one-to-one basis, no credit for DBH shall be given for street trees to be preserved.

2. Vegetation preserved to meet the requirements of Section 20.04.030(h), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section 20.04.080(c)(2).

3. Existing vegetation listed in Section 20.04.080(d), shall be credited towards required landscaping based on the following values:

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

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

[c] Shrubs. A credit of one shrub per every one existing qualified shrub is earned.

(G) Ground Cover.

i. Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover.

1. Parking lot bumpouts, islands, endcaps smaller than three hundred twenty-four square feet may use mulch.

2. Areas within twenty-four inches of a building foundation and underneath staircases may use decorative mulch or decorative stone. Mulch or decorative stone may be used within twelve inches of ground-mounted mechanicals.

3. For single-family, duplex, triplex, and fourplex uses, mulch, and decorative stone may only be used in defined landscape beds with raised borders and occupy no more than thirty percent of a property.

ii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch shall not be used as groundcover except no more than four feet in diameter surrounding shrubs, no more than one foot in diameter from perennials and grasses, and shall be no more than six feet in diameter surrounding trees.

iii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative stone may not be used as groundcover.

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

v. Mulch is allowed for use on defined paths with raised borders that are less than four-foot-wide. Areas used for paths shall count as impervious surface coverage.

(H) Plastic Netting: Under no circumstances shall plastic netting or mesh be used on site for any type of landscaping.

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(3) Tree Protection.

(A) Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity.

(B) Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.

(C) No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

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

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

i. Unique lot size or configuration;

ii. The presence of existing utility or other easements; or

iii. Preservation of natural vegetation.

(B) The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:

i. Are consistent with the purposes of this Section 20.04.080;

ii. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;

iii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and

iv. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

(d) Permitted Plant Species. All plant material shall be selected from this Section 20.04.080(d) or from the list of approved species outlined in the City of Bloomington Utilities Department Stormwater Design Manual. Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval.

(1) Street Trees. Trees suitable for planting along public streets and highways, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.

(2) Interior Trees. Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species may also be used as interior trees, except the parenthesized trees, which are prohibited for interior trees.

(3) Shrubs. Shrubs suitable for individual, screen, biohedge uses, up to twelve feet at mature height are established in Table 04-16: Permitted Shrub Species.

(4) Forbs. Forbs, or flowering, nongrassy herbaceous plants suitable for infill, aesthetics, and cover are established in Table 04-17: Permitted Herbaceous (Forb) Flowering Perennial Plant Species.

Table 04-14. Permitted Street Tree Species

Common Name	Scientific Name
Large Street Trees—45 feet or more at mature height	
Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
Thornless Honeylocust	Gleditsia triacanthos var. inermis
Kentucky Coffee Tree	Gymnocladus dioicus
Tulip Tree	Liriodendron tulipifera
Blackgum or Tupelo	Nyssa sylvatica
Sycamore	Platanus occidentalis
(London Planetree)	(Platanus x acerfoiia)
White Oak	Quercus alba
Swamp White Oak	Quercus bicolor
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Overcup Oak	Quercus lyrata

Bur Oak	Quercus macrocarpa
Chestnut Oak	Quercus montana
Chinkapin Oak or Chinquapin Oak	Quercus muehlenbergii
Willow Oak	Quercus phellos
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Post Oak	Quercus stellata
Black Oak	Quercus velutina
Bald Cypress	Taxodium distichum
Basswood or American Linden	Tilia americana
American Elm	Ulmus Americana (resistant cultivars)
Medium Street Trees—25 feet to 45 feet at mature height	
Downy Serviceberry	Amelanchier arborea
River Birch	Betula nigra
American Hornbeam or Blue Beech	Carpinus caroliniana
Yellowwood	Cladrastis kentukea
Hop Hornbeam or Ironwood	Ostrya virginiana
Sourwood	Oxydendrum arboretum
Blackjack Oak	Quercus marilandica
(Crimson Spire Oak)	(Quercus robur x Q. alba 'Crimschmidt')
(Regal Prince Oak)	(Quercus robur 'Fastigiata' x Q. bicolor 'Long')
Small Street Trees—Under 25 feet at mature height	
Apollo Maple	Acer saccharum 'Barrett Cole'
Shadblow Serviceberry	Amelanchier canadensis
Allegheny Serviceberry	Amelanchier laevis
(Apple Serviceberry hybrids)	(Amelanchier x grandiflora)
Eastern Redbud	Cercis canadensis
Flowering Dogwood	Comus florida
~~(~~Smoke Tree~~)~~	~~(~~Continus obovatus~~)~~
Thornless Cockspur Hawthorn	Crataegus crus-galli
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorn	Crataegus viridis
Note: Bold text indicates evergreen species Parentheses indicates prohibited as an interior tree	

Table 04-15. Permitted Interior Tree Species

Common Name	Scientific Name
Large Interior Trees—45 feet or more at mature height	
Black Maple	Acer nigrum (now a subspecies of acer saccharum)
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum
Yellow Buckeye	Aesculus flava (formally A. octandra)
Ohio Buckeye	Aesculus glabra
Bitternut Hickory	Carya cordiformis
Pignut Hickory	Carya glabra
Northern Pecan	Carya illinoensis

Shellbark Hickory	Carya laciniosa
Shagbark Hickory	Carya ovata
Mockernut Hickory	Carya tomentosa
Northern Catalpa	Catalpa speciosa
American Beech	Fagus grandfolia
Black Walnut	Juglans nigra
Eastern Red Cedar	**Juniperus virginiana**
Sweetgum	Liquidambar styraciflua
Cucumber Tree	Magnolia acuminata
White Pine	**Pinus strobus**
Virginia Pine	**Pinus virginiana**
Black Cherry	Prunus serotina
Chestnut Oak	Quercus montana~~prinus~~
Black willow	Salix nigra
Canadian or Eastern Hemlock	**Tsuga canadensis**
Medium Interior Trees—25 feet to 45 feet at mature height	
Southern Catalpa	Catalpa bignoniodes
Downy Hawthorn	Crataegus mollis
Persimmon	Diospyros virginiana
American Holly	**Ilex opaca**
Sassafras	Sassafras albidum
American Arborvitae	**Thuja occidentalis**
Small Interior Trees—Under 25 feet at mature height	
Red Buckeye	Aesulus pavia
Devil's Walking Stick	Aralia spinose
Pawpaw	Asmini triloba
Pagoda Dogwood	Cornus alterifolia
Down Hawthorn	Crataegus mollis
Silverbell	Halesia carolina
American Plum	Prunus americana
Chickasaw Plum	Prunus angustifolia
Chokecherry Single Stem	Prunus virginiana - Canada red or sucker punch
Hoptree	Ptelia trifoliata
Dwarf Chinquapin Oak	Quercus prinoides
Winged Sumac or Shining Sumac	Rhus copallina
Shining Sumac or Smooth Sumac	Rhus glabra
Staghorn Sumac	Rhus typhina
Note: Bold text indicates evergreen species	

Table 04-16. Permitted Shrub Species

Common Name	Scientific Name
Indigo Bush	Amorpha fruiticosa
Red Chokeberry	Aronia arbutifolia
Black Chokeberry	Aronia melanocarpa
New Jersey Tea	Ceanothus americanus
Buttonbush	Cephalanthus occidentalis

Silky Dogwood	Cornus amomum
Rough-leaved Dogwood	Cornus drummondii
Gray Dogwood	Cornus racemosa
Red-Twig Dogwood	Cornus sericea
American Hazelnut	Corylus americana
Eastern Witchhazel	Hamamelis virginiana
Smooth Hydrangea	Hydrangea arborescens
Golden St. John's wort	Hypericum frondosum
Possumhaw	Ilex decidua
Inkberry	**Ilex glabra**
Winterberry Holly	Ilex verticillata
Virginia Sweetspire	Itea virginica
Common Juniper	Juniperus communis
Spicebush	Lindera benzoin
Ninebark	Physocarpus opulifolius
Sand Cherry	Prunus pumila
Fragrant Sumac	Rhus aromatica
Prickly Gooseberry	Ribes cynosbati
Swamp Rose	Rosa palustris
Climbing Rose	Rosa setigera
Virginia Rose	Rosa virginiana
Purple Flowering Raspberry	Rubus odoratus
Pussy Willow	Salix discolor
American Black Elderberry	Sambucus canadensis
Bladdernut	Staphylea trifolia
Coralberry	Symphoricarpos orbiculatus
Canadian Yew	**Taxus canadensis**
Highbush Blueberry	Vaccinium corymbosum
Hillside Blueberry	Vaccinium pallidum
Mapleleaf Viburnum	Viburnum acerifolium
Arrowwood Viburnum	Viburnum dentatum
Nannyberry	Viburnum lentago
Blackhaw	Viburnum prunifolium
Rusty Blackhaw	Viburnum rufidulum
Prickly Ash	Zanthoxylum americanum
Note: Bold text indicates evergreen species	

Table 04-17. Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Common Name	Scientific Name
Flowering Perennials	
Purple giant hyssop	Agastache scrophulariaefolia
Nodding wild onion	Allium cernuum
Lead plant	Amorpha canescens
Bluestar	Amsonia tabernaemontana
Canada Anemone	Anemone canadensis
Thimbleflower	Anemone virginiana

Wild Columbine	Aquilegia canadensis
Pale Indiana Plantain	Arnoglossum atriplicifolium
Goatsbeard	Aruncus dioicus
Poke milkweed	Asclepias exaltata
Tall green milkweed	Asclepias hirtella
Swamp or Marsh Milkweed	Asclepias incarnata
Purple milkweed	Asclepias purpurascens
Showy milkweed	Asclepias speciosa
Prairie milkweed	Asclepias sullivantii
Common Milkweed	Asclepias syriaca
Butterflyweed	Asclepias tuberosa
Whorled milkweed	Asclepias verticillata
Spider milkweed	Asclepias virdis
Lindley's Heart-leaved Aster	Aster ciliolatum (Symphyotrichum ciliolatum)
Blue Wood Aster	Aster cordifolius
Heath Aster	Aster ericoides (Symphyotrichum ericoides)
Smooth Aster	Aster laevis
New England Aster	Aster novae-angliae (Symphyotrichum novae-angliae)
Aromatic Aster	Aster oblongifolius (Symphyotrichum oblongifolium)
Sky-blue Aster	Aster oolentangiensis (Symphyotrichum oolentangiensis)
Swamp Aster	Aster puniceus (Symphvotrichum puniceum)
Short's Aster	Aster shortii (Symphyotrichum shortii)
Flat-topped Aster	Aster umbellatus (Doellingeria umbellata)
False White indigo	Baptisia alba
False Blue Indigo	Baptisia australis
False Yellow Indigo	Baptisia tinctoria
Downy wood mint	Blephilia ciliata
Hairy wood mint	Blephilia hirsuta
False chamomile or false aster	Boltonia asteroides
Clustered poppy mallow	Callirhoe triangulata
Marsh marigold	Caltha palustris
Tall bellflower	Campanula americana
White turtlehead	Chelone glabra
Pink Turtlehead	Chelone obliqua
Black cohosh	Cimicifuga racemosa
Lance-leaved coreopsis	Coreopsis lanceolata
Prairie coreopsis	Coreopsis palmata
Tall Coreopsis	Coreopsis tripteris
White prairie clover	Dalea candida
Purple prairie clover	Dalea purpureum
Larkspur	Delphinium tricorne
Pale purple coneflower	Echinacea pallida
Purple coneflower	Echinacea purpurea
Rattlesnake master	Eryngium yuccifolium
Common boneset	Eupatorium perfoliatum
Flowering spurge	Euphorbia corollata

Grass-leaved goldenrod	Euthamia graminifolia
Hollow Joe-Pye weed	Eutrochium fistulosum (syn. Eupatorium fistulosum)
Spotted-Joe-Pyeweed	Eurtochium maculatum (syn. Eupatorium maculatum)
Purple Joe-Pye weed	Eutrochium purpureum (syn. Eupatorium purpureum)
Queen of the prairie	Filipendula rubra
Bottle Gentian	Gentiana andrewsii
Wild Geranium	Geranium maculatum
Autumn Sneezeweed	Helenium autumnale
Woodland Sunflower	Helianthus divaricatus
Downy Sunflower	Helianthus mollis
Western Sunflower	Helianthus occidentalis
Stiff or Prairie Sunflower	Helianthus pauciflorus
False Sunflower	Heliopsis helianthoides
American alumroot	Heuchera americana
Prairie Alumroot	Heuchera richardsonii
Rose Mallow	Hibiscus laevis
Swamp Rose Mallow	Hibiscus moschuetos
Dwarf Crested Iris	Iris cristata
Blue Flag Iris	Iris virginica
Violet Lespedeza	Lespedeza violacea
Rough Blazingstar	Liatris aspera
Dwarf Blazingstar	Liatris microcephala
Prairie Blazing Star	Liatris pycnostachya
Northern Blazingstar	Liatris scariosa
Dense Blazingstar, Spiked Blazingstar	Liatris spicata
Cardinal Flower	Lobelia cardinalis
Downy Lobelia	Lobelia puberula
Great Blue Lobelia	Lobelia siphilitica
Virginia Bluebells	Mertensia virginica
Bergamot or Bee-balm	Monarda fistulosa
Purple Prairie Clover	Petalostemum purpureum
Blue Phlox, Woodland Phlox	Phlox divaricata
Summer Phlox, Tall Phlox	Phlox paniculata
Obedient Plant	Physostegia virginiana
Jacob's Ladder	Polemonium reptans
Solomon's Seal	Polygonatum biflorum
Prairie Cinquefoil	Potentilla arguta
Hoary Mountain Mint	Pycnanthemum incanum
Hairy Mountain Mint	Pycnanthemum pilosum
Narrow-leaved Mountain Mint	Pycnanthemum tenuifolium
Virginia Mountain Mint	Pycnanthemum virginianum
Pinnate Prairie Coneflower	Ratibida pinnata
Orange Coneflower	Rudbeckia fulgida
Green-Headed Coneflower	Rudbeckia laciniata
Sweet Susan Coneflower	Rudbeckia subtomentosa
Wild Petunia	Ruellia humulis
Blue Sage	Salvia azurea

Lyre-leaved Sage	Salvia lyrata
Late-flowering Figwort	Scrophularia marilandica
Downey Skullcap	Scutellaria incana
Heart-leaved Scullcap	Scutellaria ovata
Wild Stonecrop	Sedum ternatum
Wild Senna	Senna hebecarpa
Maryland Senna	Senna manilandica
Royal Catchfly	Silene regia
Fire Pink	Silene virginica
Rosinweed	Silphium integrifolium
Compass Plant	Silphium laciniatum
Cup Plant	Silphium perfoliatum
Cutleaf Prairie Dock	Silphium pinnatifidum
Prairie Dock	Silphium terebinthinaceum
Whorled Rosinweed	Silphium trifoliatum
Blue-eyed Grass	Sisyrinchium angustifolium
Solomon's Plume	Smilacina racemosa
Blue-stemmed Goldenrod	Solidago caesia
Zig-zag Goldenrod	Solidago flexicaulis
Tall Goldenrod	Solidago gigantean
Early Goldenrod	Solidago juncea
Grey Goldenrod	Solidago nemoralis
Swamp Goldenrod	Soldago patula
Stiff Goldenrod	Solidago rigida
Rough-leaved Goldenrod	Solidago rugosa
Showy Goldenrod	Solidago speciosa
Indian Pink	Spigelia marilandica
Celandine Poppy	Stylophorum diphyllum
Ohio Spiderwort	Tradescantia ohiensis
Virginia Spiderwort	Tradescantia virginiana
Bellwort or Merrybells	Uvularia grandiflora
Blue Vervain	Verbena hastata
Hoary Vervain	Verbena stricta
Yellow Wingstem	Verbesina alternifolia
Smooth Ironweed	Vernonia fasiculata
Missouri Ironweed	Vernonia missurica
Culver's Root	Veronicastrum virginicum
Golden Alexander	Zizia aurea
Ground Covers	
Canada Anemone	Anemone canadensis
Pussytoes	Antennaria plantaginifolia
Wild Ginger	Asarum canadense
Purple poppy malow	Callirhoe involucrate
Common Oak Sedge or Pennsylvania Sedge	Carex pensylvanica
Wild Strawberry	Fragaria virginiana
Dwarf Crested Iris	Iris cristata
Creeping Juniper	**Juniperus horizontalis**

Golden Ragwort	Packera aurea
Roundleaf Ragwort	Packera obovata
Cleft Phlox	Phlox bifida
Creeping Phlox	Phlox subulata
Partridge Berry	Mitchella repens
Wild Stonecrop	Sedum ternatum
Violet	Viola sororia
Vines	
Wooly Douchman's Pipe	Aristolochia tomentosa
Crossvine	Bignonia capreolata
Trumpet Creeper	Campsis radicans
Virgin's Bower (native clematis)	Clematis virginiana
Virginia Creeper	Parthenocissus quinquefolia
Yellow Passionflower	Passiflora lutea
Ferns	
Maidenhair Fern	Adiantum pedatum
Lady Fern	Athyrium filix-femina
Giant Wood Fern or Goldie's Fern	Dryopteris goldiana
Evergreen Shield Fern	Dryopteris marginalis
Ostrich Fern	Matteuccia struthiopteris
Sensitive Fern	Onoclea sensibilis
Cinnamon Fern	Osmunda cinnamomea
Royal Fern	Osmunda regalis
Christmas Fern	Polystichum acrostichoides
Graminoids	
Big Bluestem	Andropogon gerardii
Broomsedge	Andropogon virginicus
Side-Oats Gramma	Bouteloua curtipendula
Oak Sedge	Carex albicans
Yellow Fox Sedge	Carex annectens
Appalacian Sedge	Carex appalachia
Plains Oval Sedge	Carex brevior
Fringed Sedge	Carex crinita
Crested Sedge	Carex cristatella
Blue Wood Sedge	Carex flaccosperma
Gray's Sedge	Carex grayii
Hop Sedge	Carex lupulina
Palm Sedge	Carex muskingumensis
Pennsylvania Sedge	Carex pensylvanica
Seersucker Sedge	Carex plantanginea
Eastern Star Sedge or Straight-Styled Wood Sedge	Carex radiata
Lanced-fruited, or Broom Sedge	Carex scoparia
Short's Sedge	Carex shortiana
Brown Fox Sedge	Carex vulpinoidea
Indian Seaoats or River Oats	Chasmanthium latifolium
Tufted Hair Grass	Deschampsia caespitosa
Canada Wild Rye	Elymus canadensis

Bottlebrush Grass	Elymus hystrix
Silky Wild rye	Elymus villosus
Virginia Wild Rye	Elymus virginicus
Purple Love Grass	Eragrostis spectabilis
Soft Rush	Juncus effuses
Torrey's Rush	Juncus torreyi
Switchgrass	Panicum virgatum
Little Bluestem	Schizachyrium scoparium
Dark Green Bulrush	Scirpus atrovirens
Woolgrass	Scirpus cyperinus
Georgia Bulrush	Scirpus georgianus
Indian grass	Sorghastrum nutans, syn. Andropogon nutans
Prairie Cordgrass	Spartina pectinata
Prairie Dropseed	Sporobolus heterolepsis

(e) Prohibited Plant Species. Species identified in Table 04-18 (Prohibited Plant Species) are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 04-18. Prohibited Plant Species

Common Name	Scientific Name
Prohibited Invasive Trees	
Hedge Maple	Acer campestre
Amur Maple	Acer ginnala
Norway Maple	Acer platanoides
Sycamore Maple	Acer pseudoplatanus
Tree-of-Heaven	Ailanthus altissima ✗
Mimosa	Albizia julibrissin
Black Alder	Alnus glutinosa ✗
Kousa Dogwood	Cornus kousa
Cornelian Cherry Dogwood	Cornus mas
Russian Olive	Elaeagnus angustifolia
Autumn Olive	Elaeagnus umbellata ✗
Hardy Rubber Tree	Eucommia ulmoide
Glossy Buckthorn	Frangula alnus ✗
Golden Raintree	Koelreuteria paniculata
Chinaberry Tree	Melia azedarach
White Mulberry	Morus alba ✗
Princess Tree	Paulownia tomentosa
Sawtooth Oak	Quercus acutissima
Amur Cork Tree	Phellodendron amurense ✗
Callery Pear and all cultivars	Pyrus calleryana
European or Common Buckthorn and all cultivars	Rhamnus cathartica ✗
Glossy or Smooth Buckthorn and all cultivars	Rhamnus frangula ✗
Buckthorn Tallhedge and all cultivars including 'Fineline'	Rhamnus frangula columnaris ✗
Black Locust	Robinia pseudoacacia

Siberian Elm	Ulmus pumila ✗
Japanese Zelkova	Zelkova serrata
Prohibited Plants with Poor or Nuisance Characteristics	
Box Elder	Acer negundo
Silver maple	Acer saccharinum
Ragweed	Ambrosia artemisiifolia
Giant Ragweed	Ambrosia trifida
Tropical Milkweed	Asclepias curassavica
European White Birch	Betula pendula
Poison Hemlock	Conium maculatum L.
Ash	Fraxinus species
Gingko (female only)	Gingko biloba
Giant Hogweed or Giant Cow Parsnip or Wild Parsnip	Heracleum mantegazziznum
Rice Cutgrass	Leersia oryzoides
Flowering Crabapple	Malus
Heavenly Bamboo	Nandina domestica
Wild Parsnip	Pastinaca sativa
American Elm	Ulmus Americana
Poison Ivy	Toxicodendron radicans
Poison Sumac	Toxicodendron vernix
Stinging Nettle	Urtica dioica
Burning Nettle	Urtica urens
Prohibited Invasive Herbaceous Perennials and Forbs	
Japanese Chaff Flower	Achyranthes japonica ✗
Wild Garlic and Wild Onion	Alliums spp.
Garlic Mustard	Alliaria petiolata ✗
Smooth Pigweed	Amaranthus hybridus +
Palmer Amaranth or carelessweed	Amaranthus palmeri +
Powell Amaranth	Amaranthus powellii +
Rough Pigweed	Amaranthus retroflexus +
Common Waterhemp	Amaranthus rudis +
Tall Waterhemp	Amaranthus tuberculatus +
Mugwort	Artemisia vulgaris ✗
Italian Arum	Arum italicum
Narrowleaf Bittercress	Cardamine impatiens
Spiny Plumeless Thistle	Carduus acanthoides ✗
Cornflower or Bachelor's Button	Centaurea cyanus
Russian Knapweed	Centaurea repens
Spotted Knapweed	Centaurea stoebe ✗
Canada Thistle	Cirsium arvense *+
Bull Thistle	Cirsium vulgare ✗
Poison Hemlock	Conium maculatum +
Marestail or Horsetail	Conyza canadensis +
Queen Anne's Lace	Daucus carota
Grecian Foxglove	Digitalis lanata
Teasel	Dipsacus fullonum ssp. sylvestris ✗
Cutleaf Teasel	Dipsacus lacinatus ✗

Leafy Spurge	Euphorbia virgata ✗
Mulberry weed, Hairy Crabweed	Fatoua villosa
Giant Hogweed	Heracleum mantegazzianum
Dame's Rocket	Hesperis matronalis ✗
Meadow Fleabane or British Yellowhead	Inula britannica
Korean Lespedeza	Kummerowia stipulacea
Striate Lespedeza	Kummerowia striata
Perennial Peppergrass	Lepidium draba ✗
Pepperweed	Lepidium latifolium ✗
Bicolar Lespedeza	Lespedeza bicolor
Sericea Lespedeza	Lespedeza cuneata ✗
Purple Loosestrife	Lythrum salicaria @
White Sweet Clover	Melilotus alba
Yellow Sweet Clover	Melilotus officinalis
Star of Bethlehem	Ornithogalum umbellatum
Lesser Celandine	Ranunculus ficaria
Beefsteak Plant	Perilla frutescens
Japanese Knotweed	Polygonum cuspidatum, Reynoutria japonica, Fallopia japonica ✗
Giant Knotweed	Reynoutria sachalinensis ✗
Bohemian Knotweed	Reynoutria x bohemica ✗
Bouncing Bet	Saponaria officinalis
Perennial Sowthistle	Sonchus arvensis
Spreading Hedge Parsley	Torilis arvensis
Japanese Hedge Parsley	Torilis japonica
Black Swallow-Wort	Vincetoxicum nigrum ✗
Pale Swallow-Wort	Vincetoxicum rossicum ✗
Prohibited Invasive Graminoids	
Quackgrass	Agropyron repens
Giant Reed	Arundo donax
Small Carpgrass	Arthraxon hispidus ✗
Smooth Brome	Bromus inermis
Tall Fescue and all cultivars	Festuca elatior
Cogon grass, Japanese Blood Grass	Imperata cylindrica
Japanese Stiltgrass	Microstegium vimineum ✗
Maiden Grass	Miscanthus sinensis
Reed Canary Grass	Phalaris arundinacea ✗
Common Reed Grass	Phragmites australis ✗
Ravenna Grass	Saccharum ravennae
Tall Fescue	Schedonorus arundinaceus
Columbus Grass	Sorghum × almum Parodi*+
Shattercane	Sorghum bicolor*+
Johnson Grass or Sorghum Almum	Sorghum halepense*+
Yellow Groove Bamboo	Phyllostachys aureosulcata
Prohibited Invasive Vines and Groundcovers	
Porcelain Berry	Ampelopsis brevipeduculata
Oriental Bittersweet	Celastrus orbiculatus ✗

Asiatic Bittersweet	Celastrus scandens
Sweet Autumn Clematis	Clematis terniflora
Field Bindweed	Convolvulus arvensis ✗
Crown Vetch	Coronilla varia ✗
Black Swallow-Wort	Cynanchum nigrum, syn. Vincetoxicum nigrum ✗
Pale Swallow-Wort	Cynanchum rossicum ✗
Potato Vine	Dioscorea batatas
Chinese Yam	Dioscora oppositifolia ✗
Purple Winter Creeper	Euonymus fortunei ✗
Creeping Charlie	Glechoma hederacea
English Ivy	Hedera helix
Japanese Hops	Humulus japonicus ✗
Yellow Archangel	Lamium galeobdolom
Japanese Honeysuckle	Lonicera japonica ✗
Creeping Jenny or Moneywort	Lysimachia nummularia
Mile-A-Minute Weed or Mile-A-Minute Vine	Polygonum perfoliatum ✗, Persicania perfoliata ✗
Kudzu	Pueraria montana lobata #
Bur Cucumber	Sicyos angulatus *+
Vetch	Viccia cracca
Periwinkle or Myrtle	Vinca minor
Wisteria	Wisteria sinensis
Prohibited Invasive Shrubs	
Black Alder	Alnus glutinosa ✗
Japanese Barberry	Berberis thunbergii ✗
Butterfly Bush	Buddleia davidii
Burning Bush	Euonymus alatus
Blunt-Leaved Privet	Ligustrum obusifolium ✗
Common Privet	Ligustrum vulgare ✗
Bush or Amur Honeysuckle	Lonicera maackii ✗
Morrow's Honeysuckle	Lonicera morowii ✗
Tatarian Honeysuckle	Lonicera tatarica ✗
Bell's Honeysuckle	Lonicera × bella ✗
Heavenly Bamboo, Sacred bamboo	Nandina domestica
Jetbead	Rhodotypos scandens ✗
Bristly Locust	Robinia hispida
Multiflora Rose	Rosa multiflora @
Wineberry	Rubus phoenicolasius
Japanese Spirea or Japanese Meadowsweet	Spiraea japonica
Atlantic Poison Oak	Toxicodendron pubescens, syn. Rhus pubescens
European Highbush Cranberry	Viburnum opulus var. opulus

+ = Indiana State-listed noxious weeds (IC 15-16-7)
* = Indiana detrimental plants (IC 15-16-8)
✗ = Indiana terrestrial plant rule (312 IAC 18-3-25)
@ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)
# = Indiana control of kudzu rule (312 IAC 18-3-16)

(f) Street Trees.

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

(2) Type. Street tree species shall be subject to approval by the City's urban forester based on hardiness, seasonal appearance, and contribution to shading and cooling.

(3) Location.

(A) Freeway/Expressway. Street trees along a limited-access highway shall be planted within fifteen feet of the property line that abuts the limited-access highway. No trees shall be planted in the right-of-way.

(B) Arterial, Collector, Local or Private Street. Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot-wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street and within four feet, or as required for utility separation, of any public pedestrian facilities. Street trees planted within the front yard shall not count towards other landscaping requirements.

(C) Separation. The spacing between adjacent street trees shall be no less than ten feet from the center of one tree to the next. Street trees shall be planted no more than thirty feet apart, from the center of one tree to the next, except that street trees with separation exceeding thirty feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.

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

(E) Planting. All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual.

(F) Vision Clearance.

i. Street trees shall be planted outside the vision clearance triangle, as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.

ii. Low-branching species shall not be allowed within fifty feet of an intersection.

iii. Locations for street trees within fifty feet of an intersection shall be approved by the City Engineering Department.

iv. Street trees shall be located a minimum of ten feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

(4) MD District.

(A) Generally. Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the Engineering Department~~City Urban Forester~~.

(B) Alternatives. The following street tree planting methods may be used in lieu of the five-foot by five-foot grate, subject to approval by the Engineering Department~~transportation and traffic engineer~~.

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

ii. Street trees may be planted in a large curbed planting area.

(g) Buffer Yards.

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

(2) General Standards.

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

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

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

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

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

(F) Credit Toward Other Requirements. New landscaping that is required to meet these buffer yard requirements shall not count toward other site or parking lot landscaping requirements.

(G) Prohibited Uses. Buildings, parking areas, swimming pools, refuse areas and dumpsters, or drive aisles are not allowed within buffer yards.

(3) Buffer Yard Types. Required buffer yards shall be installed according to the following standards:

Table 04-19. Required Buffer Yard Types

Buffer Yard Treatment	Type 1	Type 2	Type 3
Minimum width [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every 20 linear feet	1 tree every 20 linear feet	1 tree every 20 linear feet
Evergreen trees	1 tree every 20 linear feet	2 trees every 20 linear feet	3 trees every 20 linear feet
Small or medium trees	2 trees every 20 linear feet	3 trees every 20 linear feet	5 trees every 20 linear feet
Other	No requirement	No requirement	Or if site constraints hinder the density required, one of the

			options belw may be used: A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

Notes:

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

(4) Buffer Yard Requirements. Buffer yards shall be required by the developing use pursuant to Table 04-20 (Required Buffer Yards).

Table 04-20. Required Buffer Yards

Developing Site Property Zoning District	Adjacent Zoning District							
	R1/R2/R3/R4	RMH	RM/RH	MS	MN	MD	MM/MC	ME/MI/MH/EM
RMH	2							
RM/RH	1	1						
MS	2	2						
MN	1	1						
MD	1	1						
MM/MC	2	2	2	2	2	1		
ME/MI/MH/EM	3	3	2	2	2	1	1	
Notes: [1] The uses Dwelling, single-family (attached); Dwelling, single-family (detached); Dwelling, duplex; Dwelling, triplex; and Dwelling, fourplex do not have to provide a buffer yard, even if on the 'Developing Site'.								

(h) Parking Lot Landscaping.

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

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(A) Minimum Landscape Width.

i. Generally. A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas unless there is a primary building within ten feet of the parking area ~~abutting another property or a public right-of-way~~. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.

ii. MD Zone District. A minimum of one of the following perimeter landscape treatments shall be applied in the MD zoning district:

1. A landscape area a minimum of five feet in width shall be provided along all surface parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line; or

2. A decorative wall shall be installed along the perimeter of the parking area except for parking spaces where vehicles back out into the public right-of-way. Decorative walls shall be a minimum of thirty inches and a maximum of forty-two inches in height and may incorporate breaks to allow for pedestrian movement.

(B) Trees.

i. Number. Parking lot perimeter areas shall contain a minimum of one tree for every 35 lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces~~per four parking spaces~~.

ii. Type. A minimum of seventy-five percent of the required trees shall be large, canopy trees.

iii. Location. Trees shall be planted within ten feet of the parking lot edge.

(C) Shrubs.

i. Number. Parking lot perimeter areas shall contain a minimum of ten shrubs and ten shrubs/perennials for every thirty-five lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces~~three shrubs per one parking space~~.

ii. Location. Shrubs and perennials shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within five feet of the edge of the sidewalk.

iii. Height. Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) Landscape Bumpouts, Islands, and Endcaps. Parking lots with twelve or more parking spaces shall be subject to the following interior landscaping requirements. All areas within the surfaced parking area are counted, including curbed areas, parking spaces, and all interior driveways and aisles adjacent to parking spaces. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation. Landscaping used to meet parking lot perimeter landscaping shall not count toward interior landscaping requirements.

(A) ~~Number. Parking lots with twelve or more parking spaces shall provide one landscape bumpout, island, or endcap per every ten parking spaces.~~ Interior Landscape Area. Parking areas shall be landscaped with the following minimum interior planting areas: i. 0 to 49,999 square feet= 5% ; ii. 50,000 to 149,999 square feet= 8%; iii. 150,000 square feet or larger= 10%

(B) Interior Islands~~Minimum Area~~. ~~The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.~~ Landscaped islands of at least 162 square feet shall be provided every nine (9) spaces or less within a row of spaces.

(C) Endcap Island. Landscaped bumpouts, islands, or endcaps of at least 162 square feet shall be installed to control vehicular circulation and define major drives.~~Minimum Planting. Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a~~

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~~bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.~~

(D) Minimum Planting. Landscaped islands of at least 162 square feet shall contain at least one Large Interior Tree, 10 shrubs, and 10 shrubs/perennials. Landscape strips between two facing parking aisles can also be used to meet the interior planting requirement. Landscape strips between 2 facing parking aisles shall be a minimum of 5 feet wide and contain one tree and 10 shrubs for every 18 lineal feet.~~Stormwater Filtration. Parking lot bumpouts, islands, or endcaps shall be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code.~~

(E) ~~Placement. Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than ten consecutive spaces.~~ Stormwater Filtration. Parking lot bumpouts, islands, or endcaps may be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code. Those used to meet Title 13 requirements may have less landscaping than listed in (D) above as approved by the Planning and Transportation Department.

(i) Multifamily Development Landscaping.

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

(A) A minimum of fourteen large canopy trees, five evergreen trees, and five medium or small canopy trees per acre.

(B) A minimum of thirty-six shrubs per acre~~, with a minimum of fifty percent of the required shrubs being evergreen species.~~ One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Landscaping. See Section 20.04.080(h) (Parking Lot Landscaping).

(j) MD District Landscaping.

(1) Interior Plantings. Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with the following:

(A) A minimum of one large canopy tree per five hundred square feet. Open areas less than ten feet in width may substitute small/medium canopy~~ornamental~~ trees for required canopy trees.

(B) A minimum of eight shrubs per five hundred square feet~~, where a minimum of fifty percent of the required shrubs shall be evergreen~~. One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Perimeter Plantings. See Section 20.04.080(h)(1) (Parking Lot Perimeter Treatment).

(3) Parking Lot Landscape Bumpouts, Islands, and Endcaps. See Section 20.04.080(h)(2) (Landscape Bumpouts, Islands, and Endcaps).

(k) Mixed-Use and Nonresidential Landscaping.

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(1) Interior Plantings. The minimum landscape area on a site, as established in Section 20.04.020 (Dimensional Standards) or areas not covered by an impervious surface or required buffer yard shall be planted with the following:

(A) A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. ~~A minimum of seventy-five percent of the required trees shall be canopy trees.~~

(B) A minimum of twenty-seven shrubs per acre~~, where a minimum of fifty percent of the required shrubs shall be evergreen~~. One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Perimeter Plantings. See Section 20.04.080(h)(1) (Parking Lot Perimeter Treatment).

(l) Vacant Lot Landscaping.

(1) Applicability. Except for lots where the primary land use is urban agriculture, vacant lots with frontage on a public street shall be subject to the requirements of this Section 20.04.080(l) (Vacant Lot Landscaping).

(2) Timing. Landscaping or ground cover shall be installed as required in Section 20.04.080(l)(3) (Planting Requirements) on the lot where demolition activity has occurred within one hundred eighty days after the issuance of a demolition permit, unless:

(A) The City Planning and Transportation Department has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or

(B) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Section 20.04.080(l)(3) (Planting Requirements) shall be installed within one hundred eighty days after site plan expiration.

(3) Planting Requirements.

(A) For lots of one-half acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.

(B) For lots greater than one-half acre, one of the following landscaping options must be selected:

i. The entire area disturbed for demolition shall be covered with grass or other suitable ground cover; or

ii. A ten-foot-wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.

(m) Screening.

(1) Roof-Mounted Mechanical Equipment.

(A) Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.

(B) The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.

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(C) Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements.

(2) Ground-Mounted Mechanical Equipment. The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (including but not limited to subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks, external refrigerators/freezers), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.

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(B) In cases when ground-mounted mechanical equipment outside of the right-of-way is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within ten feet of an improved platted alley does not require screening:

i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or

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

iii. If a piece of ground mounted equipment can not be screened from view, then options for public art shall be explored for the equipment with the City Economic and Sustainable Development Department. If art can be installed, it shall be.

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

(3) Loading, Service, and Refuse Areas.

(A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.

(B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:

i. Side and rear locations adjacent to alleyways;

ii. Side and rear locations adjacent to the R1, R2, R3, and R4 zoning districts shall have a minimum twenty-five-foot setback from the respective property lines.

(C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:

i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.

ii. The use of chain-link fencing for loading, service, or refuse area screening, including the access gate, shall be prohibited.

(4) Design.

(A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.

(B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(n) Fences and Walls.

(1) Applicability. Unless otherwise provided below, this Section 20.04.080(n) (Fences and Walls) shall apply to all new development.

(A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3) (Fence and Wall Height); however they shall not be less than six feet in height.

(B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3) (Fence and Wall Height).

(C) Retaining walls are exempt from the height standards but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.

(D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.

(E) Fences and walls located in the PO and MI zoning districts are exempt from height standards.

(F) Decorative features of fences such as post tops are exempt from height requirements provided, they extend no more than twelve inches from the top of the fence and are spaced at least eight feet apart.

(G) Fences intended exclusively to protect food garden plots from animals shall not be more than twelve feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(2) Fence and Wall Location.

(A) Fences and walls shall be permitted up to the property line.

(B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(3) Fence and Wall Height.

(A) Interior Lots.

i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in subsection (1)(G) above.

ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

iii. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

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(B) Corner Lots. On corner lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A) (Interior Lots).

ii. Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four feet forward of the build to line or the building setback line, whichever applies.

iii. Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight feet in height, except as provided in subsection (1)(G) above.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Any determinations as to the secondary front building wall shall be decided by the City Planning and Transportation Department.

Vi. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

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

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A) (Interior Lots).

ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a local street or secondary collector street, shall meet the building setback.

iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least ten feet from the property line.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in subsection (1)(G) above.

(4) Fence and Wall Design.

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

i. Barbed wire;

ii. Security wire;

iii. Sharpened top spikes;

iv. Electrified wires; and

v. Other similar elements or materials.

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

(C) Vision Clearance. Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)(5) (Vision Clearance Triangle).

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-11, § II(Att. A), 5-21-2025; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.090 Outdoor lighting.

(a) Purpose. The lighting standards are intended to encourage lighting practices and systems that conserve energy and resources; minimize light pollution, glare, and light trespass while maintaining nighttime safety, security, and enjoyment of property; and curtail the degradation of the nighttime visual environment; and to minimize disturbance to sensitive plants and animals.

(b) Applicability. Compliance with this Section 20.04.090 (Outdoor Lighting) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established below:

(1) Change in Use. If there is any change in use of the property, the provisions of this Section 20.04.090 (Outdoor Lighting) shall apply when the new use commences. Changes in use within multi-tenant centers shall not require the individual tenant or the entire center to comply with the provisions of this section.

(2) Modification, Replacement, or Addition of Outdoor Lighting. Modification, replacement or addition of outdoor lighting fixtures constituting twenty-five percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a site, shall trigger compliance for the entire site.

(3) Exemptions.

(A) Temporary Carnivals and Festivals. Lighting for temporary festivals and carnivals are exempt but shall be turned off within thirty minutes of the last event.

(B) Emergency Lighting. Emergency lighting, used by police, fire fighting, or medical personnel, or at their direction, is exempt from all requirements of this Section 20.04.090 (Outdoor Lighting).

(C) Traffic Control Lighting. Traffic control lighting is exempt from the provisions of this Section 20.04.090 (Outdoor Lighting).

(D) Lighted Flags. Up to three flag poles and flags are exempt from the provisions of this Section 20.04.090 (Outdoor Lighting). All other outdoor lighted flags shall conform to the provisions of this section.

(E) Holiday Lighting. Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps are exempt from the provisions of this section.

(F) Low-Intensity Lighting.

i. No shielding is required for a light fixture with a bulb rated at two hundred sixty lumens or less.

ii. Full shielding is not required for a light fixture with a bulb rated at more than two hundred sixty lumens and less than one thousand lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.

iii. The total lumens of bulbs specified in subsections 20.04.090(b)(3)(F)i. and 20.04.090(b)(3)(F)ii. above, when not motion detector activated, shall not exceed two thousand lumens per building, or one thousand lumens per exterior entryway, whichever is less.

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

(c) General Standards.

(1) Conformance with Applicable Codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this UDO and all applicable building and electrical codes.

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

(3) Prohibitions.

(A) Laser Source Light. The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

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

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

(4) Light Trespass.

(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. ~~Properties bordered by Rl R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts.~~

(B) Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than one-half footcandles at a point one meter beyond the property line adjacent to those districts.

(C) Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.

(5) Glare. All lighting fixtures shall be installed so as not to cause glare at or beyond the property line and shall not be aimed toward traffic.

(A) Shielding.

i. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Section 20.04.090 (Outdoor Lighting).

ii. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.

iii. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.

iv. Full shielding is not required for motion detector activated lighting of less than one thousand eight hundred lumens, provided the light cycles off no more than ten minutes after coming on.

Figure 53: Exterior Light Shielding

(B) Floodlights and Spotlights.

i. Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any property either zoned or used for residential purposes and is not visible to an observer on any public right-of-way.

ii. The centerline beam of a floodlight or spotlight shall be aimed no higher than forty-five degrees above vertical; however, light fixtures that cast illumination over more than ninety degrees shall be aimed such that no light shall be cast above the horizontal.

(6) Landscape Lighting

(A) When planting materials are lighted, high-pressure sodium lamps and low-intensity incandescent lamps shall not be used.

(B) Lighting of any tree protection area or conservation easement, including but not limited to those required by Section 20.04.030 (Environment), is prohibited.

(d) Multifamily Residential Lighting. A parcel occupied by a multifamily dwelling shall not be illuminated by more than six thousand lumens per primary structure, including a maximum of two thousand lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than one thousand lumens.

(e) Mixed-Use and Nonresidential Lighting.

(1) Adjacent to Residential Districts. Mixed-use and nonresidential uses bordered by any R1, R2, R3, R4, or RMH zoning district shall be allowed a total light output of not more than forty thousand lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of two thousand five hundred lumens per entryway with motion detector activated lighting counted as one-half lumens.

(2) Use-Specific Conditions.

(A) Canopies, Pavilions, or Drive-Through Bays.

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

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

(B) Outdoor Recreational Facilities.

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

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

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

(C) Parking Lots and Outdoor Display Lots or Areas.

i. Illuminance. The parking lot shall be designed to achieve no greater than the minimal illuminance levels for the given land use as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments). However, a parking lot shall also be designed to achieve a minimum illuminance level of one lux.

ii. Curfew. Lighting for outdoor display lots and parking lots with more than twenty parking spaces shall be reduced by half no later than eleven p.m., or within thirty minutes after closing of the business, whichever is later.

(Amd. of 1-14-2020; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.100 Signs.

(a) Purpose. The intent of these sign standards is to:

(1) Accomplish the goals of the Comprehensive Plan;

(2) Avoid unnecessary proliferation of signs;

(3) Provide developments with appropriate identification;

(4) Create a consistent streetscape;

(5) Maintain and enhance the aesthetic environment of the City;

(6) Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and

(7) Promote the health, safety, and welfare of the residents of the City of Bloomington.

(8) No part of these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

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

(c) Permit Requirements.

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

(2) Signs Not Requiring a Permit. The following signs are exempt from the requirement to obtain a sign permit, unless specifically required by another subsection of this Section 20.04.100 (Signs).

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

(B) Small Signs. Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f)(1) through (f)(4) and they must be less than six feet tall if freestanding.

(C) Temporary Signs.

i. In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area and shall not exceed six feet in height if freestanding.

ii. In nonresidential and Mixed-Use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed thirty-two square feet in area and shall not exceed six feet in height if freestanding.

iii. In all nonresidential and Mixed-Use zoning districts, each vacant tenant space, or tenant space that is under construction, is allowed to have one sign that shall not exceed thirty-two square feet in area that shall be attached to the wall of the vacant space.

(D) Murals. Murals are exempt from the requirement to obtain a sign permit.

(E) Window Signs. Window signs shall not exceed twenty-five percent of the glass area of any individual window or glass door frame and shall not count towards the wall sign allowance of the use or property.

(F) Sandwich Board Signs. Sandwich board signs shall comply with the standards of this section.

(d) Sign Measurements. Sign height and sign area measurements shall be calculated as follows:

(1) Wall Signs. The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any images, text, or other identifying trait placed on a structure.

(2) Freestanding Signs.

(A) The area of freestanding signs shall be calculated as the smallest regular geometric figure needed to circumscribe the sign, exclusive of supporting structures.

(B) The height of a freestanding sign shall be measured from the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The ground beneath a sign shall not be raised to artificially change the point at which the sign height is measured.

(3) Double-Faced Signs. For all freestanding, projecting, or temporary signs permitted by this chapter, a double-faced sign may be erected. Only the face area of one of the two sides shall be considered the face area of the entire sign. In such cases, the two sign faces shall be identical in area, shall be placed back to back, and shall be separated by a distance of no more than two feet.

(e) Prohibited Sign Types. The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.100 (Signs) or Section 20.03.030(h)(3):

(1) Animated Signs. Signs that use any motion picture, laser, or visual projection of images or text.

(2) Bench Signs. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(3) Imitation of Public Signs. Signs that purport to be, are in imitation of, or resemble a public sign as described by the Manual on Uniform Traffic Control Devices. Examples include but are not limited to stop signs, yield signs, or pedestrian crossing signs.

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

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

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

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

(8) Temporary Signs. Any temporary sign not specifically permitted in Section 20.04.100(i)(9) (Temporary Signs), Section 20.04.100(j)(7) (Temporary Signs), Section 20.04.100(k)(5) (Temporary Signs), and Section 20.04.100(l)(6) (Temporary Signs) or specifically exempted in Section 20.04.100(c)(2)(C) (Temporary Signs), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, and feather flags.

(9) Electronic Reader Board Signs. Any electronic reader board sign not specifically permitted in Section 20.04.100(g)(3) (Electronic Reader Boards).

(f) Prohibited Sign Locations. Signs shall not be installed at any of the following locations:

(1) Public Easement. In any public easement, unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), or is further authorized by the City.

(2) Public Right-of-Way. In any public right-of-way, unless the sign is an approved wall, awning, or projecting sign; or is authorized by Section 20.04.100(k)(9), Section 20.04.100(l)(3), Section 20.04.100(l)(7); or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the City.

(3) Roofs. On the roof of a building, or extending above the eave, roof line, architectural feature, or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below and excepting that signs may be placed on top of awnings.

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

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

(g) General Design Standards. Unless otherwise stated in this UDO, the following standards apply to all signs.

(1) Freestanding Signs. All freestanding signs shall comply with the following standards:

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

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(B) Mounting. All freestanding signs shall be permanently affixed to the ground.

(C) Base. Sign bases shall conform to the following standards:

i. Sign bases shall have an aggregate width, including support structures, of at least forty percent of the total horizontal width of the sign; or have supports that are less than twenty-five percent of the vertical height of the sign.

ii. The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

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

(E) Landscaping.

i. For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required.

ii. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover.

iii. The landscaped area shall be greater than or equal to the freestanding sign face area.

(F) Illumination. Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one footcandle at a distance of six feet from the sign fence.

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

(3) Electronic Reader Boards. Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, subject to the following:

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

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

(C) Electronic reader boards are not allowed on signs larger than one hundred twenty-five square feet.

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

(h) Waiver of Right to Damages.

(1) The Plan Commission, the Board of Zoning Appeals, and the City Planning and Transportation Department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code § 22-13-2-1.5, Indiana Code § 36-7-2-5.5, and Indiana Code § 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.

(2) Waivers may be requested from the following:

(A) The petitioner;

(B) The property owner;

(C) The sign owner; and

(D) Any other person with an interest in the site or the sign.

(3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

(i) Residential District Sign Standards.

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

(2) Single-Family and Condominium Subdivision. Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:

(A) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two square feet per side.

(B) Freestanding Sign Height. The maximum height shall not exceed six feet in height.

(C) Changeable Copy. Changeable copy shall be prohibited as part of a freestanding sign.

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

(E) Wall Signage. No wall signage is permitted.

(3) Multifamily.

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

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

i. One freestanding sign per development vehicle entrance, not to exceed thirty-two square feet per side in maximum sign area and not to exceed six feet in height; and

ii. One wall sign per building not to exceed twenty-four square feet each.

(4) Conforming Nonresidential Uses. For any nonresidential use approved as a permitted use or Conditional Use, the provisions of Section 20.04.100(k) (MN District Sign Standards) shall apply. These provisions may be modified by action of the Board of Zoning Appeals as part of a Conditional Use Approval.

(5) Legal Nonconforming Multifamily Residential Uses. Legal nonconforming multifamily residential uses in Single Family zoning districts with at least three units shall be permitted wall signage not to exceed ten square feet in area but shall not be permitted any freestanding signs. This subsection supersedes Section 20.04.100(i)(3)(A).

(6) Legal Nonconforming Nonresidential Uses. Legal nonconforming nonresidential uses shall be permitted:

(A) Wall signage not to exceed ten square feet in area;

(B) On lots with less than thirty feet of street frontage, no freestanding signs; and

(C) On lots with thirty feet or more of street frontage, one freestanding sign not to exceed twelve square feet in maximum area per side, and not to exceed four feet in height.

(7) Illumination. Signs within residential districts shall not be internally illuminated nor contain an electronic reader board.

(8) Window Signs. Window signs are not permitted for residential uses.

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

(A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;

(B) A maximum of three temporary signs per display period described below are permitted;

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs);

(D) Temporary signs shall not exceed sixteen square feet in area per side;

(E) Freestanding temporary signs shall not exceed six feet in height; and

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

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

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

(2) Wall Signs. The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

(A) Allowance.

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

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

iii. Size Limits. No non-residential use shall be limited to less than thirty square feet of wall signage. Uses with less than two hundred thousand square feet of building area shall not be permitted to exceed three hundred square feet of wall signage. Uses with two hundred

thousand square feet or more of building area shall not be permitted to exceed four hundred square feet of wall signage.

(B) Maximum Projection. Except an awning sign, no part of a wall sign shall project more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

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

(D) Multi-Tenant Nonresidential Centers. In addition to other wall signs permitted in this Section 20.04.100(j)(2) (Wall Signs), multi-tenant nonresidential centers shall be permitted a single wall sign not exceeding twenty square feet in area.

(3) Projecting Signs. A five square foot projection sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.

(4) Freestanding Signs. The following standards shall apply to all freestanding signs:

(A) Number.

i. Freestanding signs shall not be permitted on lots with thirty feet or less of public street frontage.

ii. Lots with greater than thirty feet and less than five hundred feet of frontage on a public street are permitted one freestanding sign.

iii. Lots with five hundred feet or more of public street frontage, one freestanding sign shall be permitted for each two hundred fifty feet of public street frontage.

iv. The number of signs allowed per street frontage shall be determined based on the length of frontage on each street. Each frontage is regulated separately, and total square footages may not be aggregated.

v. In no case shall any lot have more than four freestanding signs.

(B) Area.

i. Individual Nonresidential Uses.

1. Freestanding signs on lots with greater than thirty feet and less than fifty feet of public street frontage shall not exceed twenty square feet.

2. Freestanding signs on lots with at least fifty feet and less than seventy-five feet of public street frontage shall not exceed thirty square feet.

3. Freestanding signs on lots with at least seventy-five feet of public street frontage shall not exceed forty-five square feet.

4. Where a lot has more than one public street frontage, each street frontage shall be regulated independently.

ii. Multi-Tenant Nonresidential Centers.

1. Freestanding signs for centers with less than twenty thousand square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allowances listed in the above Section 20.04.100(j)(3)(B)i. (Individual Nonresidential Uses).

2. Freestanding signs for centers with at least twenty thousand and less than thirty-five thousand square feet of gross floor area shall not exceed sixty square feet.

3. Freestanding signs for centers with at least thirty-five thousand and less than fifty thousand square feet of gross floor area shall not exceed seventy-five square feet.

4. Freestanding signs for centers with at least fifty thousand square feet of gross floor area shall not exceed one hundred twenty-five square feet.

5. Individual tenant panels shall not exceed thirty-six square feet.

6. Outlots that are not counted toward center square footages shall be permitted freestanding signage based on individual nonresidential uses in Section 20.04.100(j)(3)(B)i. (Individual Nonresidential Uses).

7. Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign but shall require a sign permit.

8. The gross floor area calculations described in this Section 20.04.100(j)(3)(B)ii. (Multi-Tenant Nonresidential Centers) shall not include any square footage associated with a residential use.

(C) Height.

i. For individual nonresidential uses and multi-tenant centers of less than twenty thousand square feet of gross floor area, the maximum freestanding sign height shall be six feet.

ii. For multi-tenant centers with at least twenty thousand square feet and less than fifty thousand square feet of gross floor area, the maximum freestanding sign height shall be eight feet.

iii. For multi-tenant centers with at least fifty thousand square feet of gross floor area, the maximum sign height shall be fifteen feet.

iv. The gross floor area calculations described in this Section 20.04.100(j)(3)(C) (Height) shall not include any square footage associated with a residential use.

(D) Separation. Where a lot is permitted multiple freestanding signs, no two freestanding signs shall be within one hundred feet of each other, as measured along the public right-of-way.

(E) Changeable Copy. A maximum of eighty percent of any freestanding sign may be dedicated to changeable copy.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage square footage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display cabinet, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(6) Drive-Through Uses. In addition to the signs listed in this Section 20.04.100 (Signs):

(A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed thirty-six square feet, and the height of the sign does not exceed six feet. These signs shall be allowed to have twenty percent as electronic reader board and shall be exempt from the landscaping requirements of Section 20.04.100(g)(1)(E).

(B) Structures with a drive-through shall be permitted two additional freestanding signs, with a maximum sign face area that does not exceed four square feet, and the height of the sign does not exceed four feet. These signs shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).

(C) Structures with a drive-through shall be permitted one additional sign at the ordering location of each drive-through, provided that the sign(s) has only one face, the maximum area of that sign face does not exceed twelve square feet, and the height does not exceed five feet. These signs shall be allowed to have one hundred percent as electronic reader board and shall be exempt from the landscaping requirements of Section 20.04.100(g)(1)(E).

(7) Multifamily Dwelling Uses. The following standards apply to multifamily dwelling uses:

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

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

(i) One freestanding sign per development vehicle entrance, not to exceed thirty-two square feet per side in maximum sign area and not to exceed six feet in height; and

(ii) One wall sign per building not to exceed twenty-four square feet each.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temproary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(k) MN District Sign Standards.

(1) Applicability. This sign standards section applies to the MN zoning districts.

(2) Wall Signs. The following standards apply to wall signs for individual uses or tenants within a multi-tenant center:

(A) Allowance.

i. Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one square foot per lineal foot of primary structure that faces a public or private street.

ii. Multi-Tenant Centers. The cumulative square footage of all wall signs for any individual use shall not exceed one square feet per lineal foot of the facade width associated with the use facing either a public or private street or facing a parking area if no street frontage is adjacent. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

iii. Limits. No non-residential use shall be limited to less than twenty square feet of wall signage and no use or tenant shall be permitted to exceed one hundred square feet of wall signage.

(B) Location. No wall signage shall be located on a side or rear building facade facing a residential use. Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

(C) Maximum Projection. No part of a wall sign, other than an awning sign, shall protrude more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

(3) Projecting Signs. A five square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.

(4) Freestanding Signs. The following standards apply to permanent freestanding signs:

(A) Lots with thirty feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

(B) No freestanding sign shall exceed fifteen square feet in area per side.

(C) No freestanding sign shall exceed four feet in height.

(D) Internally illuminated signs are prohibited.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(6) Multifamily Dwelling Uses. Multifamily developments shall be permitted one wall sign not to exceed twenty-four square feet.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(8) Electronic Reader Boards. Electronic reader boards are not permitted in this zoning district.

(9) Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number. Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design.

i. Sign face area shall not exceed five square feet.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

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

(C) Placement. Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.

ii. Signs shall be removed from the public sidewalk at the end of each business day.

iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.

iv. Signs shall be placed a minimum of forty-eight inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.

vi. Sign placement shall meet all requirements of the Americans with Disabilities Act (ADA).

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

(l) MD District Sign Standards.

(1) Applicability. This sign standards section applies to the MD zoning districts.

(2) Wall Signs. The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:

(A) Allowance.

i. Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one and one-half square feet per lineal foot of primary structure that faces a public or private street.

ii. Multi-Tenant Centers.

1. First Story. The cumulative square footage of all permanent wall signs for an individual use shall not exceed one and one-half square feet per lineal foot of the use's facade width facing either a public or private street or parking area if no street frontage is adjacent for locations on the first floor. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

2. Upper Story Uses.

a. Uses located above the first story shall be permitted a wall sign allowance equal to fifty percent of the total allowance permitted for first story uses as provided in Section 20.04.100(l)(2)(A)ii.1 (First Story), above.

b. The sign shall be located on the lease space or along a wall within five feet of the lease space.

3. Additional Sign. Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed twenty square feet in area.

4. Additional Sign. Multi-tenant centers shall be permitted a single wall sign that does not exceed twenty square feet in area.

iii. Multifamily. Developments containing more than two units shall be permitted wall signage that shall not cumulatively exceed twenty-four square feet.

iv. Limits. No property shall be limited to less than twenty square feet of wall signage and no use or tenant shall exceed one hundred square feet of wall signage.

(B) Location. Wall signs for individual tenants within a multi-tenant center shall be located on the tenant's lease space, except as regulated in Section 20.04.100(l)(2)(A)ii.2. (Upper Story Retail Uses), above.

(C) Maximum Projection. No part of a wall sign, other than a projecting sign or awning, shall project more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

(3) Projecting Signs. The following standards apply to projecting signs:

(A) Any property that uses a freestanding sign shall be prohibited from using a projecting sign.

(B) A maximum of one projecting sign is permitted per tenant per street frontage.

(C) A minimum separation of one hundred feet shall be provided between all projecting signs on the same building facade.

(D) Projecting signs shall be limited to a maximum of fifty-four square feet in area.

(E) Projecting sign areas shall count toward overall wall sign square footage allowance.

(F) No part of a projecting sign shall protrude more than ninety-six inches from the wall or face of the building to which it is attached. Those support structures located between the building and the sign only shall be counted toward this allowance.

(G) Projecting signs shall be located adjacent to the tenant's lease space and shall be installed at least seven feet above the pavement.

(H) The petitioner for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate anticipated wind loading.

(4) Freestanding Signs. The following standards apply to permanent freestanding signs.

(A) The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.

(B) Lots with thirty feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

(C) Freestanding signs shall not exceed fifteen square feet.

(D) Freestanding signs shall not exceed four feet in height.

(E) No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right-of-way by a minimum of fifteen feet.

(F) Internally illuminated signs and electronic reader boards are prohibited.

(G) Changeable copy shall be prohibited as part of a freestanding sign.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(7) Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number. Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design.

i. Sign face area shall not exceed five square feet per sign per face.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

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

(C) Placement. Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.

ii. Signs shall be removed from the public sidewalk at the end of each business day.

iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.

iv. Signs shall be placed a minimum of forty-eight inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.

vi. Sign placement shall meet all requirements of the ADA.

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

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-18, § II(Att. A), 4-21-2021; Ord. No. 21-22, § II(Att. A), 4-21-2021; Ord. No. 22-10, § II(Att. A, B), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.110 Incentives.

(a) Applicability. These affordable housing and sustainable development incentives are available to all development, except for student housing or dormitory projects located in the MD zoning district.

(b) General Standards. The following standards apply to all projects seeking the affordable housing or sustainable development incentives in this Section 20.04.110 (Incentives).

(1) Neighborhood Transition Standards.

(A) All projects abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

(B) Where a primary structure's maximum height incentive is in conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern. The petitioner may request relief from the neighborhood transition standards in accordance with the development standards variance procedure pursuant to Section 20.06.080(b) (Variance).

(2) Waiver of Fees.

(A) When a petition qualifies for one or more of the incentives in this Section 20.04.110 (Incentives), filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.

~~(B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 (Incentives) has been approved by the decision-making body:~~

~~i. Sewer hook-on fees for the project may be waived or reduced by the Utilities Service Board.~~

(3) Administration.

(A) A petition for these development incentives shall be included with a petition for development approval.

(B) Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110 (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts or contains more than fifty dwelling units.

(C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110 (Incentives).

(D) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110 (Incentives), the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the neighborhood transition standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

(E) The City may withhold issuance of a certificate of zoning compliance or recommendation for a certificate of occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

(c) Affordable Housing.

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

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

(A) Tier 1.

i. At least sixty 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 fifteen 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 one hundred twenty percent of the HUD AMI for Monroe County, Indiana; or

(B) Tier 2.

i. At least sixty 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 seven and one-half 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 one hundred twenty percent of the HUD AMI for Monroe County, Indiana; and

iii. A minimum of seven and one-half 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 ninety 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) (Affordable Housing), and (c) complies with the standards in Section 20.04.110(c)(6) (Other Standards); 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) (Affordable Housing), and (b) complies with the standards in Section 20.04.110(c)(6) (Other Standards); 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) (Payment-in-Lieu), 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 fifty percent.

ii. The minimum lot width for subdivision may be reduced up to forty 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 fifteen 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 Section 20.04.110(c)(2) (Eligibility), 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 twelve 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 twenty-four 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 twelve 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 twelve feet. The additional floor of building height granted under this subsection (iv)(2) shall be limited to fifty percent of the building footprint area of the primary structure, and that additional floor shall be set back at least ten 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) (Affordable Housing).

(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) (Affordable Housing) except to income-eligible households and in compliance with the provisions of this section.

(B) Advertising Requirement. Proof that the income eligible 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) (Affordable Housing) shall be located either on site or within one thousand three hundred twenty 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) (Payment-in-Lieu) 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) (Sustainable Development Incentives) shall meet the qualifying criteria established in Section 20.04.110(a) (Applicability), 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) (Sustainable Development Incentives) 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 one hundred percent of the runoff from at minimum, the ninety-fifth percentile (eightieth percentile for development in the MD zoning district) of regional rainfall events, based on the daily rainfall data and the methodology in the U.S. Environmental Protection Agency (EPA) Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act or a successor or replacement document issued by the EPA.

ii. Light Colored Hardscaping. At least eighty percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of eighty-six or greater. The SRI shall be calculated in accordance with ASTM E1980.

iii. Covered Parking.

1. A minimum of ninety percent of parking spaces shall be provided under cover. Any roof used to shade, or cover parking shall:

a. Have a three-year aged SRI of at least seventy-eight; or

b. Be seventy-five percent covered by energy generation systems, such as solar thermal collectors or photovoltaics.

2. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.

3. Parking spaces within a parking structure shall count toward meeting this standard.

iv. Solar Energy, Cool or Vegetated Roof. Provide a roof meeting the standards in subsections (1), (2), (3) or (4) below. Roofs containing vegetation must follow landscaping standards pursuant to Sections 20.04.080(c) (General Landscaping), 20.04.080(d) (Permitted Plant Species), and 20.04.080(e) (Prohibited Plant Species).

1. Solar Energy. Install an on-site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than thirty-five percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide forty percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

2. Cool Roof. Install a cool roof on at least seventy percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 04-21. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 04-21.

Table 04-21. Minimum Solar Reflectance Index (SRI)

Roof Type	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	39	32

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3. Vegetated Roof. Install a vegetated roof on at least seventy percent of the total roof surface using native or adapted plant species. Vegetated roofing shall comply with ASTM E2400-06: Standard Guide for Selection, Installation, and Maintenance of Plants for Green Roof Systems.

4. Combination Roof. Install a combination solar energy, cool roof and vegetated roof, with each portion meeting the applicable standards in subsections 1., 2. and 3. above, and together covering at least seventy percent of the roof surface.

v. Building Efficiency. Design the project to achieve improved building energy performance beyond the minimum required building code standards by:

1. Demonstrating that the project qualifies for a minimum of seventeen points from the LEED v4.1 BD+C Optimize Energy Performance Credit; or

2. Demonstrating that the project qualifies for a minimum of one hundred points from the Assessing Energy Performance Standards, as provided in Section 3.3.1.1 of the Green Globes for New Construction v1.5 Technical Reference Manual.

(B) Option 2. Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) (Sustainable Development Standards) shall submit proof that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;

ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;

iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or

iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;

v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections i. through iv. above, as determined by the Planning and Transportation Director.

(3) Sustainable Development Incentives.

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

i. Single-family and duplex residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).

ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in option 1 or option 2 above shall not be eligible for additional primary structure height.

(B) All Other Uses. Projects that satisfy the sustainable development criteria in option 1 or option 2 above shall be eligible for additional primary structure height as established below:

i. One floor of building height, not to exceed twelve feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in Section 20.04.110(d)(2) (Eligibility) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv. (Sustainable Development Bonus).

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 21-23, § II(Att. A), 6-14-2021; Ord. No. 22-10, § II(Att. B), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-04, § II(Att. A), 4-10-2024)

20.04.120 Operation and maintenance.

(a) Landscaping. Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO. Specifically:

(1) All plant material, including plant material on vegetated roofs, shall be maintained alive, healthy, and free from disease and pests;

(2) All landscape structures including, but not limited to, vegetated roof infrastructure, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition;

(3) Ground cover shall be maintained in compliance with Title 6 (Health and Sanitation) of the Bloomington Municipal Code; and

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

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

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

(Amd. of 1-14-2020; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-08 is a true and complete copy of Plan Commission Case Number ZO2026-01-0019 which was given a favorable recommendation by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 13, 2026.

Type of Legislation: Zoning Code Amendment

Fiscal Impact Statement:

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

No, the proposed amendments to Title 20, the Unified Development Code, will not have an impact on existing city revenue.

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as implementing proposed legislation will not require any additional resources, nor produce any savings, nor create any revenue impact. Approval of case ZO2026-01-0019 amends the Unified Development Ordinance (UDO), with technical corrections for scrivener's errors, punctuation, references, and/or citations, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

Date: Apr 23, 2026

Signature of Plan Commission Secretary David Hittle

Received by the Common Council Office on:

Date: Apr 23, 2026

Nicole Bolden

Signature of Bloomington City Clerk Nicole Bolden

Audit trail

Details

FILE NAME	Ordinance Certification 2026-08 final - 4/29/26, 1:39 PM
STATUS	Signed
STATUS TIMESTAMP	2026/04/29 19:45:43 UTC

Activity

SENT	greulice@bloomington.in.gov **sent** a signature request to: • David Hittle (david.hittle@bloomington.in.gov) • Nicole Bolden (boldenn@bloomington.in.gov)	2026/04/29 17:40:06 UTC
SIGNED	**Signed** by David Hittle (david.hittle@bloomington.in.gov)	2026/04/29 17:49:07 UTC
SIGNED	**Signed** by Nicole Bolden (boldenn@bloomington.in.gov)	2026/04/29 19:45:43 UTC
COMPLETED	This document has been signed by all signers and is **complete**	2026/04/29 19:45:43 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
			20.04.030(e)(6)	Municode had 2 (e)(6) Sections	Delete old version	Removes duplicate		Y
138	130	4	20.04.030(e)(5)(D)(i)	Utility installation**;** if no alternative location is available;	Utility installation**,** ~~;~~ if no alternative location is available;	Should be a comma rather than a semi-colon		Y
192	184	4	20.04.060(o)(2)(C)	Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance and shall use designs approved by the Transportation and Traffic Engineer based on considerations of pedestrian and traffic safety and efficient maintenance.	Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance and shall use designs approved by the **Engineering Department** ~~Transportation and Traffic Engineer~~ based on considerations of pedestrian and traffic safety and efficient maintenance.	Replaces Transportation and Traffic Engineer with Engineering Department		Y
202	194	4	20.04.080(c)(1)(B)(vi)	Where utility lines or **tree plat** widths are an impediment to planting large, canopy trees in a tree plot, the Urban Forester may approve medium or small trees.	Where utility lines or **tree plot** widths are an impediment to planting large canopy trees in a tree plot, the Urban Forester may approve medium or small trees.	Corrects a typo		Y
208	200	4	Table 04-15	*Quercus prinus*	*Quercus montana*	Updates outdated taxonomy		Y
209	201	4	Table 04-15	Shinig Sumac	Shining Sumac	Corrects a typo		Y
222	214	4	20.04.080(f)(4)(A)	Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the Transportation and Traffic Engineer.	Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the **Engineering Department** ~~Transportation and Traffic Engineer~~.	Replaces Transportation and Traffic Engineer with City Engineering Department		Y
222	214	4	20.04.080(f)(4)(B)	The following street tree planting methods may be used in lieu of the five foot by five-foot grate, subject to approval by the Transportation and Traffic Engineer.	The following street tree planting methods may be used in lieu of the five foot by five-foot grate, subject to approval by the **Engineering Department** ~~Transportation and Traffic Engineer~~.	Replaces Transportation and Traffic Engineer with City Engineering Department		Y
232	224	4	20.04.090(b)(3)(D)	Up to three **flagpoles** and flags are exempt from the provisions of this Section 20.04.090.	Up to three **flag poles** and flags are exempt from the provisions of this Section 20.04.090.	Adds space between "flag" and "pole" to be consistent with "flag pole" in UDO and make text searching easier		Y
233	225	4	20.04.090(c)(4)(A)	All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. Properties bordered by RI R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adiacent to those districts.	All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. ~~Properties bordered by RI R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adiacent to those districts.~~	Duplicate sentence to be removed		Y

236	228	4	20.04.100(c)(2)(B)	Such signs are exempt from signage regulations except 20.04.100(f)(1) through (f)(4), **they and** must be less than 6 feet tall if freestanding.	Such signs are exempt from signage regulations except 20.04.100(f)(1) through (f)(4), **and they** must be less than 6 feet tall if freestanding.	Corrects a typo	Pdf: move 'they' Municode: add 'they'	Y
239	231	4	20.04.100(g)(1)(A)	All freestanding signs shall be set back a minimum of two feet from the proposed right-of-way line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City's Transportation and Traffic Engineer.	All freestanding signs shall be set back a minimum of two feet from the proposed right-of-way line or outside of the required clear zone of a public sidewalk, whichever is greater, unless specifically approved by the City~~'s Transportation and Traffic~~ Engineer.	Replaces "City's Transportation and Traffic Engineer" with "City Engineer"		Y
271	263	5	20.05.040(e)(10)(A)	Prohibits any land-disturbing activities including the placement of a fence, or alteration of any **vegatative** cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(f).	Prohibits any land-disturbing activities including the placement of a fence, or alteration of any ~~vegatative~~ **vegetative** cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(f).	Corrects a spelling error		Y
271	263	5	20.05.040(e)(10)(A)	Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegatative cover, including mowing, within the easement area except for disturbance as allowed in **Section 20.04.030(f).**	Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegatative cover, including mowing, within the easement area except for disturbance as allowed in ~~Section 20.04.030(f)~~ **Section 20.04.030(e)**.	Section 20.04.030(e) references riparian buffers		Y
275	267	5	20.05.050(g)(2)(C)	Flooways	**Floodways**	Spelling		Y
278	270	5	20.05.050(j)(5)(H)(ii)	The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the City Traffic and Transportation Engineer and Fire Chief, or designee if:	The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the City ~~Traffic and Transportation~~ Engineer and Fire Chief, or designee if:	Replaces Traffic and Transportation Engineer with City Engineer		Y
278	270	5	20.05.050(j)(5)(I)(ii)	The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the City Traffic and Transportation Engineer and Fire Chief, or designee if:	The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the City ~~Traffic and Transportation~~ Engineer and Fire Chief, or designee if:	Replaces Traffic and Transportation Engineer with City Engineer		Y
353	345	6	20.06.060(c)(2)(E)(iii)(3)	The City Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Engineering Department shall verify that the performance bond or letter of credit shall:	The ~~City~~ Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The ~~City~~ Engineering Department shall verify that the performance bond or letter of credit shall:	Strikes "City"		Y
354	346	6	20.06.060(c)(2)(E)(iii)(4) | Should be (c)(3)	The City Engineering shall recommend approval or rejection of the performance bond to the Board of Public Works.	The ~~City~~ Engineering **Department** shall recommend approval or rejection of the performance bond to the Board of Public Works.	Strikes "City" and adds Department	Department is already included in Municode and needs to be added to the PDF	Y

373	365	6	20.06.070(d)(3)(E)(ii)	The Common Council shall vote on the proposal within 90 days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-607, which governs whether the proposal is adopted or defeated.	The Common Council shall vote on the proposal within 90 days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-607**.5**, which governs whether the proposal is adopted or defeated.	Clarifies the section of the Indiana Code related to zoning text amendments		Y
384	376	6	20.06.080(c)(3)(C)(ii)(1)	The interpretation shall be binding on subsequent decisions by the Planning and Transportation Director, traffic or transportation engineer, or other city administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Board of Zoning Appeals or a court of law.	The interpretation shall be binding on subsequent decisions by the Planning and Transportation Director, **City Engineer** ~~traffic or transportation engineer~~, or other city administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Board of Zoning Appeals or a court of law.	Replaces Traffic and Transportation Engineer with City Engineer		Y
385	377	6	20.06.080(c)(3)(C)(iv)	The Board of Zoning Appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the Planning and Transportation Director or traffic and transportation engineer acting pursuant to his or her authority and duties under this UDO.	The Board of Zoning Appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the Planning and Transportation Director or ~~traffic and transportation engineer~~ **City Engineer** acting pursuant to his or her authority and duties under this UDO.	Replaces Traffic and Transportation Engineer with City Engineer		Y

Bloomington Common Council Ordinance 2026-09 - Chapter 4: Development Standards & Incentives corrections to the Unified Development Ordinance

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect 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 April 13, 2026, 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 April 23, 2026; 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.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1:

Title 20, entitled "Unified Development Ordinance", is amended.

Section 2:

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. ZO2026-02-0002 Chapter 4: Development Standards & Incentives (hereinafter “Attachment A”)
    B. Any Council amendment thereto (Attachment “B”).

Section 3:

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: 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, or 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 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6: 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

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this
day of , 2026.

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance contains corrections and amendments to Chapter 4: Development Standards & Incentives. There are 70 amendments in this petition.

Chapter 20.04 DEVELOPMENT STANDARDS AND INCENTIVES

20.04.010 Applicability.

(a) New Development. The requirements of this chapter shall apply to all new development pursuant to Section 20.01.020 (Authority, Applicability, and Jurisdiction), unless otherwise exempted in this chapter.

(b) Activities that Trigger Compliance.

(1) Construction of any new primary structure on a lot shall require compliance with all standards in this chapter unless an exception is stated in this UDO.

(2) Table 04-1 identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in Chapter 20.04 (Development Standards and Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 04-1 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.

(3) Section 20.06.090(f) (Nonconforming Site Features) identifies activities that trigger full and limited compliance for lawful nonconforming sites and structures with specific development standards contained in Chapter 20.04 (Development Standards and Incentives).

(4) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 04-1. Development Standards Compliance Thresholds for Conforming Sites and Structures

UDO Standard	UDO Section	Change Use		New Development		Redevelopment			
						Minor Site Plan		Major Site Plan	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional standards	20.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and connectivity	20.04.050	✓		✓		✓		✓	
Parking and loading	20.04.060	✓		✓		✓		✓	

Site and building design	20.04.070		✓	✓			✓	✓	
Landscape, buffering, and fences	20.04.080		✓	✓		✓		✓	
Outdoor lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021)

20.04.020 Dimensional standards.

(a) Purpose. This section is intended to provide dimensional standards and uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO.

(b) Applicability. Compliance with this Section 20.04.020 (Dimensional Standards) shall be required pursuant to Section 20.04.010 (Applicability).

(c) General Dimensional Standards. The following tables, Table 04-2 through Table 04-5, establishes the dimensional standards for Residential, Mixed-Use, and other zoning districts contained in Chapter 20.02 (Zoning Districts). In case of a conflict between the dimensions shown in this Section 20.04.020 and the dimensions shown for individual districts in Chapter 20.02 (Zoning Districts), the provisions of this Section 20.04.020 shall govern.

(1) Residential Zoning Districts. Dimensional standards for Residential zoning districts are shown in Table 04-2 (Residential District Dimensional Standards).

(2) Mixed-Use Zoning Districts. Dimensional standards for Mixed-Use zoning districts are shown in Table 04-3 (Mixed-Use District Dimensional Standards).

(3) Downtown Character Overlays. Dimensional standards for the Downtown Character Overlays are shown in Table 04-4 (Downtown Character Overlay Dimensional Standards).

(4) Nonresidential Zoning Districts. Dimensional standards for Nonresidential zoning districts are shown in Table 04-5 (Nonresidential District Dimensional Standards).

Table 04-2. Residential District Dimensional Standards

Dimensional Standards		R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (minimum, only for lots created after the effective date)								Entire Development	Dwelling Site
Lot area	sq. ft.	20,000 [2]	7,200 [2]	5,000 [2]	4,000 [2]	5,000	5,000	43,560	3,000
	acres	0.459 [2]	0.165 [2]	0.115 [2]	0.092 [2]	0.115	0.115	1.00	0.069

Lot width	100 feet [2]	60 feet [2]	50 feet [2]	35 feet [2]	50 feet	50 feet	200 feet	40 feet
Building Setbacks (minimum)							Entire Development	Dwelling Site
Front build-to line	None	None	15 feet [3]	None	None	None	None	None
Front	15 feet	15 feet [3]	None	15 feet [3]	15 feet	15 feet	25 feet	10 feet
Attached front-loading garage or carport	25 feet [4]	25 feet [4]	10 feet behind the primary structure's front building wall		25 feet [4]		None	None
Side	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [5] [7]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [5] [7]	5 feet [2] [7]	10 feet [6]	10 feet [6]	20 feet	Primary structure: 7 feet Accessory structure: 2 feet
Rear	25 feet [2]	25 feet [2] [7]	25 feet [2] [7]	25 feet [2] [7]	15 feet [6]	15 feet [6]	20 feet	
Other Standards							Entire Development	Dwelling Site
Front parking setback (minimum)	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Side parking setback (minimum)	None	None	None	None	8 feet	8 feet	None	None
Rear parking setback (minimum)	None	None	None	None	8 feet	8 feet	None	None
Impervious surface coverage (maximum)	30%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)	None	None	None	None	40%	35%	None	None

Primary structure height (maximum)	40 feet	40 feet	35 feet	40 feet	3 stories, not to exceed 40 feet [2] [6]	5 stories, not to exceed 63 feet [2] [6]	None	20 feet
Accessory structure height (maximum)	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet
sq. ft. = square feet								

Notes:

[1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.

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

[3] Or the median front setback of abutting residential structures, whichever is less.

[4] Or equal to the setback of the primary structure, whichever is greater.

[5] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to two feet.

[6] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[7] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.

Table 04-3. Mixed-Use District Dimensional Standards

Dimensional Standards		MS [7]	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (minimum, only for lots created after the effective date)									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		65 feet
Building Setbacks (minimum)									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building facade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1][6]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1][6]			10 feet						
Other Standards									

Front parking setback (minimum)	20 feet behind the primary structure's front building wall						See Table 04-4	20 feet behind the primary structure's front building wall
Side parking setback (minimum)	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Rear parking setback (minimum)	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Impervious surface coverage (maximum)[4]	70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum)[5]	30%	40%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)	None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]	6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)	20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet
sq. ft. = square feet								

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be twelve feet.

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

[4] Lots zoned MM north of 1st Street, south of 2nd Street east of Maple Street (extending south of 2nd Street to 1st Street) and west of Morton Street shall have an impervious surface coverage maximum of eighty-five percent.

[5] Lots zoned MM north of 1st Street, east of Maple Street (extending south of 2nd Street to 1st Street) and west of Morton Street shall have a minimum landscape area of fifteen percent.

[6] Lots zoned MM north of 1st Street south of 2nd Street east of Maple Street (extending south of 2nd Street to 1st Street), and west of Morton Street shall have minimum side and rear building setbacks of zero feet.

[7] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.

Table 04-4. Downtown Character Overlay Dimensional Standards

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

coverage (maximum)			Kirkwood Corridor: 100%			
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	15%
Primary structure height (maximum) [1] [2] [3] [4]	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	General and Kirkwood Corridor: 3 stories, not to exceed 40 feet Restaurant Row: 3 stories, not to exceed 35 feet	3 stories, not to exceed 40 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet
Primary structure height (minimum)	25 feet	35 feet	General and Kirkwood Corridor: 25 feet Restaurant Row: 20 feet	20 feet	25 feet	25 feet
Accessory structure height (maximum)	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet
sq. ft. = square feet						

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be twelve feet.

[3] See Section 20.04.110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

Table 04-5. Nonresidential District Dimensional Standards

Dimensional Standards	EM	PO

Lot Dimensions (minimum, only for lots created after the effective date)		
Lot area	None	None
Lot width	100 feet	None
Building Setbacks (minimum)		
Front	25 feet	15 feet
Side	20 feet [1]	5 feet
Rear	20 feet [1]	5 feet
Other Standards		
Front parking setback (minimum)	20 feet behind the primary structure's front building wall	15 feet
Impervious surface coverage (maximum)	70%	None
Landscape area (minimum)	30%	None
Primary structure height (maximum)	4 stories, not to exceed 50 feet [1]	20 feet
Accessory structure height (maximum)	35 feet	20 feet
sq. ft. = square feet		

Notes:

[1] When adjacent to the R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over thirty feet.

(d) Lot and Space Requirements.

(1) Minimum Lot Dimensions. No space that is needed to meet the width, setback, area, open space, impervious surface coverage, parking, landscaping, or other requirements of this UDO for a lot or building may be sold, leased, or subdivided away from such lot or building. All lots affected by a proposed subdivision shall meet the standards of this UDO.

(2) Number of Primary Buildings or Uses per Lot.

(A) Except for projects approved as cottage development pursuant to Section 20.03.030(b)(7) (Dwelling, Cottage Development), only one principal building for single-family, duplex, triplex, or fourplex uses, with permitted accessory buildings, may be located on a lot or parcel. Every dwelling shall have legal means of access to a right-of-way.

(B) Where a lot or parcel is used for multifamily, mixed-use, commercial, or industrial purposes, more than one primary building may be located upon the lot when such buildings conform to all requirements of this UDO applicable to the uses and district.

(C) No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

(e) Setbacks.

(1) Measurement.

(A) Setbacks referred to in this UDO shall be measured as stated in Chapter 20.07 (Definitions), under the term "setback" and "build-to range."

(B) For private streets, setbacks shall be measured from the edge of the curb, easement, or right-of-way, whichever distance is greater.

(C) Where existing right-of-way is wider than that proposed on the Transportation Plan, the setback shall be measured from the existing right-of-way.

(D) For lots of record with no street frontage, a minimum building setback of ten feet is required from the property line where access is gained. All other lot lines shall be considered side lot lines for the purposes of setbacks.

(E) The minimum front building facade at the build-to range percentage shall be determined by calculating the width of the principal building that is within the build-to range divided by the total width of the lot at the street frontage.

(2) Single-Family Attached and Multifamily Dwellings.

(A) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

(B) For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) shall observe the required side setback for the district.

(3) Exceptions to Setback Requirements.

(A) The setback exceptions established in Table 04-6 shall not authorize the encroachment of any development across property lines or into a public right-of-way.

(B) Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

Table 04-6. Authorized Exceptions to Setback Requirements

Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awning, balconies, canopies, patios, and attached exterior stairs	Up to 6 feet.
Bay windows, chimneys, eaves	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Fire escapes	Up to 6 feet into side and rear setbacks.
Front entry	For existing and new primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure is permitted to encroach into the front building setback, however a minimum 4' setback is required from the front property line.
Accessible ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports	Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to 3 feet.
Additions to existing primary structures	For single-family, duplex, and triplex structures, additions to the first floor footprint of existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). Vertical additions to existing primary structures may utlize existing front setbacks

	provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures.
Additions to structures that don't meet build-to ranges	Additions may be added that move the building closer to build-to range compliance, even if compliance is not achieved.
DU = dwelling unit	

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

(D) For parking and building setback purposes, Interstate 69 is not considered a front.

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

(f) Building Height.

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

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

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

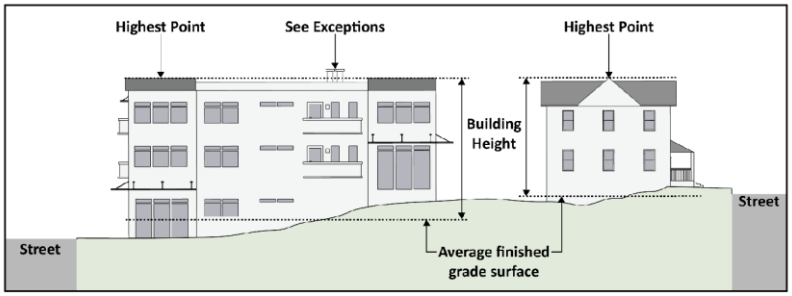

Figure 50: Building Height

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

Table 04-7. Authorized Exceptions to Height Requirements

Type of Exception	Extent of Exception

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

(g) Building Floor Plate.

(1) The area of the lot covered by the primary building shall be included in the calculation of building floor plate in all districts.

(2) The area of a lot covered by accessory buildings, parking garages, carports, and utility and storage sheds shall not be included in this calculation.

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

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.030 Environment.

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

(b) Applicability. Compliance with this Section 20.04.030 (Environment) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.030(c) (Steep Slopes) through 20.04.030(i) (Lake Watershed Areas).

(c) Steep Slopes.

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

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

(3) Easements. All slope areas required to be preserved subject to this section shall be placed within conservation easements pursuant to the standards of Section 20.05.040 (Easements).

(4) Excessive Slopes. Areas of land where the pre-development slopes are twenty-five percent or greater shall not be disturbed for any improvements with the exception of utility lines.

(5) Steep Slopes. Any development on slopes between twelve percent and less than twenty-five percent shall be allowed a maximum disturbance of fifty percent of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one or more of the following characteristics:

(A) Presence of highly erodible soils as identified in the Web Soil Survey produced by the National Cooperative Soil Services and operated by the USDA Natural Resources Conservation Service;

(B) Adjacent to slopes of greater than eighteen percent;

(C) Adjacent to water resources;

(D) Adjacent to other environmental features that are required to be preserved as part of this UDO; or

(E) Presence of tree cover on fifty percent or more of the surface area of the slope.

(6) Construction Measures. Any development on slopes twelve percent or greater and less than twenty-five percent shall incorporate construction measures such as retaining walls and walkout basements as well as current preferred practices for erosion control measures during construction, as provided in Title 13 (Stormwater) of the Bloomington Municipal Code.

(7) Street Grades. Arterial and collector streets shall not exceed grades of six percent and local streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.

(8) Street Design. All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) Soil Constraints. When unstable or contaminated soils are found, the effect of cutting and filling, alterations to slope, and the stabilization measures required to either avoid or address unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.

(10) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements in Section 20.04.030(d), Section 20.04.030(f), Section 20.04.030(g), and Section 20.04.030(h) also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.

(d) Drainage.

(1) Applicability. All proposed site plans submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Exemption. The construction of single-family, duplex, triplex, fourplex, Mobile home, and manufactured home dwellings on existing lots of record where fully engineered drainage infrastructure

is in place prior to occupancy of the home shall be exempt from the requirements of this Section 20.04.030 (Environment).

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

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

(e) Riparian Buffers.

(1) Applicability.

(A) This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, lots of record of less than one-half acre in size shall not be subject to 20.04.030(e)(6) (Intermediate Zone) nor 20.04.030(e)(7) (Fringe Zone) of this section.

(B) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(e)(1), shall provide at least a twenty-five-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(e)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:

i. Use of one hundred percent native vegetation;

ii. Use of permeable pavement for one hundred percent of all the on-site parking areas;

iii. Biofiltration swales; or

iv. Fifty percent vegetated roof.

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

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

(4) Graduated Buffer Zones. All intermittent or perennial streams shall be protected by a riparian buffer composed of three distinct zones. These zones shall be defined as:

(A) Streamside Zone (Zone 1). The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) Intermediate Zone (Zone 2). The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) Fringe Zone (Zone 3). The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

(5) Streamside Zone Design. The streamside zone (Zone 1) shall be designed as follows:

(A) Location. Immediately adjacent to the stream channel.

(B) Buffer Width.

i. For the main branches of Jackson Creek south of 2nd Street and Clear Creek south of Grimes Lane, the width of this zone shall be a minimum of fifty feet on each side of the stream, measured from the centerline of the stream.

ii. For all other streams, the width of this zone shall be a minimum of twenty-five feet on each side of the stream, measured from the centerline of the stream.

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

(D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

i. Utility installation~~,~~ if no alternative location is available;

ii. Street crossings, where necessary to achieve connectivity;

iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;

iv. Connector path and multi-use trail constructed with a permeable surface;

v. Demolition of existing buildings or structures, provided that the disturbance does not extend more than ten feet from the building's or structure's footprint, does not impact the shoreline or bed of a stream or creek, and a remediation plan is submitted to and approved by the Senior Environmental Planner prior to disturbance.~~.~~

(6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:

(A) Location. Immediately outside the streamside zone (Zone 1).

(B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.

(C) Vegetation Requirements. All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.0B0(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.

(D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:

i. Utility installation; if no alternative location is available;

ii. Street crossings, where necessary to achieve connectivity;

iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;

iv. Connector path and multi-use trail constructed with a permeable surface.

~~(6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:~~

~~(A) Location. Immediately outside the streamside zone (Zone 1).~~

~~(B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.~~

~~(C) Vegetation Requirements. Vegetative cover within this zone shall consist of undistu1bed, existing vegetation, supplemented by native, groundcover and edge vegetation except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in Section 20.04.0S0(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.~~

~~(D) Disturbance Activities. Only the following land-disturbing activities may be allowed within this zone, subject to approval of the Planning and Transportation Department:~~

~~i. All activities allowed in Zone 1 (streamside zone); and~~

~~ii. Stormwater management facilities~~.

(7) Fringe Zone Design. The fringe zone (Zone 3) shall be designed as follows:

(A) Location. Immediately outside the intermediate zone (Zone 2).

(B) Buffer Width. The required width shall be a minimum of twenty-five feet measured perpendicular from the outer boundary of Zone 2.

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

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

i. All activities allowed within Zones 1 and 2.

ii. Streets, as needed to achieve connectivity where no reasonable alternative route can be identified and where a need for new streets has been established, as required by adopted City regulations and Common Council policy.

(8) Additional Riparian Buffer Design Standards.

(A) Riparian buffer design shall be fitted to the topography and soil conditions of the site. Preference shall be given to preserving existing vegetation within riparian buffer areas. Protection of tree crowns and root zones within the dripline shall be required for all trees planned for retention.

(B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.

(C) In order to ensure vegetative diversity, a minimum of nine different plant species shall be used within the overall riparian buffer area. At least three of these species shall be trees selected from Section 20.04.080(d) (Permitted Plant Species).

(D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.

(9) Riparian Buffer Maintenance. Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3 but shall be prohibited in Zones 1 and 2.

(f) Karst Geology.

(1) Applicability.

(A) This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

(B) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City Senior Environmental Planner.

(2) Adjacent Properties. Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, the buffer zones required by this subsection (f) shall be established.

(3) Compound Karst Features. For the purposes of this subsection, compound karst features shall be defined as any two or more karst features where the last closed contour of the features are located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour at its widest point of each individual karst feature with a tangential line.

(4) Karst Conservancy Easement (KCE). All karst features shall be protected by Karst Conservancy Easements (KCE). Such easements shall be established in accordance with the following standards:

(A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.

(B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.

(C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within twenty-five feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's Geographic Information System (GIS) using a contour interval of two feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.

(D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in Section 20.04.030(f)(3) (Compound Karst Features) above and all of the area within twenty-five feet horizontally from the outer boundary of the compound karst feature.

(5) Setback. No structures shall be located within ten feet of a Karst Conservancy Easement.

(6) Stormwater Discharge. Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.

(7) Stormwater Detention. Karst conservancy easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.

(8) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole nor within twenty-five feet of the last closed contour of the sinkhole.

(9) Spring or Cave Entrances. Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

(g) Wetlands.

(1) Applicability. This section shall apply to all land-disturbing activities on properties containing wetlands.

(2) Adjacent Properties. Where wetlands are present on adjacent properties, and where required buffer areas for such wetlands would extend onto the subject property, the buffer zones required by this subsection (g) shall be established.

(3) Compliance with Other Regulations Also Required. In addition to the standards of this UDO, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR), Indiana Department of Environmental Management (IDEM), and Army Corps of Engineers regulations.

(4) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within twenty-five feet of a wetland.

(5) Wetland Conservancy Easement. A wetland buffer area extending twenty-five feet from a delineated wetland shall be placed within a conservancy easement consistent with the standards of Section 20.05.040 (Easements) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.

(6) Draining. Draining of a delineated wetland is prohibited.

(7) Stormwater Discharge. Stormwater discharge into a wetland shall not be increased over, or substantially reduced below, its preexisting rate.

(h) Tree and Forest Preservation.

(1) Applicability. This section shall apply to all land-disturbing activities on properties containing closed-canopy wooded areas.

(2) Retention of Existing Canopy. The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 04-8. Minimum Required Vegetation Canopy

Baseline Canopy Cover	Retained Canopy Cover
80—100%	0.50 × Baseline canopy cover
60—79%	0.60 × Baseline canopy cover
40—59%	0.70 × Baseline canopy cover
20—39%	0.80 × Baseline canopy cover
0—19%	0.90 × Baseline canopy cover
~~Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least 7 acres (10 acres × 0.70) of canopy cover~~	

Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least 7 acres (10 acres × 0.70) of canopy cover

(3) Preference to Stands of Vegetation. The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than ten percent of

the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (h). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

(4) Smaller Parcels. For parcels of land less than one~~two~~ acre~~s~~, the preservation standards in Table 04-8 (Minimum Required Vegetation Canopy) may be altered by the ~~City~~ Planning and Transportation Director; preference may be given to protecting and/or preserving heritage trees that are of particular value due to their type, size or age. ~~to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy.~~

(5) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements found in Sections 20.04.030(c) (Steep Slopes), 20.04.030(d) (Drainage), 20.04.030(f) (Karst Geology), and 20.04.030(g) (Wetlands) also meets the requirements for tree and forest preservation under Section 20.04.030(h)(2) (Retention of Existing Canopy), such acreage shall be counted toward fulfillment of all applicable requirements.

(6) Conservancy or Tree Preservation Easement. Where contiguous areas of at least eight thousand seven hundred twelve feet (one-fifth acre) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated ten feet beyond the driplines of the trees to be preserved.

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

(i) Lake Watershed Areas.

(1) Applicability. This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the City's Geographic Information System (GIS).

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

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

(4) Site Design. Site design shall locate structures and land-disturbing activities so as to avoid tree concentrations. Streets, parking areas, and building pads shall conform closely to existing contours and minimize grading.

(5) Steep Slopes. The maximum slope on which buildings may be constructed shall be twenty~~twelve~~ percent. No disturbance shall occur on any slope greater than twenty~~twelve~~ percent, measured as described in Section 20.04.020 (Dimensional Standards).

(6) Redundant Stormwater Quality Measures. Sites greater than one acre shall incorporate redundant stormwater runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:

(A) Periodic third-party inspection and report;

(B) A homeowner's association with financing capability;

(C) City authorization to order maintenance;

(D) City authorization to seek injunctive relief;

(E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and

(F) Provisions, meeting the standards of the administrative manual, for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.040 Floodplain.

(a) Purpose. The flood hazard areas of the City of Bloomington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

(8) Minimize the impact of development on adjacent properties within and near flood prone areas;

(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(10) Minimize the impact of development on the natural, beneficial values of the floodplain;

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible;

(12) Meet community participation requirements of the National Flood Insurance Program;

(13) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(14) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(15) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(16) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and

(17) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(b) Applicability.

(1) This Section 20.04.040 (Floodplain) shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Bloomington, Indiana including any additional areas of special flood hazard annexed by the City of Bloomington, Indiana.

(2) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this UDO and other applicable regulations.

(3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this UDO and other applicable regulations.

(c) General Standards.

(1) Basis for Establishing the Areas of Special Flood Hazard.

(A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City, delineated as an "AE Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map dated December 17, 2010 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of the City of Bloomington, Indiana and the corresponding Flood Insurance Rate Maps (FIRM) dated December 17, 2010 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

(B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the Flood Insurance Study dated December 17, 2010 and the Flood Insurance Rate Map, dated December 17, 2010, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(D) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

(2) Establishment of Floodplain Development Permit. A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard as established in Section 20.06.050(d).

(3) Compliance.

(A) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.

(B) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(C) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) Abrogation and Greater Restrictions. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(5) Discrepancy between Mapped Floodplain and Actual Ground Elevations.

(A) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profile or table of still water elevations shall govern.

(B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(C) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(6) Interpretation.

(A) In the interpretation and application of this ordinance all provisions shall be:

(i) Considered as minimum requirements;

(ii) Liberally construed in favor of the governing body; and

(iii) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and Disclaimer of Liability. The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this UDO does not create any liability on the part of the City of Bloomington, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this UDO or any administrative decision made lawfully thereunder.

(8) Penalties for Violation. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City.

(A) The City shall inform the owner that any such violation is considered a willful at to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(B) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(d) Administration.

(1) Designation of Administrator. The Common Council of the City of Bloomington hereby appoints the Planning Director (or their designee) to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

(2) Floodplain Development Permit and Certification Requirements. An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Application Stage.

(i) A description of the proposed development;

(ii) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;

(iii) A legal description of the property site;

(iv) For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;

(v) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(vi) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater;

(vii) Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;

(viii) Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;

(ix) Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;

(x) Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;

(xi) Plans showing how any proposed structure will be anchored to resist flotation or collapse;

(xii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;

(xiii) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Section 20.04.040(d)(3)(H) and Section 20.04.040(d)(5) for additional information.)

(xiv) Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(B) Finished Construction.

(i) Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

(ii) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

(iii) Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

(A) Enforce the provisions of this ordinance.

(B) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.

(C) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(D) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

(E) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(F) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.

(G) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

(i) Verify and document the market value of the pre-damaged or pre-improved structure;

(ii) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;

(iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement' for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and

(iv) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Section 20.04.040(e) of this ordinance are required.

(H) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

(I) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 20.04.040(e)(2)(A), 20.04.040(e)(2)(C)(i), and Section 20.04.040(e)(2)(D) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(J) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 20.04.040(d)(3)(l) is applicable.

(K) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(L) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.04.040(d)(2).

(M) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.04.040(d)(2).

(N) Make on-site inspections of projects in accordance with Section 20.04.040(d)(4).

(O) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.

(P) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.

(Q) Provide information, testimony, or other evidence as needed during variance hearings.

(R) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 20.04.040(d)(4).

(S) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 20.04.040(d)(4).

(T) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 20.04.040(d)(5).

(U) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(V) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(4) Administrative Procedures.

(A) Inspections of Work in Progress. As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) Stop Work Orders.

(i) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

(ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(C) Revocation of Permits.

(i) The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(ii) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(D) Floodplain Management Records.

(i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of

whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

(ii) These records shall be available for public inspection at the City of Bloomington Planning and Transportation Department.

(E) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities. To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Bloomington's flood maps, studies and other data identified in Section 20.04.040(c)(1) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(A) Requirement to Submit New Technical Data.

(i) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

(ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(iii) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

(iv) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(B) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City of Bloomington Planning and Transportation Department Director and may be submitted to FEMA at any time.

(C) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Bloomington have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bloomington's Flood Insurance Rate Map accurately represent Bloomington's boundaries, include within such notification a copy of a map of Bloomington suitable for reproduction, clearly showing the new corporate limits or the new area for which Bloomington has assumed or relinquished floodplain management regulatory authority.

(e) Provisions for Flood Hazard Reduction. All development shall comply with the provisions of this Section 20.04.040(e). Petitions for new or revised subdivisions shall also comply with the standards in Section 20.05.050(c).

(1) Conditional Uses. ~~The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).~~

(A) The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).

(i) Transportation facilities, including, but not limited to, bridges, streets or drives;

(ii~~B~~) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;

(iii~~C~~) Parking lots constructed solely of permeable pavers;

(iv~~D~~) Recreational equipment; and

(v~~E~~) Buildings/structures.

(B) Any activity exempted from a floodplain development permit does not need a conditional use approval.

(2) Floodplain Status Standards.

(A) Standards for Identified Floodways (Riverine). Located within SFHAs, established in Section 20.04.040(c)(1), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

(i) If the site is in a regulatory floodway as established in Section 20.04.040(c)(1), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and

apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

(ii) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.

(iii) The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

(iv) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 20.04.040(d)(5)(A). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

(v) In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(vi) For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(B) Standards for Identified Fringe (Riverine). If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

(C) Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine).

(i) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

ii. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

(D) SFHAs not Identified on a Map.

(i) If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(ii) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(iii) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(3) General Standards. In all areas of special flood hazard, the following provisions are required:

(A) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;

(C) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation,

plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(E) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(H) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;

(I) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres;

(J) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development;

(K) Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes in areas of shallow flooding, designated as Zone AO or Zone AH on the FIRM;

(L) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

(4) Specific Standards. In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Section 20.04.040(c)(1), the following provisions are required:

(A) Building Protection Requirement. In addition to the general standards described in Section 20.04.040(e)(3) structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(i) Construction or placement of a residential structure;

(ii) Construction or placement of a non-residential structure;

(iii) Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds fifty percent of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;

(iv) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds fifty percent of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);

(v) Installing a manufactured home on a new site or a new manufactured home on an existing site;

(vi) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty days;

(vii) Reconstruction or repairs made to a repetitive loss structure; and

(viii) Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(B) Residential Construction.

(i) New construction or substantial improvement of any residential structures shall meet provisions described in Section 20.04.040(e)(2) and Section 20.04.040(e)(3).

(ii) In Zone A and Zone AE. new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of 20.04.040(e)(4)(C)(vi) must be met.

(iii) In Zone AH, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(iv) In Zone AO, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet greater than the flood depth specified on the FIRM above the highest adjacent grade. If no flood depth is specified, the community shall use two feet as the minimum depth. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(B)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(B)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(v) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood

openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

c. Doors and windows do not qualify as openings;

d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

e. Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

2. The floor of such enclosed area must be at or above grade on at least one side.

(vi) A residential structure may be constructed on fill in accordance with the following

1. Fill shall be placed in layers no greater than one foot deep before compacting to ninety-five percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

2. Fill shall extend five feet beyond the foundation of the structure before sloping below the BFE;

3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one feet vertical;

4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;

5. Fill shall be composed of clean granular or earthen material.

(vii) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(C) Non-Residential Construction.

(i) New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Section 20.04.040(e)(2) and applicable general standards described in Section 20.04.040(e)(3).

(ii) In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met.

(iii) In Zone AH, new construction or substantial improvement of any non-residential structure (excludes accessory structures) shall have the lowest floor, including basement, elevated at least to the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes.

(iv) In Zone AO, new non-residential construction or substantial improvements of any non-residential structure (excludes accessory structures) shall either:

(v) Have the lowest floor, including basement, elevated at least two feet greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 20.04.040(e)(4)(C)(v). Should fill be used to elevate a structure, the standards of Section 20.04.040(e)(4)(C)(vi) must be met. Drainage paths must be provided to guide floodwaters around and away from proposed structures to be constructed on slopes; or

(vi) Be floodproofed to an elevation at least two greater than the flood depth number specified on the FIRM (If no flood depth number is specified, two feet shall be used as the flood depth.) above the highest adjacent grade.

(vii) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

a. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);

b. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;

c. Doors and windows do not qualify as openings;

d. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

e. Openings are to be not less than three inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

2. The floor of such enclosed area must be at or above grade on at least one side.

(viii) A nonresidential structure may be constructed on fill in accordance with the following:

1. Shall be placed in layers no greater than one foot deep before compacting to ninety-five percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;

2. Shall extend five feet beyond the foundation of the structure before sloping below the BFE;

3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical;

4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;

5. Shall be composed of clean granular or earthen material.

(ix) A nonresidential structure may be floodproofed in accordance with the following:

1. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(x) A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(D) Manufactured Homes and Recreational Vehicles.

(i) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(B)(v).

3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(i) Recreational vehicles placed on a site in the SFHA shall either:

1. Be on site for less than one hundred eighty days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or

2. Meet the requirements for "manufactured homes" as stated earlier in this section.

(E) Accessory Structures. Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

(i) Shall have a floor area of four hundred square feet or less;

(ii) Use shall be limited to parking of vehicles and limited storage;

(iii) Shall not be used for human habitation;

(iv) Shall be constructed of flood resistant materials;

(v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(vi) Shall be firmly anchored to prevent flotation;

(vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;

(viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 20.04.040(e)(4)(C)(vii); and

(ix) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(F) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development. Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

(i) Shall have open sides (having not more than one rigid wall);

(ii) Shall be anchored to prevent flotation or lateral movement;

(iii) Shall be constructed of flood resistant materials below the FPG;

(iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;

(v) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

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

(5) Standards for Subdivision and Other New Developments

(A) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.

(D) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres, whichever is less.

(E) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

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

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.050 Access and connectivity.

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

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

(c) Driveways and Access.

(1) Number of Drives.

(A) Single-Family, Duplex, Triplex, and Fourplex Residential Uses. For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:

i. The maximum circle drive width shall be ten feet;

ii. The lot shall have a minimum of one hundred twenty feet of street frontage on the street the circle drive will access; and

iii. The minimum distance between the driveway access points of a circle drive shall be sixty feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(B) All Other Uses. No property shall be permitted to have more than two driveway access points per street frontage.

(2) Location and Separation of Drives.

(A) Generally.

i. Except as allowed under Section 20.04.050(c)(3)(B)(i), no entrance or drive shall be installed:

1. Closer to a street than the existing or proposed front building wall running less than forty-five degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.

ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.

iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a local street and consistent with access management by the Transportation Plan or is a private street.

(B) Street Classification. The classification of all streets shall be as indicated on the Transportation Plan as contained in the Comprehensive Plan.

(C) Distance Calculations.

i. The distances applicable to the standards outlined in this Section 20.04.050 (Access and Connectivity) shall be determined as follows:

1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or

2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive. These measurements are taken along the right-of-way line.

ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the City Engineer.

iii. The width of an allowed driveway shall be measured along the typical driving path at its maximum width.

iv. Driveway and street separation standards shall apply along the same side of the street only.

(D) Arterial or Collector Streets.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. No entrance or drive along an arterial or collector street shall be installed within fifty feet of any intersecting street.

ii. All Other Uses.

1. No entrance or drive along an arterial or collector street shall be installed:

a. Within one hundred fifty feet of any intersecting street.

b. Within one hundred feet of another driveway entrance.

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

(E) Local Streets.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. No entrance or drive along a local street shall be installed within thirty feet of any intersecting street.

ii. All Other Uses.

1. No entrance or drive along a neighborhood street shall be installed:

a. Within one hundred feet of any intersecting street.

b. Within fifty feet of another driveway entrance.

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

(F) Improved Alley Access in the R1, R2, R3, R4, RM, MS, and MD Districts. A driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.

(3) Driveway and Access Design.

(A) Generally.

i. The City Engineering Department shall determine curb radii and other construction standards for all entrances based on the smallest design vehicle possible and to still accommodate the most common vehicle and occasional larger vehicles with appropriate encroachments, and whether an acceleration lane, deceleration lane, or passing blister is required.

ii. Driveways shall not impede the flow of drainage. Where driveway culverts are necessary to accommodate drainage, the culvert pipe size shall be determined by a licensed engineer to prevent flooding.

(B) Driveway Pavement Widths.

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses. The width of a driveway between the required front building setback and the street shall not exceed eighteen feet.

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

1. Twenty-four feet if from a nonresidential use onto an arterial or collector street. The City engineer may authorize a thirty-four-foot entrance to accommodate heavy truck use.

2. Twenty-four feet if from a nonresidential use onto a local street.

3. Twenty-four feet if from a mixed-use or multifamily residential use onto any type of street.

(C) Surface Material.

i. Unless specifically stated otherwise in this UDO, all entrances and drives shall be asphalt, concrete, or other material approved by the City.

ii. The Planning and Transportation Director may approve structurally engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.

iii. Areas using permeable pavers shall not be counted in impervious surface calculations.

iv. For new development, all driveway aprons onto a street shall be constructed of concrete.

v. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

vi. Drive cuts shall ramp to meet the pedestrian and/or bicycle facility in order to keep the pedestrian and/or bicycle facility at the same grade, unless approved by the City Engineer due to site elevation constraints.

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

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

(5) Vision Clearance Triangle.

(A) Applicability.

i. A vision clearance triangle shall be maintained at every street intersection. Vision clearance triangles may be required at other vehicular connections as determined by staff.

ii. Vision clearance triangles for intersections may be reduced upon a determination by the City Engineering Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

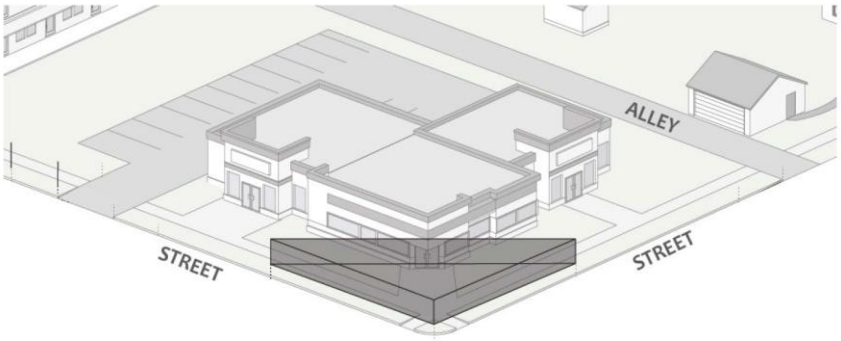

Figure 51: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths. The vision clearance triangle leg lengths shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets

published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Engineering Department.

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

(d) Pedestrian and Bicycle Circulation.

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

(2) Applicability. Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (local) streets with no adjacent pedestrian facilities, and additions to existing residential structures. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

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

(4) Pedestrian Network Required.

(A) All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages, multiuse trails where indicated on the Transportation Plan, and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.

(B) All concrete sidewalk and asphalt path improvements shall be constructed as per city planning and transportation department and engineering department requirements.

(C) All buildings shall have a sidewalk connection from the building entrance to the adjacent public street.

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

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

(7) Placement. To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement. In situations of limited existing right-of-way, a minimum five-foot-wide tree plot is required and any portions of required pedestrian facilities that are not located within the right-of-way must be placed within a pedestrian easement.

(8) Minimum Tree Plot Width. All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with ground cover. The Planning and Transportation Director may allow tree

grates, tree boxes, or other appropriate streetscape treatments in areas that anticipate increased pedestrian traffic.

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

(10) Paths, Sidewalks, and Trails.

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

(B) Additional Facility Amenities. Additional amenities shall be required in accordance with the design standards identified in the Transportation Plan.

(C) Sidewalks.

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

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

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

iv. Separation. Sidewalks shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage or against the minimum landscape area for the property.

2. In situations where the City Planning and Transportation Department has determined that a pedestrian easement is not feasible due to right-of-way width constraints or site elevation constraints, the City Planning and Transportation Department may approve the following design options:

a. A ten-foot-wide sidewalk with reduced vegetated plot width.

b. Integral sidewalk with a minimum six-inch curb and six-foot wide sidewalk.

v. Cross-Slopes. All sidewalks (over entrances and drives, intersections, etc.) shall be constructed to comply with the Americans with Disabilities Act and all applicable adopted City standards.

(D) Multiuse Paths. Where multiuse paths are identified on the Transportation Plan, or as construction of new streets warrants the provision of multiuse paths, as determined by the Planning and Transportation Director, such facilities shall be provided as follows:

i. Minimum Width. Ten feet.

ii. Surface. Multiuse paths shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the Planning and Transportation Department in order to mitigate environmental impacts.

iii. Location. Multiuse paths shall be constructed a minimum of one foot inside the public right-of-way line or within a pedestrian easement along all abutting street frontages.

iv. Separation. Multiuse paths shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the multiuse path location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the multiuse path is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the multiuse path must be located within a pedestrian easement on private property, the portions of the multiuse path within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property.

2. In situations where the City Planning and Transportation Department has determined that a pedestrian easement is not feasible, the City Planning and Transportation Department may approve a five-foot-wide multiuse path with reduced vegetated plot width.

v. Cross-Slopes. All multiuse paths (over entrances and drives, intersections, etc.) shall be constructed to comply with the Americans with Disabilities Act and all applicable adopted City standards.

(E) Bike Lanes. Where development projects include the construction of new public streets and redevelopment projects include alteration of existing right-of-way that are identified as having bike lanes in the Transportation Plan, such facilities shall be provided as follows:

i. Type. The type of bicycle facility required shall be determined by the Transportation Plan.

ii. Minimum Width. A minimum of five feet, or as indicated in the Transportation Plan. Any adjacent curb and gutter shall not be included in the bike lane width measurement.

iii. Location. Striped bike lanes shall be located at the outer edge of the street, adjacent to the curb, or as indicated in the most recent Transportation Plan.

iv. Substitution. Substitution of a ten-foot-wide multiuse path may be allowed if approved by the City Planning and Transportation Department and such substitution is consistent with the most recent Transportation Plan.

(F) Multiuse Trails. Where multiuse trails are identified on the Transportation Plan, such facilities shall be provided as follows:

i. Minimum Width. Pavement width shall be a minimum of twelve feet, and the paved trail shall have two-foot-wide shoulders on both sides and shall be surfaced as determined by the parks and recreation department.

ii. Surface. Multiuse trails shall be paved with asphalt. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts.

iii. Dedication. All multiuse trails shall be dedicated to the City parks and recreation department within rights-of-way of at least fifty feet in width. Right-of-way width for multiuse trails may be reduced by the City Planning and Transportation Department after approval by the City parks and recreation department.

(G) Connector Paths. Where a development is adjacent to a public park, school, commercial area, or existing or proposed multiuse trail as identified in the Transportation Plan, connector paths shall be provided as follows:

i. The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the City parks and recreation department. The parks and recreation department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.

ii. Minimum Width. Connector paths shall be a minimum of ten feet in width.

iii. Surface. Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts.

iv. Easement. Connector paths shall be contained within pedestrian easements of at least twenty feet in width pursuant to Section 20.05.040 (Easements).

v. Undeveloped Properties. Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.

(11) Payment-in-Lieu of Pedestrian and Bicycle Circulation Construction

(A) Purpose: The City of Bloomington supports the installation of paths, sidewalks, and trails by the development community at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a payment-in-lieu of the installation of new infrastructure. It is the purpose of this section, and rules and regulations set forth, to establish a payment-in-lieu of path, sidewalk, or trail construction requirements and to establish a process to facilitate the construction, improvement, and maintenance of those facilities within the City.

(B) General: Any project required to install paths, sidewalks, trails, multiuse paths, bike lanes, or multiuse trails as required in this Section 20.04.050 may request to pay a payment-in-lieu of said physical improvements. Requests to pay a payment-in-lieu of physical improvements shall be reviewed and approved or denied in accordance with this Section 20.04.050(d)(11)(D). All funds derived from sums paid-in-lieu of the physical improvements shall go into the alternative transportation fund. The alternative transportation fund shall be for the purpose of reducing our community's dependence upon the automobile. Expenditures from the fund shall be approved by the council.

(C) Evaluation Criteria: Any site plan, portion of a site plan, or subdivision required by Section 20.04.050 to install paths, sidewalks, and trails may request payment-in-lieu of said physical improvements where the Planning and Transportation Department has determined that a required path, sidewalk, and trail is not reasonable due to existing practical difficulties associated with the property including, but not limited to:

(i) The topography of the lot or tract together with the topography of the adjacent lots or tracts and the nature of the street right-of-way make it impractical for construction of physical improvements; and/or

(ii) The adjacent lots or tracts are at present developed without paths, sidewalks, and trails and there is no reasonable expectation of additional connections on the block in the near future; and/or

(iii) Uniformity of development of the area would best be served by deferring path, sidewalk, and trail construction on the lot or tract until some future date.

(D) Review and Decision

(i) All requests for payments-in-lieu of the construction of paths, sidewalks, and trails shall be heard by the City of Bloomington Transportation Commission and evaluated based on the criteria set forth in this section.

(E) Fee Calculation: The fee calculation for approved payments-in-lieu of paths, sidewalks, and trails shall be based on the adopted Planning and Transportation Fee Schedule and shall be paid in full prior to:

(i) Release of a secondary plat for recording for applicable projects; or

(ii) Issuance of a Certificate of Zoning Compliance for a building permit for applicable projects; or

(iii) Issuance of a Certificate of Zoning Compliance for any other projects requiring said physical improvements in which secondary plat or building permit issuance does not apply.

(F) Future Site Improvements or Changes: Any fee paid-in-lieu of the construction of paths, sidewalks, and/or trails that is approved by the Transportation Commission shall apply only to the requirements in effect at the time of the development. This provision shall not be construed to grant an exception from the installation of paths, sidewalks, and/or trails for any future subdivision or development of the site that would otherwise require such improvements under the standards of the UDO at the time of approval.

(e) Public Transit.

(1) General Standards.

(A) For the purposes of this section, transit facilities shall include:

i. Benches;

ii. Shelters; or

iii. Other similar transit stop amenities.

(B) Where a development is required to install one or more transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. Where such facilities are proposed within the public right-of-way, approval by the City Board of Public Works shall also be required.

(C) The Bloomington Public Transportation Corporation may waive a required transit facility if that corporation deems it unnecessary based on existing facilities.

(2) Existing Public Transportation Routes.

(A) Transit Facility. For any development of at least twenty dwelling units, or for any nonresidential development of at least twenty thousand square feet gross floor area, developed adjacent to one or more public transportation routes, a transit facility shall be constructed on all routes for which one or more of the following criteria are met:

i. The proposed development is expected to generate public transit usage; or

ii. The nearest existing transit facility on the route is more than one-fifth of one mile (one thousand fifty-six feet) away from the closest primary building on the site, measured along rights-of-way; or

iii. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes. In such a case, the busier routes shall receive the facility.

(B) Location. The transit facility shall occupy:

i. A site within or adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site approved by the Bloomington Public Transportation Corporation that is or will be contained within a transit facility easement.

(C) Pedestrian Accessibility. Transit facilities shall be connected to the public sidewalk system and ADA-accessible routes.

(3) Future Public Transportation Routes.

(A) Transit Facility Easement. For any development where one or more public transportation routes are reasonably expected to exist on adjacent public streets in the future, and where the development is expected to generate public transit usage, transit facility easements shall be established on each future route if one or more of the following criteria exist:

i. Route Overlap. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes; or

ii. Insufficient Right-of-Way. Insufficient right-of-way exists to reasonably allow a transit facility and/or transit service access.

(B) Location. Transit facility easements shall occupy:

i. A site adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site as approved by the Bloomington Public Transportation Corporation.

(4) Transit Facilities and Easements.

(A) Pedestrian Traffic. Public transit facilities shall be designed so that they will not interfere with the normal flow of pedestrian traffic on public or private sidewalks.

(B) Construction Standards. Public transit facilities shall be built to meet the requirements of the Bloomington Public Transportation Corporation.

(C) Setback Exemption. Public transit facilities shall be exempt from the building setback standards of the zoning district.

(D) Minimum Easement Depth. Ten feet.

(E) Minimum Easement Width. Fifteen feet.

(F) Recording of Easements. See Section 20.05.040 (Easements).

(5) Bus Turnout Areas.

(A) Bus Turnout. Bus turnout areas shall be constructed in conjunction with a transit route if a transit stop is warranted, as determined by the Bloomington Public Transportation Corporation and the City, and the street on which the public transportation route is established is classified as a primary arterial on the most recent Transportation Plan.

(B) Dimensional Standards. Bus turnout areas shall be built to the dimensional requirements of the Bloomington Public Transportation Corporation.

(C) Construction Standards. The engineering design of bus turnout areas shall be coordinated with the City Planning and Transportation Department.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. B), 5-18-2022; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.060 Parking, loading, and storage.

(a) Purpose. This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Providing necessary access for service and emergency vehicles;

(3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;

(4) Encouraging multi-modal transportation options and enhanced pedestrian safety;

(5) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the City;

(6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

(7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

(b) Applicability. Compliance with this Section 20.04.060 (Parking and Loading) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.060(d) (Minimum Vehicle Parking Requirement) through 20.04.060(1) (Minimum Bicycle Parking Required).

(c) Parking Calculations.

(1) Generally.

(A) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.

(B) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.

(C) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated. Businesses with parking areas designed exclusively for vehicle display shall provide a minimum of one van accessible ADA parking space.

(D) When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of one-half or larger shall be rounded down to the next lowest whole number.

(E) Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 20.04.060(g)(1) (Shared Parking Facilities).

(2) Unlisted Uses. For uses not listed in Table 04-9 (Minimum Vehicle Parking Requirements) or Table 04-10 (Maximum Vehicle Parking Allowance), the City Planning and Transportation Department is authorized to do any of the following:

(A) Apply the minimum or maximum off-street parking space requirement specified in Table 04-9 (Minimum Vehicle Parking Requirements) or Table 04-10 (Maximum Vehicle Parking Allowance), for the listed use that is deemed most similar to the proposed use as determined by the City Planning and Transportation Department (based on operating characteristics, the most similar related occupancy classification, or other factors related to potential parking demand determined by the department).

(B) Establish the minimum or maximum off-street parking space and loading requirements based on a parking study prepared by the petitioner according to Sections 20.04.060(g) (Adjustments to Minimum Parking Requirements) or 20.04.060(h) (Adjustments to Maximum Parking Allowance).

(d) Minimum Vehicle Parking Requirement.

(1) Applicability.

(A) Generally. Each development or land use subject to this section pursuant to Section 20.04.060 (Parking and Loading) shall provide at least the minimum number of vehicle parking spaces required for each land use listed in Table 04-9 (Minimum Vehicle Parking Requirements).

(B) MD District. Minimum parking requirements do not apply to development in the Courthouse Square Character Area or the Downtown Core Character Area south of 4th Street.

Table 04-9. Minimum Vehicle Parking Requirements

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

Notes:

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

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

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

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

Table 04-10. Maximum Vehicle Parking Allowance

Use	Maximum Vehicle Parking Allowance
Residential Uses	
Household Living	
Dwelling, single-family (detached)	No limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the potential minimum, or 1.25 spaces per bedroom, whichever is less. When there is no required minimum number of spaces, the number of spaces listed per DU in Table 04-9 shall be used in the 125% calculation.
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU
Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
Group Living	
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 DUs
Continuing care retirement facility	
Fraternity or sorority house	0.8 spaces per bed
Group care home, FHAA small	2.5 spaces per 1,000 square feet GFA
Group care facility, FHAA large	
Nursing or convalescent home	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units
Opioid rehabilitation home, small	2.5 spaces per 1,000 square feet GFA
Opioid rehabilitation home, large	
Single room occupancy	2 spaces; plus 1 space per bedroom
Student housing or dormitory	0.75 spaces per bedroom
Supportive housing, small	2.5 spaces per 1,000 square feet GFA
Supportive housing, large	
Public, Institutional, and Civic Uses	
Community and Cultural Facilities	

Art gallery, museum, or library	2 spaces per 1,000 sq. ft. GFA
Cemetery or mausoleum	1 space per 4 seats in chapel or assembly area
Club or lodge	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Community center	3.3 spaces per 1,000 square feet GFA
Conference or convention center	2 spaces per 1,000 sq. ft. GFA
Crematory	3.3 spaces per 1,000 sq. ft. GFA
Day-care center, adult or child	3.3 spaces per 1,000 sq. ft. GFA
Government service facility	3.3 spaces per 1,000 sq. ft. GFA
Jail or detention facility	2 spaces per 1,000 sq. ft. GFA
Meeting, banquet, or event facility	4 spaces per 1,000 sq. ft. GFA
Mortuary	3.3 spaces per 1,000 sq. ft. GFA
Park	5 spaces per 1 acre plus 2.5 spaces per 1,000 sq. ft. of site used for recreational equipment area
Place of worship	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Police, fire, or rescue station	4 spaces per 1,000 sq. ft. GFA plus 1 space per each vehicle used for police, fire, and rescue
Urban agriculture, noncommercial	1.25 spaces per 1 acre
Educational Facilities	
School, college or university	4 spaces per 1,000 sq. ft. GFA
School, public or private	4 spaces per 1,000 sq. ft. GFA
School, trade or business	4 spaces per 1,000 sq. ft. GFA
Healthcare Facilities	
Hospital	1 space per patient bed design capacity
Medical clinic	5 spaces per 1,000 sq. ft. GFA
Methadone treatment facility	3.3 spaces per 1,000 sq. ft. GFA
Opioid rehabilitation facility	3.3 spaces per 1,000 sq. ft. GFA
Commercial Uses	
Agricultural and Animal Uses	
Kennel	3.3 spaces per 1,000 sq. ft. GFA
Orchard or tree farm, commercial	1.25 spaces per 1 acre
Pet grooming	3.3 spaces per 1,000 sq. ft. GFA
Plant nursery or greenhouse, commercial	3.3 spaces per 1,000 sq. ft. of GFA retail sales
Veterinarian clinic	3.3 spaces per 1,000 sq. ft. GFA
Entertainment and Recreation	
Amenity center	2.5 spaces per 1,000 sq. ft. GFA
Country club	2 spaces per golf hole plus 2.5 spaces per 1,000 sq. ft. GFA
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 4 spaces per 1,000 sq. ft. GFA
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 2.5 spaces per 1,000 sq. ft. of site area used for recreation

Sexually oriented business	5 spaces per 1,000 sq. ft. GFA
Stadium	1 space per 8 seats
Food, Beverage, and Lodging	
Bar or Dance club	4 spaces per 1,000 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of outdoor seating area
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: 10 spaces per 1,000 sq. ft. GFA Outdoor seating area: 5 spaces per 1,000 sq. ft. of outdoor seating area
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
Retail Sales	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
Vehicles and Equipment	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/office area; plus 1 space per service bay
Transportation terminal	1.25 spaces per 0.5 acres
Vehicle fleet operations, small	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fleet operations, large	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	1.25 spaces per 0.5 acres
Vehicle repair, major	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle repair, minor	
Vehicle sales or rental	
Vehicle wash	2.5 spaces per 1,000 sq. ft. of indoor sales/office are plus 1 space per service bay

Employment Uses	
Manufacturing and Processing	
Commercial laundry	3.3 spaces per 1,000 sq. ft. GFA
Food production or processing	3.3 spaces per 1,000 sq. ft. GFA
Manufacturing, artisan	2.5 spaces per 1,000 sq. ft. GFA
Manufacturing, light	3.3 spaces per 1,000 sq. ft. GFA
Manufacturing, heavy	3.3 spaces per 1,000 sq. ft. GFA
Salvage or scrap yard	1.25 spaces per 0.5 acres plus 2.5 spaces per 1,000 sq. ft. GFA
Storage, Distribution, or Warehousing	
Bottled gas storage or distribution	3.3 spaces per 1,000 sq. ft. GFA
Contractor's yard	3.3 spaces per 1,000 sq. ft. GFA plus 1 space per each company vehicle up to a maximum of 30 company vehicles
Distribution, warehouse, or wholesale facility	3.3 spaces per 1,000 sq. ft. GFA
Storage, outdoor	1.25 spaces per 1 acre
Storage, self-service	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/office space
Resource and Extraction	
Gravel, cement, or sand production	1.25 spaces per 1 acre
Quarry	1.25 spaces per 1 acre
Stone processing	1.25 spaces per 1 acre
Utilities and Communication	
Communication facility	1.25 spaces per 1 acre
Solar collector, ground- or building-mounted	1.25 spaces per 1 acre
Utility substation and transmission facility	1.25 spaces per 1 acre
Wind energy system, large	1.25 spaces per 1 acre
Wind energy system, small	1.25 spaces per 1 acre
Accessory Uses	
Chicken flock	No additional parking
Crops and pasturage	No additional parking
Detached garage	No additional parking
Drive-through	No additional parking
Dwelling, accessory unit	No additional parking
Electric vehicle charging facility	No additional parking
Greenhouse, noncommercial	No additional parking
Home occupation	No additional parking
Outdoor retail and display	No additional parking
Outdoor trash and recyclables receptacles	No additional parking
Recycling drop-off, self-serve	No additional parking
Swimming pool	No additional parking
Temporary Uses	
Book buyback	No additional parking
Construction support activities	No additional parking
Farm produce sales	No additional parking
Real estate sales or model home	No additional parking
Seasonal sales	No additional parking

Special event	No additional parking
DU = dwelling unit sq. ft. = square feet	

(f) Accessible Parking.

(1) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC).

(2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for persons with disabilities.

(3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices.

(4) Required accessible spaces shall count towards the number of maximum parking spaces permitted, unless the maximum allowed number of parking spaces is twenty-five spaces or less.

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

(1) Shared Parking Facilities.

(A) Generally.

i. When reviewing a shared parking proposal, the City Planning and Transportation Department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the City Planning and Transportation Department.

ii. Where a minimum number of parking spaces are required by Table 04-9 (Minimum Vehicle Parking Requirements), the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the City Planning and Transportation Department may authorize the shared use of parking facilities subject to the following:

iii. In a shared parking arrangement, each property shall provide a minimum of sixty percent of the individual parking requirements provided in Table 04-9 (Minimum Vehicle Parking Requirements). In no case shall the total combined parking spaces be less than one hundred twenty percent of the greater individual parking requirement.

iv. Any property using shared parking facilities shall be located within six hundred feet of such parking facility, using established sidewalks and crosswalks where available.

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

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

(3) Affordable and Senior Housing. The minimum number of required vehicle parking spaces for multifamily residential structures shall be reduced by thirty-five percent if:

(A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives); or

(B) A minimum of seventy-five percent of the dwelling units are restricted for lease or sale by persons sixty-five years of age or older.

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

(A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use.

(C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

(E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off-street parking requirements of this chapter.

(5) Modification of Minimum Parking Requirement Based on Parking Study. If a petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 04-9 (Minimum Vehicle Parking Requirements), and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the City Planning and Transportation Department may authorize a reduction in required off-street parking spaces based on that study.

(h) Adjustments to Maximum Parking Allowance. No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 04-10 (Maximum Vehicle Parking Allowance), unless approved by the City Planning and Transportation Department based on the following:

(1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;

(2) The petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 04-10 (Maximum Vehicle Parking Allowance), and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and

(3) Any parking provided above the maximum required in Table 04-10 (Maximum Vehicle Parking Allowance), is constructed in a parking structure or with approved pervious surfaces.

(i) Vehicle Parking Location and Design.

(1) Applicability. The standards in Section 20.04.060(i) (Vehicle Parking Location and Design) shall apply to all surface and aboveground vehicle parking and maneuvering areas.

(2) Location.

(A) Generally.

i. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served, unless otherwise allowed pursuant to 20.04.060(g)(1).

ii. Parking areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.

iii. No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.

iv. All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).

v. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.

vi. No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

(B) In the R1, R2, R3, R4, RM, RH, MS, and MD Districts.

i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding eighteen feet in width.

ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to twenty feet in depth and twenty feet in width. Depth of required parking areas may exceed twenty feet if leading to a vehicular entrance of a detached garage or carport. In the MD, MS, RM, and RH districts, the required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.

iii. For lots at the corner of a street and the alley, the driveway on the alley shall be setback fifteen feet from the intersection of the street and the alley.

(3) Dimensions of Parking Spaces and Drive Aisles. All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards and per Table 04-11:

(A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.

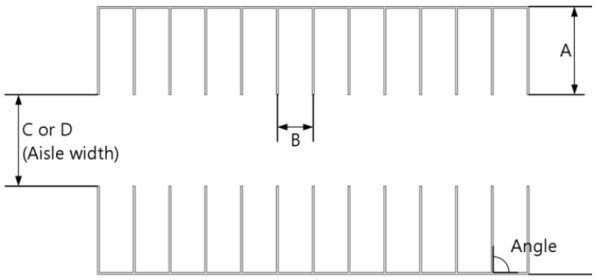

Figure 52: Illustrative Scale and Character

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

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

Notes:

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

[2] Parking spaces for motorcycles may be provided and must be a minimum of three feet in width and six feet in length.

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

(4) Stacked Parking. Stacked parking arrangements are permitted.

(5) Back-Out Parking.

(A) Generally. All on site vehicle parking areas shall be designed to avoid the need for vehicles to back onto public streets when exiting the parking space, unless otherwise stated in this UDO.

(B) Exceptions. Single-family, duplex, triplex, and fourplex uses in any zoning district shall be permitted to back-out directly onto an alley or a public street, other than an arterial street.

(C) Back-Out Parking Waiver. Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

i. The lot in question does not exceed twenty thousand feet in area;

ii. A maximum of eight back-out parking spaces are permitted per site;

iii. Parking shall directly access an improved alley; and

iv. Parking spaces shall be designed to be no less than forty-five degrees to the alley.

(6) Stormwater Drainage.

(A) Water draining from a parking lot shall not flow across a sidewalk.

(B) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.

(7) Surface Material.

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

(B) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete, except that the driveway apron for a single-family, duplex, triplex, or fourplex use on a local street may use asphalt or concrete.

(C) Areas using permeable parking pavers shall not count towards impervious surface calculations.

(D) Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, ~~and display areas for vehicle sales and rental uses,~~ all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.

(E) All driving lanes and parking aisles in parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

(8) Electric Vehicle Charging. Parking areas with fifty or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every twenty-five parking spaces provided on site. For auto sales, the electric vehicle charging requirements are only based on customer and employee parking spaces. If more than six EV charging stations are required, at least one shall be an ADA van accessible parking space. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

(A) Located on the same lot as the principal use;

(B) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

(C) Outfitted with a standard electric vehicle charging station.

(9) Parking Area Landscaping. All development shall comply with Section 20.04.080(h) (Parking Lot Landscaping).

(10) Parking Area Lighting. All development shall comply with Section 20.04.090 (Outdoor Lighting).

(11) Pedestrian and Bicycle Circulation. All development shall comply with Section 20.04.050 (Access and Connectivity).

(j) Loading Area Location and Design.

(1) Applicability. This Section 20.04.060(j) (Loading Area Location and Design) shall apply to all loading areas.

(2) Location. Loading berths shall be located at the rear of a structure.

(3) Design.

(A) Loading berths shall be paved with asphalt or concrete.

(B) Loading berths shall be effectively screened from view from adjacent public streets and residential uses by solid building walls, constructed of similar building materials as the primary structure and not less than six feet in height.

(C) The design of loading berth areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

(k) Drive-Through Facilities and Vehicle Stacking Areas.

(1) Applicability. The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

(2) Minimum Number of Vehicle Stacking Spaces. All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 04-12 (Minimum Vehicle Stacking Space Requirements), and shall comply with the standards in this Section 20.04.060(k) (Drive-Through Facilities and Vehicle Stacking Areas).

Table 04-12. Minimum Vehicle Stacking Space Requirements

Use	Required Stacking Spaces
Car wash	4 spaces per bay or lane
Food and beverage uses	3 spaces per service lane
Other uses	3 spaces per service lane
Financial institutions	2 spaces per service lane

(l) Minimum Bicycle Parking Required.

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

(2) Required Bicycle Parking Spaces.

(A) Generally.

i. Each development subject to this Section 20.04.060(l) (Minimum Bicycle Parking Required) shall provide a minimum of six bicycle parking spaces or the number of bicycle parking spaces required in Table 04-13 (Minimum Bicycle Parking Requirements), whichever is more.

ii. The minimum number of bicycle parking spaces required in Table 04-13 (Minimum Bicycle Parking Requirements) shall be based on the total number of vehicle parking spaces provided on site or in a permitted off site location to serve the principal uses.

Table 04-13. Minimum Bicycle Parking Requirements

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

Use	All Other Zoning Districts	MD Zoning District

Residential uses	10%, or one space per 5 bedrooms, whichever is more	20%, or one space per 5 bedrooms, whichever is more
Public, institutional, and civic uses	5%	15%
Commercial uses	5%	10%
Employment uses	2%	5%

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

(C) Cottage Development. A minimum of one class II bicycle parking space is required per dwelling unit. Secure garages may count toward this requirement, but a minimum of four class II bicycle parking spaces shall be provided.

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

(E) When No On-Site Vehicle Spaces are Provided. Where no vehicle parking spaces are provided on site, one bicycle parking space shall be required for every five thousand square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

(F) Existing Public Bicycle Parking Spaces. Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change in use, and are located within one hundred feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

(G) Bicycle Parking Reduction. Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if:

i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or

ii. Existing bicycle parking facilities are located within the public right-of-way and within one hundred feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on site.

(m) Bicycle Parking Location and Design.

(1) Location.

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

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

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

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

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

(2) Design.

(A) Generally.

i. Bicycle parking location and design shall comply with City of Bloomington standards in the administrative manual.

ii. Bicycle parking shall accommodate two points of contact that are separated horizontally.

iii. Bicycle parking shall be accessible from the pedestrian/bicycle way without the need to lift the bicycle over a curb.

iv. Bicycle parking shall be located no farther than the closest motor vehicle parking space, excluding accessible vehicle parking spaces.

(B) Type.

i. All bicycle parking requirements shall be met using either long-term class I or short-term class II bicycle security facilities.

ii. For multifamily residential uses, developments with twenty-five or more dwelling units shall provide:

1. A minimum of one-half of the total required bicycle parking spaces as covered, short-term class II bicycle parking facilities; and

2. A minimum of one-quarter of the total required bicycle parking spaces as long-term class I facilities.

iii. For nonresidential and mixed-use developments with more than twenty thousand square feet of gross floor area, all required bicycle parking facilities shall be class II covered spaces.

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

(n) Use of Parking Areas.

(1) Exclusive Use.

(A) Unless a shared parking agreement has been established in accordance with Section 20.04.060(g)(1) (Shared Parking Facilities), required vehicle and bicycle parking spaces shall be designed, maintained and used exclusively for the tenants, occupants, and customers of the buildings or uses on the site.

(B) Excess or unused vehicle or bicycle parking spaces or loading spaces may not be rented or leased to the general public or to those who are not tenants, occupants and customers of the buildings or uses where the parking is located unless:

i. Otherwise allowed pursuant to Section 20.04.060(g)(1) (Shared Parking Facilities); or

ii. A vehicle parking garage is listed as a permitted or Conditional Use in the zoning district where the parking lot or parking garage is located pursuant to Table 03-1 (Allowed Use Table).

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

(A) Vehicles and trailers shall not be stored or parked on an unimproved surface.

(B) Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.

(C) Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

(3) Motor Vehicle Repair.

(A) Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration, and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use.

(B) Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

(C) A maximum of three wrecked or inoperable vehicles awaiting repair may be stored on site at one time. No such vehicle shall be stored on site in excess of thirty days.

(4) Vehicles and Trailers. Except for uses where auto repair is authorized, the parking of vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited for periods in excess of thirty days, unless such vehicle or trailer is completely enclosed within a building or within an approved salvage or scrap yard.

(5) Storage, Occupancy, or Similar Uses. Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

(o) On-street Parking Standards for Private Streets. The following standards related to on-street parking apply to all developments where the City has approved the use of private streets that have not been dedicated to the City.

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

(2) Bump-outs.

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

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

(C) Bump-outs shall be installed at angles greater than ninety degrees away from the street curb to facilitate street maintenance and shall use designs approved by the Engineering

Department~~Transportation and Traffic Engineer~~ based on considerations of pedestrian and traffic safety and efficient maintenance.

(p) Outdoor Storage. In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, dumpsters, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel, unless otherwise approved by the Municipal Code:

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

(2) During the process of being loaded or unloaded, the duration of which may not exceed seventy-two consecutive hours.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 23-10, § 2(Att. A), 6-21-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-11, § II(Att. A), 5-21-2025; Ord. No. 2025-12, § II(Att. A), 5-21-2025; Ord. No. 2025-29, § II(Att. A), 8-6-2025; Ord. No. 2025-41, § II(Att. A), 11-19-2025)

20.04.070 Site and building design.

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

(1) Protect and enhance the character and quality of Bloomington's neighborhoods;

(2) Protect and enhance the long-term market value of property within Bloomington;

(3) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;

(4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;

(5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

(6) Minimize negative impacts of on-site activities to adjacent uses; and

(7) Balance the community's economic and aesthetic concerns.

(b) Applicability.

(1) Compliance with this Section 20.04.070 (Site and Building Design) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.070(c) (MD District) through 20.04.070(e) (Projects Abutting to Historic Buildings).

(2) Any exterior renovation of a building shall comply with this Section 20.04.070 (Site and Building Design) for the portions of the building affected by the renovation. If the renovation is proposed for only a portion of a building, the Planning and Transportation Director may waive compliance with the site and building design standards if that renovation would be inconsistent with the overall design of the existing structure.

(c) MD District.

(1) Generally. Notwithstanding subsections (d) and (e) below, all construction activity shall be subject to the design standards set forth in the applicable Downtown Character Overlay as specified in Section

20.02.030(g) (MD: Mixed-Use Downtown) and Section 20.02.060(a) (DCO: Downtown Character Overlay District).

(2) Street Lighting Plans in the MD District. All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan and shall comply with the following:

(A) Generally.

i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.

ii. Pedestrian scaled street lighting shall not exceed fifteen feet in height. Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.

(B) Lighting Fixture Styles.

i. Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.

ii. All pedestrian scaled street lighting in the MD district shall be of a traditional design style (gas lamp, acorn, or similar decorative style) except as otherwise provided below.

iii. Properties in the following Downtown Character Overlays may use traditional or contemporary design styles:

1. Downtown core;

2. University village (excluding Kirkwood Corridor and Restaurant Row);

3. Downtown gateway; and

4. Showers technology.

(d) Building Design.

(1) Third-Party Review. The Planning and Transportation Director may retain an independent third-party consultant to review any proposed building design in order to assist with review of compliance with the standards in this Section 20.04.070(d) (Building Design). Where the decision on an application is made by the Plan Commission or City Council (as shown in Table 06-1), the consultant may offer alternative compliant design option(s) that addresses each element of building design addressed in this Section 20.04.070(d) (Building Design). The body making the final decision on the application may approve some or all of the suggested design options if it determines that the suggested option:

(A) Significantly enhances the visual appeal of the building;

(B) Significantly enhances the perceived quality of the building facades visible from public streets;

(C) Creates no adverse impacts on surrounding properties beyond those that would be permitted if the standards in this Section 20.04.070(d) (Building Design) were applied; and

(D) Strengthens the public-private interaction at the street level.

(2) Mixed-Use and Nonresidential.

(A) Applicability. The following standards shall apply to parcels in the MN, MM, MC, MS, ME, MI, and MH zoning districts.

(B) Exceptions. Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1) (Third Party Review). Such residential

dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(3) (Residential).

(C) Materials. All facades of a primary building shall consist of one or more of the following primary and secondary exterior finish materials:

i. Primary Exterior Finish Materials.

1. Cementitious siding;

2. Masonry;

3. Brick;

4. Natural stone;

5. Precast concrete;

6. Split-faced block; and/or

7. Transparent glass.

ii. Secondary Exterior Finish Materials.

1. Wood;

2. EIFS;

3. Metal panel or siding (minimum twenty-six gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners (except corrugated); or

4. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

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

i. Awning or canopy that extends at least twenty-four inches from the building face;

ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings twenty-five feet or less in height may utilize a minimum of two feet of difference;

iii. A regular pattern of transparent glass constituting a minimum of fifty percent of the total wall/facade area of the first-floor facade/elevation and a minimum of thirty percent of each upper floor on each facade/elevation;

iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade and extend from the ground to the top of the building.

(E) Patterns. All facades of a primary building visible from any roadway shall contain the following color and texture changes:

i. Facades shall consist of at least one primary and one secondary color.

ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.

iii. Variations in texture and color elements shall repeat vertically a minimum of every thirty feet.

(F) Eaves and Roofs. Buildings with sloped roofs (those greater than three to twelve pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls, and consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Flat roofs (those less than three to twelve pitch) shall include a parapet on supporting walls and may use a flat roof with a rubber membrane or other similar approved material.

(G) Three-Hundred-Sixty-Degree Architecture. Those sides of a building that are not visible from the street frontage shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.

(H) Primary Pedestrian Entry.

i. One primary pedestrian entrance shall be provided for every facade facing a street. This includes a sidewalk connection to the adjacent public or private right-of-way.

ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.

iii. The pedestrian entry shall contain at least three of the following architectural details:

1. Pilasters, change in building mass, or a distinct facade module projection;

2. Public art display;

3. ~~Prominent building address, building name, and e~~Enhanced exterior light fixtures, such as wall sconces or light coves;

4. Raised corniced entryway parapet; or

5. Recessed or framed sheltered element of at least three feet in depth to protect pedestrians from weather;

6. Integral planters or wing walls that incorporate landscaping or seating.

(I) Windows on Primary Facades. All first-story windows on the facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) Anti-Monotony Standards. In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

i. Differences in rooflines;

ii. Differences in building footprint;

iii. Differences in the number of floors per building.

(K) Street Addresses.

i. Street address displays shall consist of Arabic numerals (e.g., one, two, three…) no less than eight inches in height. For multifamily uses, the address display shall be a minimum of five inches and a maximum of ten inches in height.

ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.

iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) Residential.

(A) Applicability. The following standards shall apply to the construction, expansion, addition, or alteration of any building in the R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) Materials. Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

i. Horizontal lap siding (e.g., vinyl, cementitious, wood);

ii. V-grooved tongue-and-groove siding;

iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;

iv. Cedar or other wood materials;

v. Stucco, plaster, or similar systems (excluding EIFS);

vi. Stone;

vii. Split face block, ground face block, or brick;

viii. Cast or cultured stone;

ix. Cast in place concrete;

x. Earthen structural materials;

xi. Metal panel or siding (minimum twenty-fix gauge) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners (except corrugated); or

xii. Other materials that replicate the look and durability of the above materials, as approved by the staff.

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

(D) Foundations. All buildings shall be placed on permanent foundations.

(E) Roofs.

i. For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a three to twelve roof pitch) with a rubber membrane or other similar approved material.

ii. Primary structures larger than one thousand square feet of gross floor area may use a flat roof (less than three to twelve roof pitch) with a parapet and shall comply with any applicable standards established in Section 20.03.030 (Use-Specific Standards).

(F) Rain Gutters and Downspouts. Rain gutters and downspouts are required.

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

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

i. Facades shall consist of at least one primary and one secondary color.

ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.

iii. Variations in texture and color elements shall repeat vertically a minimum of every thirty feet.

(I) Primary Pedestrian Entry. In the case of new construction of multifamily units in the RM and RH zoning districts, the following standards shall apply:

i. One primary pedestrian entrance shall be provided for every facade facing a street.

ii. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.

iii. The pedestrian entry shall contain at least three of the following architectural details:

1. Pilasters, change in building mass, or a distinct facade module projection;

2. Public art display;

3. Prominent building address, building name, and enhanced exterior light fixtures such as wall sconces or light coves;

4. Raised corniced entryway parapet; or

5. Recessed or framed sheltered element of at least three feet in depth to protect pedestrians from weather;

6. Integral planters or wing walls that incorporate landscaping or seating.

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

i. Awning or canopy;

ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings twenty-five feet or less in height may utilize a minimum of two feet of difference;

iii. A regular pattern of transparent glass constituting a minimum of fifty percent of the total wall/facade area of the first-floor facade/elevation facing a street for nonresidential uses;

iv. A regular pattern of transparent glass constituting a minimum of thirty percent of the total wall/façade area of the first-floor facade/elevation facing a street for residential uses;

v. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade;

vi. Projecting porches, balconies, or entry stoops at relevant elevations.

(K) Anti-Monotony Standards. In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

i. Differences in rooflines;

ii. Differences in building footprint.

(4) Refuse and Recycling Containers. Except for single-family, duplex, triplex, and fourplex dwellings, all uses shall provide adequate space on site for refuse and recycling containers. Such areas shall comply with the standards in Section 20.04.080(m)(3) (Loading, Service, and Refuse Areas).

(5) Neighborhood Transition Standards.

(A) Setbacks. Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the minimum building setback of the adjacent Residential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater. When adjacent to the R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over thirty feet.

(B) Building Height.

i. Any portion of a building within fifty feet of a property in the R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings within fifty feet are not eligible for additional building height under Section 20.04.110 (Incentives).

ii. Any portion of a building between fifty feet and one hundred feet of a property in the R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district, plus one story (not to exceed fifteen feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings between fifty feet and one hundred feet are not eligible for additional building height under Section 20.04.110 (Incentives).

iii. Any portion of a building beyond one hundred feet from a property in the R1, R2, R3, or R4 zoning district shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond one hundred feet are eligible for additional building height under Section 20.04.110 (Incentives).

iv. Building features referenced in Table 04-7 (Authorized Exceptions to Height Requirements), shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

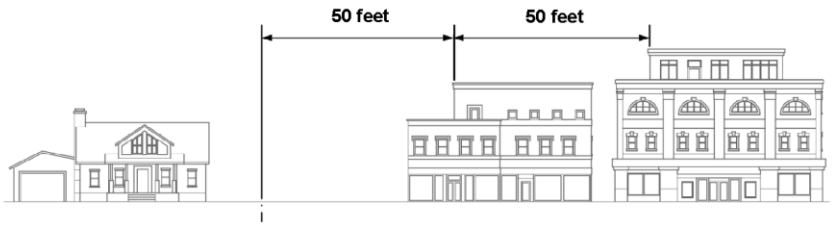

Figure 3.2 E: Building Height in Transition Areas

(6) Street Addresses.

(A) Street address displays shall consist of Arabic numerals (e.g., one, two, three…) no less than three inches in height.

(B) Street address displays shall be placed on the front of the structure and on the mailbox post where mailboxes are located along the street.

(C) All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(e) Projects Abutting to Historic Buildings. The following standards shall apply to all facades of primary buildings in the MS, MN, MM, MC, ME, MI, MD, and MH zoning districts that are visible from the road frontage:

(1) Building Height Stepdowns. Buildings abutting the side of outstanding and/or notable structures as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall incrementally step down upper stories at each respective facade module to within one story or fourteen feet, whichever is less, above the highest elevation of the respective abutting historic structure.

(2) Alignment with Setbacks. Notwithstanding the provisions of Section 20.04.020 (Dimensional Standards), new buildings abutting the side of an outstanding and/or notable structure as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall align their respective facades to match the front setback established by a surveyed structure rather than the required build-to line.

(3) Alignment with Belt Courses. Where a building facade is required to incorporate horizontal belt course elements pursuant to Section 20.02.060(a)(8)(A) (Belt Courses), the required horizontal elements shall visually align with similar horizontal design elements of abutting historic structures.

(4) Belt Courses.

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

(B) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

(f) Universal Design.

(1) In multifamily residential buildings and student housing and dormitory buildings constructed after April 18, 2020 that contain more than twenty-five dwelling units, at least twenty percent of the dwelling

units shall incorporate at least one entrance at grade level and not requiring any steps up or down or a ramp for entry.

(2) In addition, one of the following additional elements of "universal design" is required:

(A) All interior doorways with at least thirty-two-inch wide openings;

(B) At least one bathroom with thirty-two-inch counter height;

(C) At least one bathroom with wall reinforcements for handrails; and/or

(D) All light switches installed between forty-four and forty-eight inches in height.

(g) Solar Ready Building Design. All new construction of primary structures shall meet either (1) or (2) below:

(1) Design building as solar or renewable energy ready and incorporate the following into the site plan:

(A) Roof load bearing specifications shall be sized to bear the weight of a solar installation;

(B) The roof shall be oriented to maximize solar capacity and roof types shall be compatible with solar installation mounting;

(C) Non-solar rooftop equipment (HVAC systems, chimneys, vents) shall be placed to avoid shading of solar equipment and maximize the amount of continuous roof space;

(D) Electrical panels shall be sized to accommodate a future solar system and space shall be allocated in the utility room o outside for a solar DC-AC inverter; and

(E) Conduit for wiring shall be placed from the roof to the electrical panel.

(2) Submit a completed U.S. EPA Renewable Energy Ready Home Solar Site Assessment or another approved solar-ready assessment is required.

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

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-10 § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.080 Landscaping, buffering, and fences.

(a) Purpose. The landscaping standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster an aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

(b) Applicability. Compliance with this Section 20.04.080 shall be required pursuant to Section 20.04.010 (Applicability) or the specific applicability criteria established in Sections 20.04.080(1) (Vacant Lot Landscaping) and 20.04.080(n) (Fences and Walls).

(c) General Landscaping.

(1) Placement of Landscape Materials.

(A) Rights-of-Way and Easements. It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements, where such improvements are permitted. Plant species shall be approved by either the City or the easement holder.

(B) Utility Infrastructure.

i. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections.

ii. Large canopy trees shall be planted at least ten feet from public sanitary sewer, water service lines, and natural gas lines. Medium and small trees shall be planted at least five feet from public sanitary sewer, water service lines, and natural gas lines, except that medium and small trees planted less than five feet from public sanitary sewer, water service lines, and natural gas lines may be approved by the Planning and Transportation Director.

iii. A tree crown may project over a right-of-way or easement.

iv. All landscape plans shall also be reviewed by the utilities department to ensure that there are no conflicts between proposed landscape and utility lines.

v. Where utility lines pass overhead of a tree plot, medium or small trees may be used with approval of the Urban Forester.

vi. Where utility lines or tree plot~~tree plat~~ widths are an impediment to planting large, canopy trees in a tree plot, the Urban Forester may approve medium or small trees.

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

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

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

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

(2) Plant Material Standards.

(A) Live Plantings. All plant material shall be living and healthy. Dead, diseased or artificial plants shall not be recognized as contributing to required landscape treatments.

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

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

(D) Species Diversity.

i. On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty percent of the total number of newly planted trees on site. On sites that require an aggregate total of forty or more shrubs, any given genus of shrubs shall be limited to a maximum of thirty percent.

ii. Where shrubs are required to be planted, up to fifteen percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. If substitutions are intended for use in stormwater management facilities, a maximum of 30 percent may be substituted or as approved by the Planning and Transportation Director. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(a) (Landscaping).

(E) New Planting Sizes. The following minimum sizes shall apply to all required plant material:

i. Deciduous Trees. All newly planted deciduous trees shall be at least two-inch caliper. The size for street tree plantings may be reduced to one and a half inch caliper if approved by the Urban Forester.

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

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

(F) Substitution.

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

ii. Existing Vegetation.

1. The City Planning and Transportation Department may permit the substitution of required on-site landscape with existing vegetation provided that the existing vegetation is in good health and quality and is found on the permitted plant list in this UDO. Existing street trees can be used to meet street tree requirements on a one-to-one basis, no credit for DBH shall be given for street trees to be preserved.

2. Vegetation preserved to meet the requirements of Section 20.04.030(h), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section 20.04.080(c)(2).

3. Existing vegetation listed in Section 20.04.080(d), shall be credited towards required landscaping based on the following values:

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

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

[c] Shrubs. A credit of one shrub per every one existing qualified shrub is earned.

(G) Ground Cover.

i. Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover.

1. Parking lot bumpouts, islands, endcaps smaller than three hundred twenty-four square feet may use mulch.

2. Areas within twenty-four inches of a building foundation and underneath staircases may use decorative mulch or decorative stone. Mulch or decorative stone may be used within twelve inches of ground-mounted mechanicals.

3. For single-family, duplex, triplex, and fourplex uses, mulch, and decorative stone may only be used in defined landscape beds with raised borders and occupy no more than thirty percent of a property.

ii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch shall not be used as groundcover except no more than four feet in diameter surrounding shrubs, no more than one foot in diameter from perennials and grasses, and shall be no more than six feet in diameter surrounding trees.

iii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative stone may not be used as groundcover.

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

v. Mulch is allowed for use on defined paths with raised borders that are less than four-foot-wide. Areas used for paths shall count as impervious surface coverage.

(H) Plastic Netting: Under no circumstances shall plastic netting or mesh be used on site for any type of landscaping.

(3) Tree Protection.

(A) Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity.

(B) Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.

(C) No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

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

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

i. Unique lot size or configuration;

ii. The presence of existing utility or other easements; or

iii. Preservation of natural vegetation.

(B) The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:

i. Are consistent with the purposes of this Section 20.04.080;

ii. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;

iii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and

iv. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

(d) Permitted Plant Species. All plant material shall be selected from this Section 20.04.080(d) or from the list of approved species outlined in the City of Bloomington Utilities Department Stormwater Design Manual. Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval.

(1) Street Trees. Trees suitable for planting along public streets and highways, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.

(2) Interior Trees. Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species may also be used as interior trees, except the parenthesized trees, which are prohibited for interior trees.

(3) Shrubs. Shrubs suitable for individual, screen, biohedge uses, up to twelve feet at mature height are established in Table 04-16: Permitted Shrub Species.

(4) Forbs. Forbs, or flowering, nongrassy herbaceous plants suitable for infill, aesthetics, and cover are established in Table 04-17: Permitted Herbaceous (Forb) Flowering Perennial Plant Species.

Table 04-14. Permitted Street Tree Species

Common Name	Scientific Name
Large Street Trees—45 feet or more at mature height	
Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
Thornless Honeylocust	Gleditsia triacanthos var. inermis
Kentucky Coffee Tree	Gymnocladus dioicus
Tulip Tree	Liriodendron tulipifera
Blackgum or Tupelo	Nyssa sylvatica
Sycamore	Platanus occidentalis
(London Planetree)	(Platanus x acerfoiia)
White Oak	Quercus alba
Swamp White Oak	Quercus bicolor
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Overcup Oak	Quercus lyrata

Bur Oak	Quercus macrocarpa
Chestnut Oak	Quercus montana
Chinkapin Oak or Chinquapin Oak	Quercus muehlenbergii
Willow Oak	Quercus phellos
Red Oak	Quercus rubra
Shumard Oak	Quercus shumardii
Post Oak	Quercus stellata
Black Oak	Quercus velutina
Bald Cypress	Taxodium distichum
Basswood or American Linden	Tilia americana
American Elm	Ulmus Americana (resistant cultivars)
Medium Street Trees—25 feet to 45 feet at mature height	
Downy Serviceberry	Amelanchier arborea
River Birch	Betula nigra
American Hornbeam or Blue Beech	Carpinus caroliniana
Yellowwood	Cladrastis kentukea
Hop Hornbeam or Ironwood	Ostrya virginiana
Sourwood	Oxydendrum arboretum
Blackjack Oak	Quercus marilandica
(Crimson Spire Oak)	(Quercus robur x Q. alba 'Crimschmidt')
(Regal Prince Oak)	(Quercus robur 'Fastigiata' x Q. bicolor 'Long')
Small Street Trees—Under 25 feet at mature height	
Apollo Maple	Acer saccharum 'Barrett Cole'
Shadblow Serviceberry	Amelanchier canadensis
Allegheny Serviceberry	Amelanchier laevis
(Apple Serviceberry hybrids)	(Amelanchier x grandiflora)
Eastern Redbud	Cercis canadensis
Flowering Dogwood	Comus florida
~~(~~Smoke Tree~~)~~	~~(~~Continus obovatus~~)~~
Thornless Cockspur Hawthorn	Crataegus crus-galli
Washington Hawthorn	Crataegus phaenopyrum
Green Hawthorn	Crataegus viridis
Note: Bold text indicates evergreen species Parentheses indicates prohibited as an interior tree	

Table 04-15. Permitted Interior Tree Species

Common Name	Scientific Name
Large Interior Trees—45 feet or more at mature height	
Black Maple	Acer nigrum (now a subspecies of acer saccharum)
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum
Yellow Buckeye	Aesculus flava (formally A. octandra)
Ohio Buckeye	Aesculus glabra
Bitternut Hickory	Carya cordiformis
Pignut Hickory	Carya glabra
Northern Pecan	Carya illinoensis

Shellbark Hickory	Carya laciniosa
Shagbark Hickory	Carya ovata
Mockernut Hickory	Carya tomentosa
Northern Catalpa	Catalpa speciosa
American Beech	Fagus grandfolia
Black Walnut	Juglans nigra
Eastern Red Cedar	**Juniperus virginiana**
Sweetgum	Liquidambar styraciflua
Cucumber Tree	Magnolia acuminata
White Pine	**Pinus strobus**
Virginia Pine	**Pinus virginiana**
Black Cherry	Prunus serotina
Chestnut Oak	Quercus montana~~prinus~~
Black willow	Salix nigra
Canadian or Eastern Hemlock	**Tsuga canadensis**
Medium Interior Trees—25 feet to 45 feet at mature height	
Southern Catalpa	Catalpa bignoniodes
Downy Hawthorn	Crataegus mollis
Persimmon	Diospyros virginiana
American Holly	**Ilex opaca**
Sassafras	Sassafras albidum
American Arborvitae	**Thuja occidentalis**
Small Interior Trees—Under 25 feet at mature height	
Red Buckeye	Aesulus pavia
Devil's Walking Stick	Aralia spinose
Pawpaw	Asmini triloba
Pagoda Dogwood	Cornus alterifolia
Down Hawthorn	Crataegus mollis
Silverbell	Halesia carolina
American Plum	Prunus americana
Chickasaw Plum	Prunus angustifolia
Chokecherry Single Stem	Prunus virginiana - Canada red or sucker punch
Hoptree	Ptelia trifoliata
Dwarf Chinquapin Oak	Quercus prinoides
Winged Sumac or Shining Sumac	Rhus copallina
Shining Sumac or Smooth Sumac	Rhus glabra
Staghorn Sumac	Rhus typhina
Note: Bold text indicates evergreen species	

Table 04-16. Permitted Shrub Species

Common Name	Scientific Name
Indigo Bush	Amorpha fruiticosa
Red Chokeberry	Aronia arbutifolia
Black Chokeberry	Aronia melanocarpa
New Jersey Tea	Ceanothus americanus
Buttonbush	Cephalanthus occidentalis

Silky Dogwood	Cornus amomum
Rough-leaved Dogwood	Cornus drummondii
Gray Dogwood	Cornus racemosa
Red-Twig Dogwood	Cornus sericea
American Hazelnut	Corylus americana
Eastern Witchhazel	Hamamelis virginiana
Smooth Hydrangea	Hydrangea arborescens
Golden St. John's wort	Hypericum frondosum
Possumhaw	Ilex decidua
Inkberry	**Ilex glabra**
Winterberry Holly	Ilex verticillata
Virginia Sweetspire	Itea virginica
Common Juniper	Juniperus communis
Spicebush	Lindera benzoin
Ninebark	Physocarpus opulifolius
Sand Cherry	Prunus pumila
Fragrant Sumac	Rhus aromatica
Prickly Gooseberry	Ribes cynosbati
Swamp Rose	Rosa palustris
Climbing Rose	Rosa setigera
Virginia Rose	Rosa virginiana
Purple Flowering Raspberry	Rubus odoratus
Pussy Willow	Salix discolor
American Black Elderberry	Sambucus canadensis
Bladdernut	Staphylea trifolia
Coralberry	Symphoricarpos orbiculatus
Canadian Yew	**Taxus canadensis**
Highbush Blueberry	Vaccinium corymbosum
Hillside Blueberry	Vaccinium pallidum
Mapleleaf Viburnum	Viburnum acerifolium
Arrowwood Viburnum	Viburnum dentatum
Nannyberry	Viburnum lentago
Blackhaw	Viburnum prunifolium
Rusty Blackhaw	Viburnum rufidulum
Prickly Ash	Zanthoxylum americanum
Note: Bold text indicates evergreen species	

Table 04-17. Permitted Herbaceous (Forb) Flowering Perennial Plant Species

Common Name	Scientific Name
Flowering Perennials	
Purple giant hyssop	Agastache scrophulariaefolia
Nodding wild onion	Allium cernuum
Lead plant	Amorpha canescens
Bluestar	Amsonia tabernaemontana
Canada Anemone	Anemone canadensis
Thimbleflower	Anemone virginiana

Wild Columbine	Aquilegia canadensis
Pale Indiana Plantain	Arnoglossum atriplicifolium
Goatsbeard	Aruncus dioicus
Poke milkweed	Asclepias exaltata
Tall green milkweed	Asclepias hirtella
Swamp or Marsh Milkweed	Asclepias incarnata
Purple milkweed	Asclepias purpurascens
Showy milkweed	Asclepias speciosa
Prairie milkweed	Asclepias sullivantii
Common Milkweed	Asclepias syriaca
Butterflyweed	Asclepias tuberosa
Whorled milkweed	Asclepias verticillata
Spider milkweed	Asclepias virdis
Lindley's Heart-leaved Aster	Aster ciliolatum (Symphyotrichum ciliolatum)
Blue Wood Aster	Aster cordifolius
Heath Aster	Aster ericoides (Symphyotrichum ericoides)
Smooth Aster	Aster laevis
New England Aster	Aster novae-angliae (Symphyotrichum novae-angliae)
Aromatic Aster	Aster oblongifolius (Symphyotrichum oblongifolium)
Sky-blue Aster	Aster oolentangiensis (Symphyotrichum oolentangiensis)
Swamp Aster	Aster puniceus (Symphvotrichum puniceum)
Short's Aster	Aster shortii (Symphyotrichum shortii)
Flat-topped Aster	Aster umbellatus (Doellingeria umbellata)
False White indigo	Baptisia alba
False Blue Indigo	Baptisia australis
False Yellow Indigo	Baptisia tinctoria
Downy wood mint	Blephilia ciliata
Hairy wood mint	Blephilia hirsuta
False chamomile or false aster	Boltonia asteroides
Clustered poppy mallow	Callirhoe triangulata
Marsh marigold	Caltha palustris
Tall bellflower	Campanula americana
White turtlehead	Chelone glabra
Pink Turtlehead	Chelone obliqua
Black cohosh	Cimicifuga racemosa
Lance-leaved coreopsis	Coreopsis lanceolata
Prairie coreopsis	Coreopsis palmata
Tall Coreopsis	Coreopsis tripteris
White prairie clover	Dalea candida
Purple prairie clover	Dalea purpureum
Larkspur	Delphinium tricorne
Pale purple coneflower	Echinacea pallida
Purple coneflower	Echinacea purpurea
Rattlesnake master	Eryngium yuccifolium
Common boneset	Eupatorium perfoliatum
Flowering spurge	Euphorbia corollata

Grass-leaved goldenrod	Euthamia graminifolia
Hollow Joe-Pye weed	Eutrochium fistulosum (syn. Eupatorium fistulosum)
Spotted-Joe-Pyeweed	Eurtochium maculatum (syn. Eupatorium maculatum)
Purple Joe-Pye weed	Eutrochium purpureum (syn. Eupatorium purpureum)
Queen of the prairie	Filipendula rubra
Bottle Gentian	Gentiana andrewsii
Wild Geranium	Geranium maculatum
Autumn Sneezeweed	Helenium autumnale
Woodland Sunflower	Helianthus divaricatus
Downy Sunflower	Helianthus mollis
Western Sunflower	Helianthus occidentalis
Stiff or Prairie Sunflower	Helianthus pauciflorus
False Sunflower	Heliopsis helianthoides
American alumroot	Heuchera americana
Prairie Alumroot	Heuchera richardsonii
Rose Mallow	Hibiscus laevis
Swamp Rose Mallow	Hibiscus moschuetos
Dwarf Crested Iris	Iris cristata
Blue Flag Iris	Iris virginica
Violet Lespedeza	Lespedeza violacea
Rough Blazingstar	Liatris aspera
Dwarf Blazingstar	Liatris microcephala
Prairie Blazing Star	Liatris pycnostachya
Northern Blazingstar	Liatris scariosa
Dense Blazingstar, Spiked Blazingstar	Liatris spicata
Cardinal Flower	Lobelia cardinalis
Downy Lobelia	Lobelia puberula
Great Blue Lobelia	Lobelia siphilitica
Virginia Bluebells	Mertensia virginica
Bergamot or Bee-balm	Monarda fistulosa
Purple Prairie Clover	Petalostemum purpureum
Blue Phlox, Woodland Phlox	Phlox divaricata
Summer Phlox, Tall Phlox	Phlox paniculata
Obedient Plant	Physostegia virginiana
Jacob's Ladder	Polemonium reptans
Solomon's Seal	Polygonatum biflorum
Prairie Cinquefoil	Potentilla arguta
Hoary Mountain Mint	Pycnanthemum incanum
Hairy Mountain Mint	Pycnanthemum pilosum
Narrow-leaved Mountain Mint	Pycnanthemum tenuifolium
Virginia Mountain Mint	Pycnanthemum virginianum
Pinnate Prairie Coneflower	Ratibida pinnata
Orange Coneflower	Rudbeckia fulgida
Green-Headed Coneflower	Rudbeckia laciniata
Sweet Susan Coneflower	Rudbeckia subtomentosa
Wild Petunia	Ruellia humulis
Blue Sage	Salvia azurea

Lyre-leaved Sage	Salvia lyrata
Late-flowering Figwort	Scrophularia marilandica
Downey Skullcap	Scutellaria incana
Heart-leaved Scullcap	Scutellaria ovata
Wild Stonecrop	Sedum ternatum
Wild Senna	Senna hebecarpa
Maryland Senna	Senna manilandica
Royal Catchfly	Silene regia
Fire Pink	Silene virginica
Rosinweed	Silphium integrifolium
Compass Plant	Silphium laciniatum
Cup Plant	Silphium perfoliatum
Cutleaf Prairie Dock	Silphium pinnatifidum
Prairie Dock	Silphium terebinthinaceum
Whorled Rosinweed	Silphium trifoliatum
Blue-eyed Grass	Sisyrinchium angustifolium
Solomon's Plume	Smilacina racemosa
Blue-stemmed Goldenrod	Solidago caesia
Zig-zag Goldenrod	Solidago flexicaulis
Tall Goldenrod	Solidago gigantean
Early Goldenrod	Solidago juncea
Grey Goldenrod	Solidago nemoralis
Swamp Goldenrod	Soldago patula
Stiff Goldenrod	Solidago rigida
Rough-leaved Goldenrod	Solidago rugosa
Showy Goldenrod	Solidago speciosa
Indian Pink	Spigelia marilandica
Celandine Poppy	Stylophorum diphyllum
Ohio Spiderwort	Tradescantia ohiensis
Virginia Spiderwort	Tradescantia virginiana
Bellwort or Merrybells	Uvularia grandiflora
Blue Vervain	Verbena hastata
Hoary Vervain	Verbena stricta
Yellow Wingstem	Verbesina alternifolia
Smooth Ironweed	Vernonia fasiculata
Missouri Ironweed	Vernonia missurica
Culver's Root	Veronicastrum virginicum
Golden Alexander	Zizia aurea
Ground Covers	
Canada Anemone	Anemone canadensis
Pussytoes	Antennaria plantaginifolia
Wild Ginger	Asarum canadense
Purple poppy malow	Callirhoe involucrate
Common Oak Sedge or Pennsylvania Sedge	Carex pensylvanica
Wild Strawberry	Fragaria virginiana
Dwarf Crested Iris	Iris cristata
Creeping Juniper	**Juniperus horizontalis**

Golden Ragwort	Packera aurea
Roundleaf Ragwort	Packera obovata
Cleft Phlox	Phlox bifida
Creeping Phlox	Phlox subulata
Partridge Berry	Mitchella repens
Wild Stonecrop	Sedum ternatum
Violet	Viola sororia
Vines	
Wooly Douchman's Pipe	Aristolochia tomentosa
Crossvine	Bignonia capreolata
Trumpet Creeper	Campsis radicans
Virgin's Bower (native clematis)	Clematis virginiana
Virginia Creeper	Parthenocissus quinquefolia
Yellow Passionflower	Passiflora lutea
Ferns	
Maidenhair Fern	Adiantum pedatum
Lady Fern	Athyrium filix-femina
Giant Wood Fern or Goldie's Fern	Dryopteris goldiana
Evergreen Shield Fern	Dryopteris marginalis
Ostrich Fern	Matteuccia struthiopteris
Sensitive Fern	Onoclea sensibilis
Cinnamon Fern	Osmunda cinnamomea
Royal Fern	Osmunda regalis
Christmas Fern	Polystichum acrostichoides
Graminoids	
Big Bluestem	Andropogon gerardii
Broomsedge	Andropogon virginicus
Side-Oats Gramma	Bouteloua curtipendula
Oak Sedge	Carex albicans
Yellow Fox Sedge	Carex annectens
Appalacian Sedge	Carex appalachia
Plains Oval Sedge	Carex brevior
Fringed Sedge	Carex crinita
Crested Sedge	Carex cristatella
Blue Wood Sedge	Carex flaccosperma
Gray's Sedge	Carex grayii
Hop Sedge	Carex lupulina
Palm Sedge	Carex muskingumensis
Pennsylvania Sedge	Carex pensylvanica
Seersucker Sedge	Carex plantanginea
Eastern Star Sedge or Straight-Styled Wood Sedge	Carex radiata
Lanced-fruited, or Broom Sedge	Carex scoparia
Short's Sedge	Carex shortiana
Brown Fox Sedge	Carex vulpinoidea
Indian Seaoats or River Oats	Chasmanthium latifolium
Tufted Hair Grass	Deschampsia caespitosa
Canada Wild Rye	Elymus canadensis

Bottlebrush Grass	Elymus hystrix
Silky Wild rye	Elymus villosus
Virginia Wild Rye	Elymus virginicus
Purple Love Grass	Eragrostis spectabilis
Soft Rush	Juncus effuses
Torrey's Rush	Juncus torreyi
Switchgrass	Panicum virgatum
Little Bluestem	Schizachyrium scoparium
Dark Green Bulrush	Scirpus atrovirens
Woolgrass	Scirpus cyperinus
Georgia Bulrush	Scirpus georgianus
Indian grass	Sorghastrum nutans, syn. Andropogon nutans
Prairie Cordgrass	Spartina pectinata
Prairie Dropseed	Sporobolus heterolepsis

(e) Prohibited Plant Species. Species identified in Table 04-18 (Prohibited Plant Species) are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 04-18. Prohibited Plant Species

Common Name	Scientific Name
Prohibited Invasive Trees	
Hedge Maple	Acer campestre
Amur Maple	Acer ginnala
Norway Maple	Acer platanoides
Sycamore Maple	Acer pseudoplatanus
Tree-of-Heaven	Ailanthus altissima ✗
Mimosa	Albizia julibrissin
Black Alder	Alnus glutinosa ✗
Kousa Dogwood	Cornus kousa
Cornelian Cherry Dogwood	Cornus mas
Russian Olive	Elaeagnus angustifolia
Autumn Olive	Elaeagnus umbellata ✗
Hardy Rubber Tree	Eucommia ulmoide
Glossy Buckthorn	Frangula alnus ✗
Golden Raintree	Koelreuteria paniculata
Chinaberry Tree	Melia azedarach
White Mulberry	Morus alba ✗
Princess Tree	Paulownia tomentosa
Sawtooth Oak	Quercus acutissima
Amur Cork Tree	Phellodendron amurense ✗
Callery Pear and all cultivars	Pyrus calleryana
European or Common Buckthorn and all cultivars	Rhamnus cathartica ✗
Glossy or Smooth Buckthorn and all cultivars	Rhamnus frangula ✗
Buckthorn Tallhedge and all cultivars including 'Fineline'	Rhamnus frangula columnaris ✗
Black Locust	Robinia pseudoacacia

Siberian Elm	Ulmus pumila ✗
Japanese Zelkova	Zelkova serrata
Prohibited Plants with Poor or Nuisance Characteristics	
Box Elder	Acer negundo
Silver maple	Acer saccharinum
Ragweed	Ambrosia artemisiifolia
Giant Ragweed	Ambrosia trifida
Tropical Milkweed	Asclepias curassavica
European White Birch	Betula pendula
Poison Hemlock	Conium maculatum L.
Ash	Fraxinus species
Gingko (female only)	Gingko biloba
Giant Hogweed or Giant Cow Parsnip or Wild Parsnip	Heracleum mantegazziznum
Rice Cutgrass	Leersia oryzoides
Flowering Crabapple	Malus
Heavenly Bamboo	Nandina domestica
Wild Parsnip	Pastinaca sativa
American Elm	Ulmus Americana
Poison Ivy	Toxicodendron radicans
Poison Sumac	Toxicodendron vernix
Stinging Nettle	Urtica dioica
Burning Nettle	Urtica urens
Prohibited Invasive Herbaceous Perennials and Forbs	
Japanese Chaff Flower	Achyranthes japonica ✗
Wild Garlic and Wild Onion	Alliums spp.
Garlic Mustard	Alliaria petiolata ✗
Smooth Pigweed	Amaranthus hybridus +
Palmer Amaranth or carelessweed	Amaranthus palmeri +
Powell Amaranth	Amaranthus powellii +
Rough Pigweed	Amaranthus retroflexus +
Common Waterhemp	Amaranthus rudis +
Tall Waterhemp	Amaranthus tuberculatus +
Mugwort	Artemisia vulgaris ✗
Italian Arum	Arum italicum
Narrowleaf Bittercress	Cardamine impatiens
Spiny Plumeless Thistle	Carduus acanthoides ✗
Cornflower or Bachelor's Button	Centaurea cyanus
Russian Knapweed	Centaurea repens
Spotted Knapweed	Centaurea stoebe ✗
Canada Thistle	Cirsium arvense *+
Bull Thistle	Cirsium vulgare ✗
Poison Hemlock	Conium maculatum +
Marestail or Horsetail	Conyza canadensis +
Queen Anne's Lace	Daucus carota
Grecian Foxglove	Digitalis lanata
Teasel	Dipsacus fullonum ssp. sylvestris ✗
Cutleaf Teasel	Dipsacus lacinatus ✗

Leafy Spurge	Euphorbia virgata ✗
Mulberry weed, Hairy Crabweed	Fatoua villosa
Giant Hogweed	Heracleum mantegazzianum
Dame's Rocket	Hesperis matronalis ✗
Meadow Fleabane or British Yellowhead	Inula britannica
Korean Lespedeza	Kummerowia stipulacea
Striate Lespedeza	Kummerowia striata
Perennial Peppergrass	Lepidium draba ✗
Pepperweed	Lepidium latifolium ✗
Bicolar Lespedeza	Lespedeza bicolor
Sericea Lespedeza	Lespedeza cuneata ✗
Purple Loosestrife	Lythrum salicaria @
White Sweet Clover	Melilotus alba
Yellow Sweet Clover	Melilotus officinalis
Star of Bethlehem	Ornithogalum umbellatum
Lesser Celandine	Ranunculus ficaria
Beefsteak Plant	Perilla frutescens
Japanese Knotweed	Polygonum cuspidatum, Reynoutria japonica, Fallopia japonica ✗
Giant Knotweed	Reynoutria sachalinensis ✗
Bohemian Knotweed	Reynoutria x bohemica ✗
Bouncing Bet	Saponaria officinalis
Perennial Sowthistle	Sonchus arvensis
Spreading Hedge Parsley	Torilis arvensis
Japanese Hedge Parsley	Torilis japonica
Black Swallow-Wort	Vincetoxicum nigrum ✗
Pale Swallow-Wort	Vincetoxicum rossicum ✗
Prohibited Invasive Graminoids	
Quackgrass	Agropyron repens
Giant Reed	Arundo donax
Small Carpgrass	Arthraxon hispidus ✗
Smooth Brome	Bromus inermis
Tall Fescue and all cultivars	Festuca elatior
Cogon grass, Japanese Blood Grass	Imperata cylindrica
Japanese Stiltgrass	Microstegium vimineum ✗
Maiden Grass	Miscanthus sinensis
Reed Canary Grass	Phalaris arundinacea ✗
Common Reed Grass	Phragmites australis ✗
Ravenna Grass	Saccharum ravennae
Tall Fescue	Schedonorus arundinaceus
Columbus Grass	Sorghum × almum Parodi*+
Shattercane	Sorghum bicolor*+
Johnson Grass or Sorghum Almum	Sorghum halepense*+
Yellow Groove Bamboo	Phyllostachys aureosulcata
Prohibited Invasive Vines and Groundcovers	
Porcelain Berry	Ampelopsis brevipeduculata
Oriental Bittersweet	Celastrus orbiculatus ✗

Asiatic Bittersweet	Celastrus scandens
Sweet Autumn Clematis	Clematis terniflora
Field Bindweed	Convolvulus arvensis ⸗
Crown Vetch	Coronilla varia ⸗
Black Swallow-Wort	Cynanchum nigrum, syn. Vincetoxicum nigrum ⸗
Pale Swallow-Wort	Cynanchum rossicum ⸗
Potato Vine	Dioscorea batatas
Chinese Yam	Dioscora oppositifolia ⸗
Purple Winter Creeper	Euonymus fortunei ⸗
Creeping Charlie	Glechoma hederacea
English Ivy	Hedera helix
Japanese Hops	Humulus japonicus ⸗
Yellow Archangel	Lamium galeobdolom
Japanese Honeysuckle	Lonicera japonica ⸗
Creeping Jenny or Moneywort	Lysimachia nummularia
Mile-A-Minute Weed or Mile-A-Minute Vine	Polygonum perfoliatum ⸗, Persicania perfoliata ⸗
Kudzu	Pueraria montana lobata #
Bur Cucumber	Sicyos angulatus *+
Vetch	Viccia cracca
Periwinkle or Myrtle	Vinca minor
Wisteria	Wisteria sinensis
Prohibited Invasive Shrubs	
Black Alder	Alnus glutinosa ⸗
Japanese Barberry	Berberis thunbergii ⸗
Butterfly Bush	Buddleia davidii
Burning Bush	Euonymus alatus
Blunt-Leaved Privet	Ligustrum obusifolium ⸗
Common Privet	Ligustrum vulgare ⸗
Bush or Amur Honeysuckle	Lonicera maackii ⸗
Morrow's Honeysuckle	Lonicera morowii ⸗
Tatarian Honeysuckle	Lonicera tatarica ⸗
Bell's Honeysuckle	Lonicera × bella ⸗
Heavenly Bamboo, Sacred bamboo	Nandina domestica
Jetbead	Rhodotypos scandens ⸗
Bristly Locust	Robinia hispida
Multiflora Rose	Rosa multiflora @
Wineberry	Rubus phoenicolasius
Japanese Spirea or Japanese Meadowsweet	Spiraea japonica
Atlantic Poison Oak	Toxicodendron pubescens, syn. Rhus pubescens
European Highbush Cranberry	Viburnum opulus var. opulus

+ = Indiana State-listed noxious weeds (IC 15-16-7)
* = Indiana detrimental plants (IC 15-16-8)
⸗ = Indiana terrestrial plant rule (312 IAC 18-3-25)
@ = Indiana multiflora rose and purple loosestrife restrictions (312 IAC 18-3-13)
# = Indiana control of kudzu rule (312 IAC 18-3-16)

(f) Street Trees.

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

(2) Type. Street tree species shall be subject to approval by the City's urban forester based on hardiness, seasonal appearance, and contribution to shading and cooling.

(3) Location.

(A) Freeway/Expressway. Street trees along a limited-access highway shall be planted within fifteen feet of the property line that abuts the limited-access highway. No trees shall be planted in the right-of-way.

(B) Arterial, Collector, Local or Private Street. Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot-wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street and within four feet, or as required for utility separation, of any public pedestrian facilities. Street trees planted within the front yard shall not count towards other landscaping requirements.

(C) Separation. The spacing between adjacent street trees shall be no less than ten feet from the center of one tree to the next. Street trees shall be planted no more than thirty feet apart, from the center of one tree to the next, except that street trees with separation exceeding thirty feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.

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

(E) Planting. All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual.

(F) Vision Clearance.

i. Street trees shall be planted outside the vision clearance triangle, as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.

ii. Low-branching species shall not be allowed within fifty feet of an intersection.

iii. Locations for street trees within fifty feet of an intersection shall be approved by the City Engineering Department.

iv. Street trees shall be located a minimum of ten feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

(4) MD District.

(A) Generally. Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the Engineering Department~~City Urban Forester~~.

(B) Alternatives. The following street tree planting methods may be used in lieu of the five-foot by five-foot grate, subject to approval by the Engineering Department~~transportation and traffic engineer~~.

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

ii. Street trees may be planted in a large curbed planting area.

(g) Buffer Yards.

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

(2) General Standards.

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

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

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

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

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

(F) Credit Toward Other Requirements. New landscaping that is required to meet these buffer yard requirements shall not count toward other site or parking lot landscaping requirements.

(G) Prohibited Uses. Buildings, parking areas, swimming pools, refuse areas and dumpsters, or drive aisles are not allowed within buffer yards.

(3) Buffer Yard Types. Required buffer yards shall be installed according to the following standards:

Table 04-19. Required Buffer Yard Types

Buffer Yard Treatment	Type 1	Type 2	Type 3
Minimum width [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every 20 linear feet	1 tree every 20 linear feet	1 tree every 20 linear feet
Evergreen trees	1 tree every 20 linear feet	2 trees every 20 linear feet	3 trees every 20 linear feet
Small or medium trees	2 trees every 20 linear feet	3 trees every 20 linear feet	5 trees every 20 linear feet
Other	No requirement	No requirement	Or if site constraints hinder the density required, one of the

			options belw may be used: A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

Notes:

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

(4) Buffer Yard Requirements. Buffer yards shall be required by the developing use pursuant to Table 04-20 (Required Buffer Yards).

Table 04-20. Required Buffer Yards

Developing Site Property Zoning District	Adjacent Zoning District							
	R1/R2/R3/R4	RMH	RM/RH	MS	MN	MD	MM/MC	ME/MI/MH/EM
RMH	2							
RM/RH	1	1						
MS	2	2						
MN	1	1						
MD	1	1						
MM/MC	2	2	2	2	2	1		
ME/MI/MH/EM	3	3	2	2	2	1	1	
Notes: [1] The uses Dwelling, single-family (attached); Dwelling, single-family (detached); Dwelling, duplex; Dwelling, triplex; and Dwelling, fourplex do not have to provide a buffer yard, even if on the 'Developing Site'.								

(h) Parking Lot Landscaping.

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

(A) Minimum Landscape Width.

i. Generally. A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas unless there is a primary building within ten feet of the parking area ~~abutting another property or a public right-of-way~~. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.

ii. MD Zone District. A minimum of one of the following perimeter landscape treatments shall be applied in the MD zoning district:

1. A landscape area a minimum of five feet in width shall be provided along all surface parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line; or

2. A decorative wall shall be installed along the perimeter of the parking area except for parking spaces where vehicles back out into the public right-of-way. Decorative walls shall be a minimum of thirty inches and a maximum of forty-two inches in height and may incorporate breaks to allow for pedestrian movement.

(B) Trees.

i. Number. Parking lot perimeter areas shall contain a minimum of one tree for every 35 lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces~~per four parking spaces~~.

ii. Type. A minimum of seventy-five percent of the required trees shall be large, canopy trees.

iii. Location. Trees shall be planted within ten feet of the parking lot edge.

(C) Shrubs.

i. Number. Parking lot perimeter areas shall contain a minimum of ten shrubs and ten shrubs/perennials for every thirty-five lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces ~~three shrubs per one parking space~~.

ii. Location. Shrubs and perennials shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within five feet of the edge of the sidewalk.

iii. Height. Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) Landscape Bumpouts, Islands, and Endcaps. Parking lots with twelve or more parking spaces shall be subject to the following interior landscaping requirements. All areas within the surfaced parking area are counted, including curbed areas, parking spaces, and all interior driveways and aisles adjacent to parking spaces. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation. Landscaping used to meet parking lot perimeter landscaping shall not count toward interior landscaping requirements.

(A) ~~Number. Parking lots with twelve or more parking spaces shall provide one landscape bumpout, island, or endcap per every ten parking spaces.~~ Interior Landscape Area. Parking areas shall be landscaped with the following minimum interior planting areas: i. 0 to 49,999 square feet= 5% ; ii. 50,000 to 149,999 square feet= 8%; iii. 150,000 square feet or larger= 10%

(B) Interior Islands~~Minimum Area~~. ~~The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.~~ Landscaped islands of at least 162 square feet shall be provided every nine (9) spaces or less within a row of spaces.

(C) Endcap Island. Landscaped bumpouts, islands, or endcaps of at least 162 square feet shall be installed to control vehicular circulation and define major drives.~~Minimum Planting. Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a~~

~~bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.~~

(D) Minimum Planting. Landscaped islands of at least 162 square feet shall contain at least one Large Interior Tree, 10 shrubs, and 10 shrubs/perennials. Landscape strips between two facing parking aisles can also be used to meet the interior planting requirement. Landscape strips between 2 facing parking aisles shall be a minimum of 5 feet wide and contain one tree and 10 shrubs for every 18 lineal feet. ~~Stormwater Filtration. Parking lot bumpouts, islands, or endcaps shall be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code.~~

(E) ~~Placement. Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than ten consecutive spaces.~~ Stormwater Filtration. Parking lot bumpouts, islands, or endcaps may be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code. Those used to meet Title 13 requirements may have less landscaping than listed in (D) above as approved by the Planning and Transportation Department.

(i) Multifamily Development Landscaping.

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

(A) A minimum of fourteen large canopy trees, five evergreen trees, and five medium or small canopy trees per acre.

(B) A minimum of thirty-six shrubs per acre~~, with a minimum of fifty percent of the required shrubs being evergreen species.~~ One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Landscaping. See Section 20.04.080(h) (Parking Lot Landscaping).

(j) MD District Landscaping.

(1) Interior Plantings. Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with the following:

(A) A minimum of one large canopy tree per five hundred square feet. Open areas less than ten feet in width may substitute small/medium canopy~~ornamental~~ trees for required canopy trees.

(B) A minimum of eight shrubs per five hundred square feet~~, where a minimum of fifty percent of the required shrubs shall be evergreen~~. One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Perimeter Plantings. See Section 20.04.080(h)(1) (Parking Lot Perimeter Treatment).

(3) Parking Lot Landscape Bumpouts, Islands, and Endcaps. See Section 20.04.080(h)(2) (Landscape Bumpouts, Islands, and Endcaps).

(k) Mixed-Use and Nonresidential Landscaping.

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Commented [2]: This was removed with a previous annual update.

(1) Interior Plantings. The minimum landscape area on a site, as established in Section 20.04.020 (Dimensional Standards) or areas not covered by an impervious surface or required buffer yard shall be planted with the following:

(A) A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. ~~A minimum of seventy-five percent of the required trees shall be canopy trees.~~

(B) A minimum of twenty-seven shrubs per acre~~, where a minimum of fifty percent of the required shrubs shall be evergreen~~. One small/medium canopy~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed fifty percent of the required shrubs.

(C) Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Perimeter Plantings. See Section 20.04.080(h)(1) (Parking Lot Perimeter Treatment).

(l) Vacant Lot Landscaping.

(1) Applicability. Except for lots where the primary land use is urban agriculture, vacant lots with frontage on a public street shall be subject to the requirements of this Section 20.04.080(l) (Vacant Lot Landscaping).

(2) Timing. Landscaping or ground cover shall be installed as required in Section 20.04.080(l)(3) (Planting Requirements) on the lot where demolition activity has occurred within one hundred eighty days after the issuance of a demolition permit, unless:

(A) The City Planning and Transportation Department has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or

(B) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Section 20.04.080(l)(3) (Planting Requirements) shall be installed within one hundred eighty days after site plan expiration.

(3) Planting Requirements.

(A) For lots of one-half acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.

(B) For lots greater than one-half acre, one of the following landscaping options must be selected:

i. The entire area disturbed for demolition shall be covered with grass or other suitable ground cover; or

ii. A ten-foot-wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.

(m) Screening.

(1) Roof-Mounted Mechanical Equipment.

(A) Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.

(B) The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.

Commented [3]: This was removed with a previous annual update.

(C) Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements.

(2) Ground-Mounted Mechanical Equipment. The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(A) Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (including but not limited to subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks, external refrigerators/freezers), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.

(B) In cases when ground-mounted mechanical equipment outside of the right-of-way is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within ten feet of an improved platted alley does not require screening:

i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or

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

iii. If a piece of ground mounted equipment can not be screened from view, then options for public art shall be explored for the equipment with the City Economic and Sustainable Development Department. If art can be installed, it shall be.

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

(3) Loading, Service, and Refuse Areas.

(A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.

(B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:

i. Side and rear locations adjacent to alleyways;

ii. Side and rear locations adjacent to the R1, R2, R3, and R4 zoning districts shall have a minimum twenty-five-foot setback from the respective property lines.

(C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:

i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.

ii. The use of chain-link fencing for loading, service, or refuse area screening, including the access gate, shall be prohibited.

(4) Design.

(A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.

(B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(n) Fences and Walls.

(1) Applicability. Unless otherwise provided below, this Section 20.04.080(n) (Fences and Walls) shall apply to all new development.

(A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3) (Fence and Wall Height); however they shall not be less than six feet in height.

(B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3) (Fence and Wall Height).

(C) Retaining walls are exempt from the height standards but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.

(D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.

(E) Fences and walls located in the PO and MI zoning districts are exempt from height standards.

(F) Decorative features of fences such as post tops are exempt from height requirements provided, they extend no more than twelve inches from the top of the fence and are spaced at least eight feet apart.

(G) Fences intended exclusively to protect food garden plots from animals shall not be more than twelve feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(2) Fence and Wall Location.

(A) Fences and walls shall be permitted up to the property line.

(B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(3) Fence and Wall Height.

(A) Interior Lots.

i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in subsection (1)(G) above.

ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

iii. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

(B) Corner Lots. On corner lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A) (Interior Lots).

ii. Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four feet forward of the build to line or the building setback line, whichever applies.

iii. Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight feet in height, except as provided in subsection (1)(G) above.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Any determinations as to the secondary front building wall shall be decided by the City Planning and Transportation Department.

Vi. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

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

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A) (Interior Lots).

ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a local street or secondary collector street, shall meet the building setback.

iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least ten feet from the property line.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in subsection (1)(G) above.

(4) Fence and Wall Design.

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

i. Barbed wire;

ii. Security wire;

iii. Sharpened top spikes;

iv. Electrified wires; and

v. Other similar elements or materials.

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

(C) Vision Clearance. Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)(5) (Vision Clearance Triangle).

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-11, § II(Att. A), 5-21-2025; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.090 Outdoor lighting.

(a) Purpose. The lighting standards are intended to encourage lighting practices and systems that conserve energy and resources; minimize light pollution, glare, and light trespass while maintaining nighttime safety, security, and enjoyment of property; and curtail the degradation of the nighttime visual environment; and to minimize disturbance to sensitive plants and animals.

(b) Applicability. Compliance with this Section 20.04.090 (Outdoor Lighting) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established below:

(1) Change in Use. If there is any change in use of the property, the provisions of this Section 20.04.090 (Outdoor Lighting) shall apply when the new use commences. Changes in use within multi-tenant centers shall not require the individual tenant or the entire center to comply with the provisions of this section.

(2) Modification, Replacement, or Addition of Outdoor Lighting. Modification, replacement or addition of outdoor lighting fixtures constituting twenty-five percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a site, shall trigger compliance for the entire site.

(3) Exemptions.

(A) Temporary Carnivals and Festivals. Lighting for temporary festivals and carnivals are exempt but shall be turned off within thirty minutes of the last event.

(B) Emergency Lighting. Emergency lighting, used by police, fire fighting, or medical personnel, or at their direction, is exempt from all requirements of this Section 20.04.090 (Outdoor Lighting).

(C) Traffic Control Lighting. Traffic control lighting is exempt from the provisions of this Section 20.04.090 (Outdoor Lighting).

(D) Lighted Flags. Up to three flag poles and flags are exempt from the provisions of this Section 20.04.090 (Outdoor Lighting). All other outdoor lighted flags shall conform to the provisions of this section.

(E) Holiday Lighting. Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps are exempt from the provisions of this section.

(F) Low-Intensity Lighting.

i. No shielding is required for a light fixture with a bulb rated at two hundred sixty lumens or less.

ii. Full shielding is not required for a light fixture with a bulb rated at more than two hundred sixty lumens and less than one thousand lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.

iii. The total lumens of bulbs specified in subsections 20.04.090(b)(3)(F)i. and 20.04.090(b)(3)(F)ii. above, when not motion detector activated, shall not exceed two thousand lumens per building, or one thousand lumens per exterior entryway, whichever is less.

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

(c) General Standards.

(1) Conformance with Applicable Codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this UDO and all applicable building and electrical codes.

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

(3) Prohibitions.

(A) Laser Source Light. The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

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

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

(4) Light Trespass.

(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. ~~Properties bordered by Rl R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adiacent to those districts.~~

(B) Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than one-half footcandles at a point one meter beyond the property line adjacent to those districts.

(C) Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.

(5) Glare. All lighting fixtures shall be installed so as not to cause glare at or beyond the property line and shall not be aimed toward traffic.

(A) Shielding.

i. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Section 20.04.090 (Outdoor Lighting).

ii. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.

iii. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.

iv. Full shielding is not required for motion detector activated lighting of less than one thousand eight hundred lumens, provided the light cycles off no more than ten minutes after coming on.

Figure 53: Exterior Light Shielding

(B) Floodlights and Spotlights.

i. Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any property either zoned or used for residential purposes and is not visible to an observer on any public right-of-way.

ii. The centerline beam of a floodlight or spotlight shall be aimed no higher than forty-five degrees above vertical; however, light fixtures that cast illumination over more than ninety degrees shall be aimed such that no light shall be cast above the horizontal.

(6) Landscape Lighting

(A) When planting materials are lighted, high-pressure sodium lamps and low-intensity incandescent lamps shall not be used.

(B) Lighting of any tree protection area or conservation easement, including but not limited to those required by Section 20.04.030 (Environment), is prohibited.

(d) Multifamily Residential Lighting. A parcel occupied by a multifamily dwelling shall not be illuminated by more than six thousand lumens per primary structure, including a maximum of two thousand lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than one thousand lumens.

(e) Mixed-Use and Nonresidential Lighting.

(1) Adjacent to Residential Districts. Mixed-use and nonresidential uses bordered by any R1, R2, R3, R4, or RMH zoning district shall be allowed a total light output of not more than forty thousand lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of two thousand five hundred lumens per entryway with motion detector activated lighting counted as one-half lumens.

(2) Use-Specific Conditions.

(A) Canopies, Pavilions, or Drive-Through Bays.

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

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

(B) Outdoor Recreational Facilities.

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

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

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

(C) Parking Lots and Outdoor Display Lots or Areas.

i. Illuminance. The parking lot shall be designed to achieve no greater than the minimal illuminance levels for the given land use as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments). However, a parking lot shall also be designed to achieve a minimum illuminance level of one lux.

ii. Curfew. Lighting for outdoor display lots and parking lots with more than twenty parking spaces shall be reduced by half no later than eleven p.m., or within thirty minutes after closing of the business, whichever is later.

(Amd. of 1-14-2020; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.100 Signs.

(a) Purpose. The intent of these sign standards is to:

(1) Accomplish the goals of the Comprehensive Plan;

(2) Avoid unnecessary proliferation of signs;

(3) Provide developments with appropriate identification;

(4) Create a consistent streetscape;

(5) Maintain and enhance the aesthetic environment of the City;

(6) Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and

(7) Promote the health, safety, and welfare of the residents of the City of Bloomington.

(8) No part of these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

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

(c) Permit Requirements.

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

(2) Signs Not Requiring a Permit. The following signs are exempt from the requirement to obtain a sign permit, unless specifically required by another subsection of this Section 20.04.100 (Signs).

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

(B) Small Signs. Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f)(1) through (f)(4) and they must be less than six feet tall if freestanding.

(C) Temporary Signs.

i. In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area and shall not exceed six feet in height if freestanding.

ii. In nonresidential and Mixed-Use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed thirty-two square feet in area and shall not exceed six feet in height if freestanding.

iii. In all nonresidential and Mixed-Use zoning districts, each vacant tenant space, or tenant space that is under construction, is allowed to have one sign that shall not exceed thirty-two square feet in area that shall be attached to the wall of the vacant space.

(D) Murals. Murals are exempt from the requirement to obtain a sign permit.

(E) Window Signs. Window signs shall not exceed twenty-five percent of the glass area of any individual window or glass door frame and shall not count towards the wall sign allowance of the use or property.

(F) Sandwich Board Signs. Sandwich board signs shall comply with the standards of this section.

(d) Sign Measurements. Sign height and sign area measurements shall be calculated as follows:

(1) Wall Signs. The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any images, text, or other identifying trait placed on a structure.

(2) Freestanding Signs.

(A) The area of freestanding signs shall be calculated as the smallest regular geometric figure needed to circumscribe the sign, exclusive of supporting structures.

(B) The height of a freestanding sign shall be measured from the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The ground beneath a sign shall not be raised to artificially change the point at which the sign height is measured.

(3) Double-Faced Signs. For all freestanding, projecting, or temporary signs permitted by this chapter, a double-faced sign may be erected. Only the face area of one of the two sides shall be considered the face area of the entire sign. In such cases, the two sign faces shall be identical in area, shall be placed back to back, and shall be separated by a distance of no more than two feet.

(e) Prohibited Sign Types. The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.100 (Signs) or Section 20.03.030(h)(3):

(1) Animated Signs. Signs that use any motion picture, laser, or visual projection of images or text.

(2) Bench Signs. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(3) Imitation of Public Signs. Signs that purport to be, are in imitation of, or resemble a public sign as described by the Manual on Uniform Traffic Control Devices. Examples include but are not limited to stop signs, yield signs, or pedestrian crossing signs.

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

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

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

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

(8) Temporary Signs. Any temporary sign not specifically permitted in Section 20.04.100(i)(9) (Temporary Signs), Section 20.04.100(j)(7) (Temporary Signs), Section 20.04.100(k)(5) (Temporary Signs), and Section 20.04.100(l)(6) (Temporary Signs) or specifically exempted in Section 20.04.100(c)(2)(C) (Temporary Signs), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, and feather flags.

(9) Electronic Reader Board Signs. Any electronic reader board sign not specifically permitted in Section 20.04.100(g)(3) (Electronic Reader Boards).

(f) Prohibited Sign Locations. Signs shall not be installed at any of the following locations:

(1) Public Easement. In any public easement, unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), or is further authorized by the City.

(2) Public Right-of-Way. In any public right-of-way, unless the sign is an approved wall, awning, or projecting sign; or is authorized by Section 20.04.100(k)(9), Section 20.04.100(l)(3), Section 20.04.100(l)(7); or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the City.

(3) Roofs. On the roof of a building, or extending above the eave, roof line, architectural feature, or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below and excepting that signs may be placed on top of awnings.

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

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

(g) General Design Standards. Unless otherwise stated in this UDO, the following standards apply to all signs.

(1) Freestanding Signs. All freestanding signs shall comply with the following standards:

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

(B) Mounting. All freestanding signs shall be permanently affixed to the ground.

(C) Base. Sign bases shall conform to the following standards:

i. Sign bases shall have an aggregate width, including support structures, of at least forty percent of the total horizontal width of the sign; or have supports that are less than twenty-five percent of the vertical height of the sign.

ii. The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

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

(E) Landscaping.

i. For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required.

ii. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover.

iii. The landscaped area shall be greater than or equal to the freestanding sign face area.

(F) Illumination. Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one footcandle at a distance of six feet from the sign fence.

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

(3) Electronic Reader Boards. Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, subject to the following:

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

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

(C) Electronic reader boards are not allowed on signs larger than one hundred twenty-five square feet.

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

(h) Waiver of Right to Damages.

(1) The Plan Commission, the Board of Zoning Appeals, and the City Planning and Transportation Department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code § 22-13-2-1.5, Indiana Code § 36-7-2-5.5, and Indiana Code § 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.

(2) Waivers may be requested from the following:

(A) The petitioner;

(B) The property owner;

(C) The sign owner; and

(D) Any other person with an interest in the site or the sign.

(3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

(i) Residential District Sign Standards.

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

(2) Single-Family and Condominium Subdivision. Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:

(A) Freestanding Sign Area. The maximum sign area shall not exceed thirty-two square feet per side.

(B) Freestanding Sign Height. The maximum height shall not exceed six feet in height.

(C) Changeable Copy. Changeable copy shall be prohibited as part of a freestanding sign.

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

(E) Wall Signage. No wall signage is permitted.

(3) Multifamily.

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

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

i. One freestanding sign per development vehicle entrance, not to exceed thirty-two square feet per side in maximum sign area and not to exceed six feet in height; and

ii. One wall sign per building not to exceed twenty-four square feet each.

(4) Conforming Nonresidential Uses. For any nonresidential use approved as a permitted use or Conditional Use, the provisions of Section 20.04.100(k) (MN District Sign Standards) shall apply. These provisions may be modified by action of the Board of Zoning Appeals as part of a Conditional Use Approval.

(5) Legal Nonconforming Multifamily Residential Uses. Legal nonconforming multifamily residential uses in Single Family zoning districts with at least three units shall be permitted wall signage not to exceed ten square feet in area but shall not be permitted any freestanding signs. This subsection supersedes Section 20.04.100(i)(3)(A).

(6) Legal Nonconforming Nonresidential Uses. Legal nonconforming nonresidential uses shall be permitted:

(A) Wall signage not to exceed ten square feet in area;

(B) On lots with less than thirty feet of street frontage, no freestanding signs; and

(C) On lots with thirty feet or more of street frontage, one freestanding sign not to exceed twelve square feet in maximum area per side, and not to exceed four feet in height.

(7) Illumination. Signs within residential districts shall not be internally illuminated nor contain an electronic reader board.

(8) Window Signs. Window signs are not permitted for residential uses.

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

(A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;

(B) A maximum of three temporary signs per display period described below are permitted;

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs);

(D) Temporary signs shall not exceed sixteen square feet in area per side;

(E) Freestanding temporary signs shall not exceed six feet in height; and

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

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

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

(2) Wall Signs. The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

(A) Allowance.

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

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

iii. Size Limits. No non-residential use shall be limited to less than thirty square feet of wall signage. Uses with less than two hundred thousand square feet of building area shall not be permitted to exceed three hundred square feet of wall signage. Uses with two hundred

thousand square feet or more of building area shall not be permitted to exceed four hundred square feet of wall signage.

(B) Maximum Projection. Except an awning sign, no part of a wall sign shall project more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

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

(D) Multi-Tenant Nonresidential Centers. In addition to other wall signs permitted in this Section 20.04.100(j)(2) (Wall Signs), multi-tenant nonresidential centers shall be permitted a single wall sign not exceeding twenty square feet in area.

(3) Projecting Signs. A five square foot projection sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.

(4) Freestanding Signs. The following standards shall apply to all freestanding signs:

(A) Number.

i. Freestanding signs shall not be permitted on lots with thirty feet or less of public street frontage.

ii. Lots with greater than thirty feet and less than five hundred feet of frontage on a public street are permitted one freestanding sign.

iii. Lots with five hundred feet or more of public street frontage, one freestanding sign shall be permitted for each two hundred fifty feet of public street frontage.

iv. The number of signs allowed per street frontage shall be determined based on the length of frontage on each street. Each frontage is regulated separately, and total square footages may not be aggregated.

v. In no case shall any lot have more than four freestanding signs.

(B) Area.

i. Individual Nonresidential Uses.

1. Freestanding signs on lots with greater than thirty feet and less than fifty feet of public street frontage shall not exceed twenty square feet.

2. Freestanding signs on lots with at least fifty feet and less than seventy-five feet of public street frontage shall not exceed thirty square feet.

3. Freestanding signs on lots with at least seventy-five feet of public street frontage shall not exceed forty-five square feet.

4. Where a lot has more than one public street frontage, each street frontage shall be regulated independently.

ii. Multi-Tenant Nonresidential Centers.

1. Freestanding signs for centers with less than twenty thousand square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allowances listed in the above Section 20.04.100(j)(3)(B)i. (Individual Nonresidential Uses).

2. Freestanding signs for centers with at least twenty thousand and less than thirty-five thousand square feet of gross floor area shall not exceed sixty square feet.

3. Freestanding signs for centers with at least thirty-five thousand and less than fifty thousand square feet of gross floor area shall not exceed seventy-five square feet.

4. Freestanding signs for centers with at least fifty thousand square feet of gross floor area shall not exceed one hundred twenty-five square feet.

5. Individual tenant panels shall not exceed thirty-six square feet.

6. Outlots that are not counted toward center square footages shall be permitted freestanding signage based on individual nonresidential uses in Section 20.04.100(j)(3)(B)i. (Individual Nonresidential Uses).

7. Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign but shall require a sign permit.

8. The gross floor area calculations described in this Section 20.04.100(j)(3)(B)ii. (Multi-Tenant Nonresidential Centers) shall not include any square footage associated with a residential use.

(C) Height.

i. For individual nonresidential uses and multi-tenant centers of less than twenty thousand square feet of gross floor area, the maximum freestanding sign height shall be six feet.

ii. For multi-tenant centers with at least twenty thousand square feet and less than fifty thousand square feet of gross floor area, the maximum freestanding sign height shall be eight feet.

iii. For multi-tenant centers with at least fifty thousand square feet of gross floor area, the maximum sign height shall be fifteen feet.

iv. The gross floor area calculations described in this Section 20.04.100(j)(3)(C) (Height) shall not include any square footage associated with a residential use.

(D) Separation. Where a lot is permitted multiple freestanding signs, no two freestanding signs shall be within one hundred feet of each other, as measured along the public right-of-way.

(E) Changeable Copy. A maximum of eighty percent of any freestanding sign may be dedicated to changeable copy.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage square footage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display cabinet, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(6) Drive-Through Uses. In addition to the signs listed in this Section 20.04.100 (Signs):

(A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed thirty-six square feet, and the height of the sign does not exceed six feet. These signs shall be allowed to have twenty percent as electronic reader board and shall be exempt from the landscaping requirements of Section 20.04.100(g)(1)(E).

(B) Structures with a drive-through shall be permitted two additional freestanding signs, with a maximum sign face area that does not exceed four square feet, and the height of the sign does not exceed four feet. These signs shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).

(C) Structures with a drive-through shall be permitted one additional sign at the ordering location of each drive-through, provided that the sign(s) has only one face, the maximum area of that sign face does not exceed twelve square feet, and the height does not exceed five feet. These signs shall be allowed to have one hundred percent as electronic reader board and shall be exempt from the landscaping requirements of Section 20.04.100(g)(1)(E).

(7) Multifamily Dwelling Uses. The following standards apply to multifamily dwelling uses:

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

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

(i) One freestanding sign per development vehicle entrance, not to exceed thirty-two square feet per side in maximum sign area and not to exceed six feet in height; and

(ii) One wall sign per building not to exceed twenty-four square feet each.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temproary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(k) MN District Sign Standards.

(1) Applicability. This sign standards section applies to the MN zoning districts.

(2) Wall Signs. The following standards apply to wall signs for individual uses or tenants within a multi-tenant center:

(A) Allowance.

i. Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one square foot per lineal foot of primary structure that faces a public or private street.

ii. Multi-Tenant Centers. The cumulative square footage of all wall signs for any individual use shall not exceed one square feet per lineal foot of the facade width associated with the use facing either a public or private street or facing a parking area if no street frontage is adjacent. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

iii. Limits. No non-residential use shall be limited to less than twenty square feet of wall signage and no use or tenant shall be permitted to exceed one hundred square feet of wall signage.

(B) Location. No wall signage shall be located on a side or rear building facade facing a residential use. Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

(C) Maximum Projection. No part of a wall sign, other than an awning sign, shall protrude more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

(3) Projecting Signs. A five square foot projecting sign is allowed on a tenant's lease space. Projecting signs shall count toward wall signage allotment.

(4) Freestanding Signs. The following standards apply to permanent freestanding signs:

(A) Lots with thirty feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

(B) No freestanding sign shall exceed fifteen square feet in area per side.

(C) No freestanding sign shall exceed four feet in height.

(D) Internally illuminated signs are prohibited.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(6) Multifamily Dwelling Uses. Multifamily developments shall be permitted one wall sign not to exceed twenty-four square feet.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(8) Electronic Reader Boards. Electronic reader boards are not permitted in this zoning district.

(9) Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number. Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design.

i. Sign face area shall not exceed five square feet.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

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

(C) Placement. Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.

ii. Signs shall be removed from the public sidewalk at the end of each business day.

iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.

iv. Signs shall be placed a minimum of forty-eight inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.

vi. Sign placement shall meet all requirements of the Americans with Disabilities Act (ADA).

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

(l) MD District Sign Standards.

(1) Applicability. This sign standards section applies to the MD zoning districts.

(2) Wall Signs. The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:

(A) Allowance.

i. Individual Nonresidential Uses. The cumulative square footage of all wall signs shall not exceed one and one-half square feet per lineal foot of primary structure that faces a public or private street.

ii. Multi-Tenant Centers.

1. First Story. The cumulative square footage of all permanent wall signs for an individual use shall not exceed one and one-half square feet per lineal foot of the use's facade width facing either a public or private street or parking area if no street frontage is adjacent for locations on the first floor. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

2. Upper Story Uses.

a. Uses located above the first story shall be permitted a wall sign allowance equal to fifty percent of the total allowance permitted for first story uses as provided in Section 20.04.100(l)(2)(A)ii.1 (First Story), above.

b. The sign shall be located on the lease space or along a wall within five feet of the lease space.

3. Additional Sign. Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed twenty square feet in area.

4. Additional Sign. Multi-tenant centers shall be permitted a single wall sign that does not exceed twenty square feet in area.

iii. Multifamily. Developments containing more than two units shall be permitted wall signage that shall not cumulatively exceed twenty-four square feet.

iv. Limits. No property shall be limited to less than twenty square feet of wall signage and no use or tenant shall exceed one hundred square feet of wall signage.

(B) Location. Wall signs for individual tenants within a multi-tenant center shall be located on the tenant's lease space, except as regulated in Section 20.04.100(I)(2)(A)ii.2. (Upper Story Retail Uses), above.

(C) Maximum Projection. No part of a wall sign, other than a projecting sign or awning, shall project more than twelve inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than twelve inches above the awning and any support structures shall not be visible.

(3) Projecting Signs. The following standards apply to projecting signs:

(A) Any property that uses a freestanding sign shall be prohibited from using a projecting sign.

(B) A maximum of one projecting sign is permitted per tenant per street frontage.

(C) A minimum separation of one hundred feet shall be provided between all projecting signs on the same building facade.

(D) Projecting signs shall be limited to a maximum of fifty-four square feet in area.

(E) Projecting sign areas shall count toward overall wall sign square footage allowance.

(F) No part of a projecting sign shall protrude more than ninety-six inches from the wall or face of the building to which it is attached. Those support structures located between the building and the sign only shall be counted toward this allowance.

(G) Projecting signs shall be located adjacent to the tenant's lease space and shall be installed at least seven feet above the pavement.

(H) The petitioner for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate anticipated wind loading.

(4) Freestanding Signs. The following standards apply to permanent freestanding signs.

(A) The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.

(B) Lots with thirty feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

(C) Freestanding signs shall not exceed fifteen square feet.

(D) Freestanding signs shall not exceed four feet in height.

(E) No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right-of-way by a minimum of fifteen feet.

(F) Internally illuminated signs and electronic reader boards are prohibited.

(G) Changeable copy shall be prohibited as part of a freestanding sign.

(5) Permanent Display Cabinets. Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed sixteen square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

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

(A) All temporary signs shall receive a sign permit from the Planning and Transportation Department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least fifteen dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in Section 20.04.100(e)(8) (Temporary Signs).

(D) Temporary signs shall not exceed sixteen square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to a maximum of three periods of up to thirty days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed ninety days.

(7) Sandwich Board Signs. Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number. Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design.

i. Sign face area shall not exceed five square feet per sign per face.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

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

(C) Placement. Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.

ii. Signs shall be removed from the public sidewalk at the end of each business day.

iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.

iv. Signs shall be placed a minimum of forty-eight inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.

vi. Sign placement shall meet all requirements of the ADA.

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

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-18, § II(Att. A), 4-21-2021; Ord. No. 21-22, § II(Att. A), 4-21-2021; Ord. No. 22-10, § II(Att. A, B), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.04.110 Incentives.

(a) Applicability. These affordable housing and sustainable development incentives are available to all development, except for student housing or dormitory projects located in the MD zoning district.

(b) General Standards. The following standards apply to all projects seeking the affordable housing or sustainable development incentives in this Section 20.04.110 (Incentives).

(1) Neighborhood Transition Standards.

(A) All projects abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

(B) Where a primary structure's maximum height incentive is in conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern. The petitioner may request relief from the neighborhood transition standards in accordance with the development standards variance procedure pursuant to Section 20.06.080(b) (Variance).

(2) Waiver of Fees.

(A) When a petition qualifies for one or more of the incentives in this Section 20.04.110 (Incentives), filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.

~~(B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 (Incentives) has been approved by the decision-making body:~~

~~i. Sewer hook-on fees for the project may be waived or reduced by the Utilities Service Board.~~

(3) Administration.

(A) A petition for these development incentives shall be included with a petition for development approval.

(B) Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110 (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts or contains more than fifty dwelling units.

(C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110 (Incentives).

(D) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110 (Incentives), the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the neighborhood transition standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

(E) The City may withhold issuance of a certificate of zoning compliance or recommendation for a certificate of occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

(c) Affordable Housing.

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

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

(A) Tier 1.

i. At least sixty 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 fifteen 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 one hundred twenty percent of the HUD AMI for Monroe County, Indiana; or

(B) Tier 2.

i. At least sixty 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 seven and one-half 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 one hundred twenty percent of the HUD AMI for Monroe County, Indiana; and

iii. A minimum of seven and one-half 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 ninety 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) (Affordable Housing), and (c) complies with the standards in Section 20.04.110(c)(6) (Other Standards); 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) (Affordable Housing), and (b) complies with the standards in Section 20.04.110(c)(6) (Other Standards); 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) (Payment-in-Lieu), 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 fifty percent.

ii. The minimum lot width for subdivision may be reduced up to forty 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 fifteen 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 Section 20.04.110(c)(2) (Eligibility), 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 twelve 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 twenty-four 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 twelve 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 twelve feet. The additional floor of building height granted under this subsection (iv)(2) shall be limited to fifty percent of the building footprint area of the primary structure, and that additional floor shall be set back at least ten 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) (Affordable Housing).

(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) (Affordable Housing) except to income-eligible households and in compliance with the provisions of this section.

(B) Advertising Requirement. Proof that the income eligible 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) (Affordable Housing) shall be located either on site or within one thousand three hundred twenty 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) (Payment-in-Lieu) 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) (Sustainable Development Incentives) shall meet the qualifying criteria established in Section 20.04.110(a) (Applicability), 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) (Sustainable Development Incentives) 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 one hundred percent of the runoff from at minimum, the ninety-fifth percentile (eightieth percentile for development in the MD zoning district) of regional rainfall events, based on the daily rainfall data and the methodology in the U.S. Environmental Protection Agency (EPA) Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act or a successor or replacement document issued by the EPA.

ii. Light Colored Hardscaping. At least eighty percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of eighty-six or greater. The SRI shall be calculated in accordance with ASTM E1980.

iii. Covered Parking.

1. A minimum of ninety percent of parking spaces shall be provided under cover. Any roof used to shade, or cover parking shall:

a. Have a three-year aged SRI of at least seventy-eight; or

b. Be seventy-five percent covered by energy generation systems, such as solar thermal collectors or photovoltaics.

2. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.

3. Parking spaces within a parking structure shall count toward meeting this standard.

iv. Solar Energy, Cool or Vegetated Roof. Provide a roof meeting the standards in subsections (1), (2), (3) or (4) below. Roofs containing vegetation must follow landscaping standards pursuant to Sections 20.04.080(c) (General Landscaping), 20.04.080(d) (Permitted Plant Species), and 20.04.080(e) (Prohibited Plant Species).

1. Solar Energy. Install an on-site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than thirty-five percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide forty percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

2. Cool Roof. Install a cool roof on at least seventy percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 04-21. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 04-21.

Table 04-21. Minimum Solar Reflectance Index (SRI)

Roof Type	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	39	32

3. Vegetated Roof. Install a vegetated roof on at least seventy percent of the total roof surface using native or adapted plant species. Vegetated roofing shall comply with ASTM E2400-06: Standard Guide for Selection, Installation, and Maintenance of Plants for Green Roof Systems.

4. Combination Roof. Install a combination solar energy, cool roof and vegetated roof, with each portion meeting the applicable standards in subsections 1., 2. and 3. above, and together covering at least seventy percent of the roof surface.

v. Building Efficiency. Design the project to achieve improved building energy performance beyond the minimum required building code standards by:

1. Demonstrating that the project qualifies for a minimum of seventeen points from the LEED v4.1 BD+C Optimize Energy Performance Credit; or

2. Demonstrating that the project qualifies for a minimum of one hundred points from the Assessing Energy Performance Standards, as provided in Section 3.3.1.1 of the Green Globes for New Construction v1.5 Technical Reference Manual.

(B) Option 2. Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) (Sustainable Development Standards) shall submit proof that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;

ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;

iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or

iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;

v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections i. through iv. above, as determined by the Planning and Transportation Director.

(3) Sustainable Development Incentives.

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

i. Single-family and duplex residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).

ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in option 1 or option 2 above shall not be eligible for additional primary structure height.

(B) All Other Uses. Projects that satisfy the sustainable development criteria in option 1 or option 2 above shall be eligible for additional primary structure height as established below:

i. One floor of building height, not to exceed twelve feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in Section 20.04.110(d)(2) (Eligibility) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv. (Sustainable Development Bonus).

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 21-23, § II(Att. A), 6-14-2021; Ord. No. 22-10, § II(Att. B), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-04, § II(Att. A), 4-10-2024)

20.04.120 Operation and maintenance.

(a) Landscaping. Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO. Specifically:

(1) All plant material, including plant material on vegetated roofs, shall be maintained alive, healthy, and free from disease and pests;

(2) All landscape structures including, but not limited to, vegetated roof infrastructure, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition;

(3) Ground cover shall be maintained in compliance with Title 6 (Health and Sanitation) of the Bloomington Municipal Code; and

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

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

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

(Amd. of 1-14-2020; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-09 is a true and complete copy of Plan Commission Case Number ZO2026-02-0002 as amended, which was given a favorable recommendation by a vote of 6 Ayes, 2 Nays (Bishop, Holmes), and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 13, 2026.

Type of Legislation: Zoning Code Amendment

Fiscal Impact Statement:

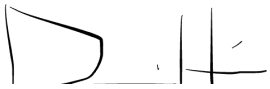
Will the legislation have a major impact on existing city appropriations, fiscal liability, or revenues?

No, the proposed amendments to Title 20, the Unified Development Code, will not have an impact on existing city revenue.

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as implementing proposed legislation will not require any additional resources, nor produce any savings, nor create any revenue impact. Approval of case ZO2026-02-0002 amends the Unified Development Ordinance (UDO), with clarifications, revisions, or amendments, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

Date: Apr 23, 2026



Signature of Plan Commission Secretary David Hittle

Received by the Common Council Office on: Apr 23, 2026

Nicole Bolden

Signature of Bloomington City Clerk Nicole Bolden

Audit trail

Details

FILE NAME	Ordinance Certification 2026-09 final - 4/29/26, 3:54 PM
STATUS	Signed
STATUS TIMESTAMP	2026/04/30 12:33:13 UTC

Activity

SENT	greulice@bloomington.in.gov **sent** a signature request to: • David Hittle (david.hittle@bloomington.in.gov) • Nicole Bolden (boldenn@bloomington.in.gov)	2026/04/29 19:56:09 UTC
SIGNED	**Signed** by Nicole Bolden (boldenn@bloomington.in.gov)	2026/04/30 12:33:13 UTC
SIGNED	**Signed** by David Hittle (david.hittle@bloomington.in.gov)	2026/04/29 21:05:50 UTC
COMPLETED	This document has been signed by all signers and is **complete**	2026/04/30 12:33:13 UTC

The email address indicated above for each signer may be associated with a Google account, and may either be the primary email address or secondary email address associated with that account.

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
127	119	4	Table 04-2	4,000	4,000 **[2]**	Adds footnote 2 to R4 lot area in square feet		Y
127	119	4	Table 04-2	0.092	0.092 **[2]**	Adds footnote 2 to R4 lot area in acres		Y
127	119	4	Table 04-2	35 feet	35 feet **[2]**	Adds footnote 2 to R4 lot width		Y
127	119	4	Table 04-2	5 feet	5 feet **[2] [7]**	Adds footnotes 2 and 7 to R4 district (side setback)		Y
127	119	4	Table 04-2	25 feet [2]	25 feet [2] **[7]**	Adds footnote 7 to R2 and R3 districts (rear setback)		Y
127	119	4	Table 04-2	25 feet	25 feet **[2] [7]**	Adds footnotes 2 and 7 to R4 district (rear setback)		Y
133	125	4	Table 04-6: Front Entry	For existing primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed onethird the width of the primary facade of the structure is permitted to encroach into the front building setback, however a minimum 4 foot setback is required from the front property line.	For existing **and new** primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one third the width of the primary facade of the structure is permitted to encroach into the front building setback, however a minimum 4 foot setback is required from the front property line.	Applies front entry standards to new construction as well as existing		Y
133	125	4	20.04.020 Table 04-6 Type of Exception	-	**Additions to structures that don't meet build-to ranges**	Adds a new type of exception to Table 04-6		Y
133	125	4	20.04.020 Table 04-6 Extent of Exception	-	**Additions may be added that move the building closer to build-to range compliance, even if compliance is not achieved.**	States that structures doing additions may get closer to compliance for build-to ranges		Y
138	130	4	20.04.030(e)(5)(D)	-	**v. Demolition of existing buildings or structures, provided that the disturbance does not extend more than ten feet from the building's or structure's footprint, does not impact the shoreline or bed of a stream or creek, and a remediation plan is submitted to and approved by the Senior Environmental Planner prior to disturbance.**	Adds new language about demolition of structures in the streamside zone		Y
143	135	4	20.04.030(h)(4)	For parcels of land less than **two acres**, the preservation standards in Table 04-8: Minimum Required Vegetation Canopy, may be altered by the City Planning and Transportation Director to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy.	For parcels of land less than **one acre** ~~two acres~~, the preservation standards in Table 04-8: Minimum Required Vegetation Canopy~~,~~ may be altered by the ~~City~~ Planning and Transportation Director ~~to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy~~**; preference may be given to protecting and/or preserving heritage trees that are of particular value due to their type, size or age.**	Changes small parcels from 2 acres to 1 acre, adds preference for heritage trees, and deletes unnecessary comma. Removes 'City' label.		Y

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144	136	4	20.04.030(i)(5)	The maximum slope on which buildings may be constructed shall be 12 percent. No disturbance shall occur on any slope greater than 12 percent, measured as described in Section 20.04.020 (Dimensional Standards).	The maximum slope on which buildings may be constructed shall be ~~12~~ **25** percent. No disturbance shall occur on any slope greater than ~~12~~ **25** percent, measured as described in Section 20.04.020 (Dimensional Standards).	Modifies slope language to align with state law		Y
153	145	4	20.04.040(e)(1)	The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).	**(A)** The following are conditional uses in the floodway and floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	(A) Transportation facilities, including, but not limited to, bridges, streets or drives;	~~(A)~~ **(i)** Transportation facilities, including, but not limited to, bridges, streets or drives;	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	(B) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;	~~(B)~~ **(ii)** Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	(C) Parking lots constructed solely of permeable pavers;	~~(C)~~ **(iii)** Parking lots constructed solely of permeable pavers;	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	(D) Recreational equipment; and	~~(D)~~ **(iv)** Recreational equipment; and	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	(E) Buildings/structures.	~~(E)~~ **(v)** Buildings/structures.	Reformats conditional use in floodway/fringe section		Y
154	146	4	20.04.040(e)(1)	-	**(B) Any activity exempted from a floodplain development permit does not need a conditional use approval.**	Adds that items that are exempt from getting FDPs are also exempt from getting conditional use from BZA		Y
173	165	4	20.04.050(d)(11) Fee in Lieu of Pedestrian and Bicycle Circulation Construction	-	20.04.050(d)(11) Payment-in-Lieu of Pedestrian and Bicycle Circulation Construction	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y
173	165	4	20.04.050(d)(11)(A) Purpose	-	The City of Bloomington supports the installation of paths, sidewalks, and trails by the development community at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a payment-in-lieu of the installation of new infrastructure. It is the purpose of this section, and rules and regulations set forth, to establish a payment-in-lieu of path, sidewalk, or trail construction requirements and to establish a process to facilitate the construction, improvement, and maintenance of those facilities within the City.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y

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173	165	4	20.04.050(d)(11)(B) General	-	Any project required to install paths, sidewalks, trails, multiuse paths, bike lanes, or multiuse trails as required in this Section 20.04.050 may request to pay a payment-in-lieu of said physical improvements. Requests to pay a payment-in-lieu of physical improvements shall be reviewed and approved or denied in accordance with this Section 20.04.050(d)(11)(D). All funds derived from sums paid-in-lieu of the physical improvements shall go into the alternative transportation fund. The alternative transportation fund shall be for the purpose of reducing our community's dependence upon the automobile. Expenditures from the fund shall be approved by the council.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y
173	165	4	20.04.050(d)(11)(C) Evaluation Criteria	-	Any site plan, portion of a site plan, or subdivision required by Section 20.04.050 to install paths, sidewalks, and trails may request payment-in-lieu of said physical improvements where the Planning and Transportation Department has determined that a required path, sidewalk, and trail is not reasonable due to existing practical difficulties associated with the property including, but not limited to: i. The topography of the lot or tract together with the topography of the adjacent lots or tracts and the nature of the street right-of-way make it impractical for construction of physical improvements; and/or ii. The adjacent lots or tracts are at present developed without paths, sidewalks, and trails and there is no reasonable expectation of additional connections on the block in the near future; and/or iii. Uniformity of development of the area would best be served by deferring path, sidewalk, and trail construction on the lot or tract until some future date.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y

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173	165	4	20.04.050(d)(11)(D) Review and Decision	-	i. All requests for payments-in-lieu of the construction of paths, sidewalks, and trails shall be heard by the City of Bloomington Transportation Commission and evaluated based on the criteria set forth in this section.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y
173	165	4	20.04.050(d)(11)(E) Fee Calculation	-	The fee calculation for approved payments-in-lieu of paths, sidewalks, and trails shall be based on the adopted Planning and Transportation Fee Schedule and shall be paid in full prior to: i. Release of a secondary plat for recording for applicable projects; or ii. Issuance of a Certificate of Zoning Compliance for a building permit for applicable projects; or iii. Issuance of a Certificate of Zoning Compliance for any other projects requiring said physical improvements in which secondary plat or building permit issuance does not apply.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y
173	165	4	20.04.050(d)(11)(F) Future Site Improvements or Changes	-	Any fee paid-in-lieu of the construction of paths, sidewalks, and/or trails that is approved by the Transportation Commission shall apply only to the requirements in effect at the time of the development. This provision shall not be construed to grant an exception from the installation of paths, sidewalks, and/or trails for any future subdivision or development of the site that would otherwise require such improvements under the standards of the UDO at the time of approval.	Adds new language about a fee in lieu of path, sidewalk, or trail construction		Y
187	179	4	20.04.060(i)(7)(D)	Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, and display areas for vehicle sales and rental uses, all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.	Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, ~~and display areas for vehicle sales and rental uses,~~ all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.	Removes that parking areas for vehicle display do not need to be striped		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
187	179	4	20.04.060(i)(8)	Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. If more than 6 EV charging stations are required, at least one shall be an ADA van accessible parking space. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:	Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. **For auto sales, the electric vehicle charging requirements are only based on customer and employee parking spaces.** If more than 6 EV charging stations are required, at least one shall be an ADA van accessible parking space. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:	Adds that EV charging requirements for auto sales are based on customer/employee parking		Y
192	184	4	20.04.060(p)	In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, and portable ondemand storage units may not be used for long-term storage, and may only be located on a lot or parcel:	In all zoning districts, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited. Shipping containers, cargo containers, **dumpsters,** and portable ondemand storage units may not be used for long-term storage, and may only be located on a lot or parcel:	Adds dumpster to the list	In the PDF version, the (1) needs to be removed, and subsections (A) and (B) should be changed to (1) and (2).	Y
193	185	4	20.04.070(c)(2)(A)(ii)	All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan and shall comply with the following: (i) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works. (ii) Pedestrian scaled street lighting shall not exceed 15 feet in height.	(i) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works. (ii) Pedestrian scaled street lighting shall not exceed 15 feet in height. **Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.**	Last year the City updated the street lighting standard language in the TRO but the update missed making the same change to the MD. This replaces current MD street lighting language with TRO street lighting language.		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
195	187	4	20.04.070(d)(2)(F)	Eaves and Roofs Buildings with sloped roofs (those greater than 3:12 pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls.	Eaves and Roofs Buildings with sloped roofs (those greater than 3:12 pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls**, and consist of shingles, shakes, tile, standing-seam metal, or V-rib metal**. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls **and may use a flat roof with a rubber membrane or other similar approved material**.	Adds roofing materials within Mixed-Use and Nonresidential districts		Y
196	188	4	20.04.070(d)(2)(H)(i)	One primary pedestrian entrance shall be provided for every facade facing a street.	One primary pedestrian entrance shall be provided for every facade facing a street. **This includes a sidewalk connection to the adjacent public or private right-of-way.**	Adds that a sidewalk connection is required between the pedestrian entrance and adjacent street		Y
196	188	4	20.04.070(d)(2)(H)(iii)(3)	Prominent building address, building name, and enhanced exterior light fixtures, such as wall sconces or light coves;	~~Prominent building address, building name, and~~ Enhanced exterior light fixtures, such as wall sconces or light coves;	Removes "prominent building address" and "building name" from list of pedestrian entry architectural details		Y
197	189	4	20.04.070(d)(3)(E)(i)	For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a 3:12 roof pitch).	For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-rib metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a 3:12 roof pitch) **with a rubber membrane or other similar approved material**.	Adds that additions to single family homes may have a flat roof with a rubber roof membrane		Y
203	195	4	20.04.080(c)(2)(C)	Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. Unless specifically approved by the City Urban Forester or Senior Environmental Planner, the use of columnar trees is not allowed.	Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements. **Unless specifically approved by the City Urban Forester or Senior Environmental Planner, the use of columnar trees is not permitted.**	This last sentence is in the UDO PDF but not in Municode		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
203	195	4	20.04.080(c)(2)(D)(ii)	Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(a) (Landscaping).	Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. **If substitutions are intended for use in stormwater management facilities, a maximum of 30 percent may be substituted or as approved by the Planning and Transportation Director.** This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(a) (Landscaping).	Increase substitution percentage to 30% (or as approved by the Planning Director) if intended for stormwater management facilities		Y
204	196	4	20.04.080(c)(2)(E)(i)	All newly planted deciduous trees shall be at least two-inch caliper.	All newly planted deciduous trees shall be at least two-inch caliper. **The size for street tree plantings may be reduced to one and a half inch caliper if approved by the Urban Forester.**	1.5" caliper allowed for street trees if approved by Urban Forester		Y
205	197	4	20.04.080(c)(2)(G)(i)(2)	Areas within 24 inches of a building foundation and underneath staircases may use mulch or decorative stone.	Areas within 24 inches of a building foundation and underneath staircases may use mulch or decorative stone**. Mulch or decorative stone may be used within twelve inches of ground-mounted mechanicals.**	Adds that mulch/decorative stone is allowed within 12" of ground mechanicals		Y
205	197	4	20.04.080(c)(2)(H)	-	**(H) Plastic Netting Under no circumstances shall plastic netting or mesh be used on site for any type of landscaping.**	Adds back language about plastic netting per MS4		Y
205	197	4	20.04.080(c)(3)(A)	Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity..	Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction **by a Tree Protection Barrier. The Tree Protection Barrier shall be installed at the Tree Protection Zone and be at least 4 feet tall, highly visible, sturdy, and have warning signs on or near it for the duration of the construction activity.**.	The bolded language is included in the UDO PDF on the website but is not included in Municode online. This language needs to be added to Municode so that the two documents are consistent. A duplicate period also needs to be removed.	Text to be added to Municode, but duplicate period in PDF only	Y

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208	200	4	Table 04-14	(Smoke Tree)	Smoke Tree	Removes parantheses to not prohibit Smoke Tree as an interior tree (Common Name)		Y
208	200	4	Table 04-14	*(Continus obovatus)*	*Cotinus obovatus*	Removes parantheses to not prohibit Cotinus obovatus as an interior tree (Scientific Name) and spelling correction		Y
207	199	4	Table 04-15	-	Chokecherry single stem	Adds new Small Street Trees - Under 25 feet at mature height (Common Name)		Y
207	199	4	Table 04-15	-	*Prunus virginiana - Canada red or sucker punch*	Adds new Small Street Trees - Under 25 feet at mature height (Scientific Name)		Y
221	213	4	20.04.080(f)(3)(B)	Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street and within 4 feet of any public pedestrian facilities. Street trees planted within the front yard shall not count towards other landscaping requirements.	Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street and within 4 feet**, or as required for utility separation,** of any public pedestrian facilities. Street trees planted within the front yard shall not count towards other landscaping requirements.	Adds that street trees are within 4' of sidewalk unless there is a conflict with utility separation requirements		Y
224	216	4	20.04.080(h)(1)	Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen berms. Parking lots with four or more spaces shall have the following perimeter treatment:	~~Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen berms.~~ Parking lots with four or more spaces shall have the following ~~perimeter treatment~~ **requirements**:	Clarifies that landscaping surrounding parking areas is required regardless of the presence of a street or an adjacent use.		Y
224	216	4	20.04.080(h)(1)(A)(i)	A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.	A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas **unless there is a primary building within 10' of the parking area.** ~~abutting another property or a public right-of-way.~~ This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.	Clarifies that landscaping surrounding parking areas is required regardless of the presence of a street or an adjacent use.		Y
224	216	4	20.04.080(h)(1)(B)(i)	Parking lot perimeter areas shall contain a minimum of one tree per four parking spaces.	Parking lot perimeter areas shall contain a minimum of one tree ~~per four parking spaces~~ **for every 35 lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces.**	Revising parking lot landscaping standard to reflect linear distance along perimeter		Y

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225	217	4	20.04.080(h)(1)(C)(i)	Parking lot perimeter areas shall contain a minimum of three shrubs per one parking space.	Parking lot perimeter areas shall contain a minimum of ~~three shrubs per one parking space.~~ **10 shrubs and 10 shrubs/perennials for every 35 lineal feet surrounding the parking lot area excluding vehicular access aisles with no adjacent parking spaces**.	Revising parking lot landscaping standard to reflect linear distance along perimeter		Y
225	217	4	20.04.080(h)(1)(C)(ii)	Shrubs shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within 5' of the edge of the sidewalk.	Shrubs **and perennials** shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within 5' of the edge of the sidewalk.	Adds that perennials shall be planted within 5 feet of the parking lot edge		Y
225	217	4	20.04.080(h)(2)	Landscape Bumpouts, Islands, and Endcaps	Landscape Bumpouts, Islands, and Endcaps **Parking lots with 12 or more parking spaces shall be subject to the following interior landscaping requirements. All areas within the surfaced parking area are counted, including curbed areas, parking spaces, and all interior driveways and aisles adjacent to parking spaces. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation. Landscaping used to meet parking lot perimeter landscaping shall not count toward interior landscaping requirements.**	This revises parking lot interior landscaping requirements to base landscaping requirements on total amount of interior parking area rather than the total number of parking spaces throughout a site due to consistent challenges of finding areas for landscaping. This language matches the language in the County zoning code which also helps local developers more easily apply landscaping requirements.		Y
225	217	4	20.04.080(h)(2)(A)	Number: Parking Parking lots with 12 or more parking spaces shall provide one landscape bumpout, island, or endcap per every 10 parking spaces.	**Interior Landscape Area: Parking areas shall be landscaped with the following minimum interior planting areas: i. 0 to 49,999 square feet= 5% ; ii. 50,000 to 149,999 square feet= 8%; iii. 150,000 square feet or larger= 10%**	This revises parking lot landscaping to base landscaping requirements on the total amount of interior area of a parking area rather than the total number of parking spaces throughout a site due to consistent challenges of finding areas for landscaping. This language matches the language in the County zoning code which also helps local developers more easily apply landscaping requirements.		Y

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225	217	4	20.04.080(h)(2)(B)	Minimum Area: The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.	~~**(B) Minimum Area**~~ **Interior Islands** ~~**The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.**~~ **Landscaped islands of at least 162 square feet shall be provided every nine (9) spaces or less within a row of spaces.**	This revises interior parking lot landscaping requirement to provide landscape islands for every 9 spaces rather than the current requiremnt of 10. This language matches the language in the County zoning code which also helps local developers more easily apply landscaping requirements.		Y
225	217	4	20.04.080(h)(2)(C)	Minimum Planting Each landscape bumpout, island, or endcap shall contain at least one large canopy tree and four shrubs or native grasses. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees and eight shrubs or native grasses shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.	~~Minimum Planting:~~ ~~Each landscape bumpout, island, or endcap shall contain at least one large canopy tree and four shrubs or native grasses.~~ ~~Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees and eight shrubs or native grasses shall be provided.~~ ~~Required trees within bumpouts, islands, or endcaps do not count toward required street tree totals, required parking lot perimeter area tree totals, or required interior plantings tree totals~~. **Endcap Island: Landscaped bumpouts, islands, or endcaps of at least 162 square feet shall be installed to control vehicular circulation and define major drives.**	This amendment adjusts the location of parking lot landscaping requirements within the UDO to group together landscaping standards.		Y
225	217	4	20.04.080(h)(2)(D)	(D)Stormwater Filtration Parking lot bumpouts, islands, or endcaps shall be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code.	~~Stormwater Filtration~~ ~~Parking lot bumpouts, islands, or endcaps shall be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code.~~ **Minimum Planting:** **Landscaped islands of at least 162 square feet shall contain at least one Large Interior Tree, 10 shrubs, and 10 shrubs/perennials. Landscape strips between two facing parking aisles can also be used to meet the interior planting requirement.** **Landscape strips between 2 facing parking aisles shall be a minimum of 5 feet wide and contain one tree and 10 shrubs for every 18 lineal feet.**	This amendment adjusts the landscaping requirements for interior islands. This language matches language within the County zoning code.		Y

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225	217	4	20.04.080(h)(2)(E)	(E)Placement Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than 10 consecutive spaces.	**Stormwater Filtration Parking lot bumpouts, islands, or endcaps may be installed in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code. Those used to meet Title 13 requirements may have less landscaping than listed in (D) above as approved by the Planning and Transportation Department.**	This amendment adds an allowance for interior islands to incorporate stormwater filtration components.		Y
226	218	4	20.04.080(i)(1)(B)	A minimum of 36 shrubs per acre. One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	A minimum of 36 shrubs per acre. One **small/medium canopy** ~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	Changes ornamental to small/medium canopy tree		Y
226	218	4	20.04.080(i)(1)(C)	Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Removes ornamental		Y
226	218	4	20.04.080(j)(1)(A)	A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.	A minimum of one **large** canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute **small/medium** canopy ~~ornamental~~ trees for required **large** canopy trees.	Clarifies large canopy tree language and changes ornamental to small/medium canopy		Y
226	218	4	20.04.080(j)(1)(B)	A minimum of eight shrubs per 500 square feet, One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	A minimum of eight shrubs per 500 square feet~~,~~. One **small/medium canopy** ~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	Changes comma to period and changes ornamental to small/medium canopy tree		Y
226	218	4	20.04.080(j)(1)(C)	Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Removes ornamental		Y
226	218	4	20.04.080(k)(1)(A)	A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. A minimum of 75 percent of the required trees shall be canopy trees.	A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre. ~~A minimum of 75 percent of the required trees shall be canopy trees.~~	Removes last sentence		Y
226	218	4	20.04.080(k)(1)(B)	A minimum of 27 shrubs per acre. One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	A minimum of 27 shrubs per acre. One **small/medium canopy** ~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.	Changes ornamental to small/medium canopy tree		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
227	219	4	20.04.080(k)(1)(C)	Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Removes ornamental		Y
228	220	4	20.04.080(m)(2)(A)	Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (including, but not limited to subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	Outdoor ground-mounted mechanical equipment which relates to power supply, watering, heating, ventilating, and similar purposes (including, but not limited to subpanels, transformers, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks**, external refrigerators/freezers**), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.	Adds external refridgerators/freezors to list of outdoor ground-mounted mechanical equipment that requires screening		Y
230	222	4	20.04.080(n)(3)(A)	-	**iii. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.**	Adds language to be consistent with Through Lots regulation		Y
230	222	4	20.04.080(n)(3)(B)	-	**vi. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.**	Adds language to be consistent with Through Lots regulation		Y
239	231	4	20.04.100(f)(3)	On the roof of a building, or extending above the eave, roof line or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below and excepting that signs may be planed on top of awnings.	On the roof of a building, or extending above the eave, roof line**, architectural feature,** or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below and excepting that signs may be **placed** ~~planed~~ on top of awnings.	Adds architectural feature to the list and corrects a typo	Text added to both, but spelling error only in PDF	Y
245	237	4	20.04.100(j)(6)(B)	Structures with a drive-through shall be permitted two additional freestanding signs, with a maximum sign face area that does not exceed four square feet, and the height of the sign does not exceed four feet.	Structures with a drive-through shall be permitted two additional freestanding signs, with a maximum sign face area that does not exceed four square feet, and the height of the sign does not exceed four feet. **These signs shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).**	Adds that directional signs are exempt from landscaping standards		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
252	244	4	20.04.110(b)(2)(B)	When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body: Sewer hook-on fees for the project may be waived or reduced by the utilities service board.	~~When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body: Sewer hook-on fees for the project may be waived or reduced by the utilities service board.~~	Removes waiver of fees for CBU		Y

Bloomington Common Council Ordinance 2026-10 - Chapter 6: Administration & Procedures corrections to the Unified Development Ordinance

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect 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 April 13, 2026, 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 April 23, 2026; 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.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1:

Title 20, entitled "Unified Development Ordinance", is amended.

Section 2:

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. ZO2026-02-0003 Chapter 6: Administration & Procedures (hereinafter “Attachment A”)
    B. Any Council amendment thereto (Attachment “B”).

Section 3:

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: 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, or 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 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6: 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

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this
day of , 2026.

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance contains corrections and amendments to Chapter 6: Administration & Procedures of the Unified Development Ordinance. There are 27 amendments in this petition.

Chapter 20.06 ADMINISTRATION AND PROCEDURES

20.06.010 General.

(a) Purpose. This Chapter 20.06 (Administration and Procedures) identifies the types of permits, approvals, and processes which are required as part of this UDO.

(b) Enforcement. Failure to comply with any provision of this Chapter 20.06 (Administration and Procedures), 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 UDO and shall be subject to the penalties and remedies in Section 20.06.100 (Enforcement and Penalties).

(Amd. of 1-14-2020)

20.06.020 Review and decision-making bodies.

(a) Purpose. This Section 20.06.020 describes the organization, powers, and duties of the offices responsible for the administration of this UDO.

(b) Common Council.

(1) Jurisdiction and Authority. The Common Council shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code:

(A) To initiate, adopt, or reject any amendment to the Official Zoning Map, and to initiate, adopt, amend, or reject any amendment to the text of this UDO in accordance with Indiana Code § 36-7-4-600 Series: Zoning Ordinance;

(B) To adopt, impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with Indiana Code § 36-7-4-1500 Series: Planned Unit Development;

(C) To initiate, approve, amend, or reject proposed amendments to the City's Comprehensive Plan and its components, including but not limited to the Transportation Plan and the subarea plans; and

(D) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Conflicts.

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the Common Council may not participate in a hearing or decision of the Common Council concerning a zoning matter in which he or she has a direct or indirect financial interest. The Common Council shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.

(B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(c) Plan Commission.

(1) Jurisdiction and Authority. The Plan Commission shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code.

(A) To initiate, hear, review, and certify recommendations to the Common Council on replacement or amendment of the Comprehensive Plan and this UDO, including the Official Zoning Map;

(B) To hear, review, and make recommendations to the Common Council on the PUD district ordinance and preliminary plan for a proposed Planned Unit Development. When stipulated by the Plan Commission at the time of preliminary approval, to review and approve the final plan for a Planned Unit Development, unless the Plan Commission has delegated that authority to the Planning and Transportation Department;

(C) To authorize a hearing officer pursuant to Indiana Code § 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefore pursuant to Indiana Code § 36-7-4-923 and Indiana Code § 36-7-4-924;

(D) To review and approve or disapprove site plans and amendments to site plans, as required pursuant to Section 20.06.050(a) (Site Plan Review), including the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;

(E) To aid and assist the Common Council and the mayor in implementing the City's adopted Comprehensive Plan and in planning, developing, and completing specific projects;

(F) To review and report on any matters referred to it by the Common Council or the mayor;

(G) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City to aid them in the performance of their respective duties relating to the planning and development of the City;

(H) To delegate responsibilities relating to ordinance administration and enforcement to the staff and to other appropriate executive departments and personnel;

(I) To review and approve or disapprove plats and replats of subdivisions;

(J) To supervise and make rules for the administration of the affairs of the Plan Commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Common Council and the Planning and Transportation Department;

(K) To prescribe uniform rules pertaining to investigations and hearings;

(L) To keep a complete record of all proceedings;

(M) To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;

(N) To prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized under this Chapter 20.06 (Administration and Procedures);

(O) To adopt a seal;

(P) To certify all official acts of the Plan Commission;

(Q) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (Indiana Code § 36-7-4: Local Planning and Zoning);

(R) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;

(S) To authorize a plat committee pursuant to Indiana Code § 36-7-4-701(e);

(T) To permit, require, modify, and terminate commitments;

(U) To hear appeals from final plan decisions by staff; as authorized elsewhere in Indiana Code Title 36; and

(V) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization. The Plan Commission shall be composed as set forth in Chapter 2.13 (Plan Commission) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) Conflicts.

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the Plan Commission may not participate in a hearing or decision of the Plan Commission concerning a zoning matter in which he or she has a direct or indirect financial interest. The Plan Commission shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.

(B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(d) Board of Zoning Appeals.

(1) Jurisdiction and Authority. The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this UDO:

(A) To hear and decide upon petitions for development standards variances from this UDO;

(B) To hear and decide upon petitions for Conditional Use permits;

(C) To establish or extend time limitations placed upon variances and Conditional Uses;

(D) To permit or require commitments under Indiana Code § 36-7-4-921 as a condition of approval of a variance or Conditional Use;

(E) To hear and determine appeals from:

i. Any order, requirement, decision, or determination made by an administrative office, hearing officer, or staff member under this UDO;

ii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO;

iii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO requiring the procurement of a certificate of zoning compliance or certificate of occupancy.

(F) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the City, to aid them in the performance of their respective duties relating to this UDO and its administration; and

(G) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization. The Board of Zoning Appeals shall be composed as set out in Chapter 2.15 (Advisory Board of Zoning Appeals) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) Meetings and Procedures.

(A) Meetings of the Board of Zoning Appeals shall be conducted in accordance with the rules established by the Board of Zoning Appeals;

(B) The Board of Zoning Appeals shall adopt rules of procedure, which may not conflict with this UDO, concerning the:

i. Filing of appeals;

ii. Petition for variances, and Conditional Uses;

iii. Giving of notice; and

iv. Conduct of hearings.

(C) The Board of Zoning Appeals may also adopt rules of procedure:

i. Governing the creation, form, recording, modification, enforcement, and termination of commitments.

ii. Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.

(D) Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all petitioners and other interested persons.

(4) Decisions. The Board of Zoning Appeals shall, in all cases heard by it, make written findings of fact.

(5) Conflicts.

(A) A person shall not communicate with any member of the Board of Zoning Appeals before hearings with intent to influence the member's action on a matter pending before the Board of Zoning Appeals. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself. The staff may, however, file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter no less than five days before the hearing.

(B) A member of the Board of Zoning Appeals shall not participate in a hearing or decision of the Board of Zoning Appeals concerning a zoning matter in which he or she has a direct or indirect financial interest. The Board of Zoning Appeals shall enter in its records the fact that a member has such a disqualification and the name of the alternate member, if such an alternate member is appointed under Section 2.15.030 (Terms of the BMC), who participates in the hearing or decision in place of the regular member.

(e) Planning and Transportation Department

(1) Authority. Pursuant to Chapter 2.14 (Planning and Transportation Department) of the Bloomington Municipal Code, the Planning and Transportation Director or his or her designee (sometimes referred to in this UDO as "staff," unless the staff of another department or agency is clearly indicated) shall be charged with the administration of this UDO and, in particular, shall have the jurisdiction, authority, and duties described in this Chapter 20.06 (Administration and Procedures).

(A) To meet with and counsel those persons maintaining an interest in this UDO, other questions of land use, and related City ordinances, plans, and policies;

(B) To conduct zoning compliance reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue certificates of zoning compliance;

(C) To approve temporary uses requiring administrative approval;

(D) To review any site plan submitted for such review pursuant to Section 20.06.050(a) (Site Plan Review), which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurance for public improvements, and to make decisions or recommendations to the Plan Commission, as appropriate and as authorized in Section 20.06.050(a)(1)(A);

(E) To make written interpretations of permitted use and other specific provisions of this UDO pursuant to the provisions of Section 20.06.080(c) (Administrative Interpretation);

(F) To approve, or forward to the Plan Commission, petitions for approval of Planned Unit Development final development plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this UDO;

(G) If authorized by the Plan Commission, to approve secondary plats of subdivisions pursuant to this UDO;

(H) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City senior environmental planner; and

(I) To exercise such other powers and perform such other duties as are allowed by Indiana law.

(2) Staff Assistance to the Board of Zoning Appeals and Plan Commission. The Planning and Transportation Department shall make staff and consulting assistance available to the Board of Zoning Appeals and the Plan Commission, and to any hearing officer or plat committee as may be authorized by the Plan Commission in its rules, and shall in that capacity:

(A) Attend the meetings of each such body;

(B) Inform each such body of all facts and information at the Planning and Transportation Department's disposal with respect to any matter brought before each such body;

(C) Assist each such body by performing research and making recommendations on matters brought before each such body; and

(D) Perform such other duties as may be assigned to the staff by this UDO.

(3) Records.

(A) The staff shall maintain permanent and current records of this UDO, including all maps, amendments, Conditional Use, site plan, variance and Planned Unit Development approvals and denials, interpretations, and decisions rendered respectively by the Board of Zoning Appeals, the hearing officer, the Plan Commission, the plat committee, and the staff, together with relevant background files and materials. The records shall be maintained for public inspection in the Planning and Transportation Department.

(B) The City shall maintain a current geographic information system (GIS). All petitioners shall have the affirmative duty to inform the Planning and Transportation Department in writing of any errors in the GIS maps they receive or have access to as part of the petition process.

(4) Zoning Text and Map. The staff shall prepare and have available for examination in the Planning and Transportation Department:

(A) The compiled text of this UDO, including all amendments thereto; and

(B) The Official Zoning Map of this UDO, showing the zoning districts, divisions and classifications, including all amendments thereto.

(5) Receipt, Processing, and Referral of Petitions. The staff shall receive all petitions for any petition, permit, or process required to be filed pursuant to this UDO. Upon receipt of any such petition, the staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the City, or any other governmental unit or agency with any interest or duty with respect to such petition.

(6) Investigation of Petition. Whenever the Plan Commission, the Board of Zoning Appeals, or the Common Council shall so request, by general rule or specific direction, the staff may conduct or cause to be conducted such surveys, investigations, and field studies and may prepare or cause to be prepared such reports, maps, photographs, charts, and exhibits as may be necessary and appropriate to the processing of any petition filed pursuant to this UDO.

(7) Inspection and Enforcement. To ensure enforcement of this UDO, the staff may initiate investigations and inspections as warranted, and may take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of Section 20.06.100 (Enforcement and Penalties).

(8) New Technologies. The Planning and Transportation Department shall be responsible for investigating and evaluating the feasibility of adopting new technologies, such as three-dimensional architectural computer modeling, that will enable it, other City departments, the Plan Commission, Board of Zoning Appeals, and Common Council to make better, more informed decisions about the visual impact that proposed developments will have on surrounding structures.

(f) Floodplain Administrator.

(1) Authority. The floodplain administrator and/or designated staff is hereby authorized and directed to enforce the provisions of Section 20.04.040 (Floodplain). The floodplain administrator is further authorized to render interpretations of Section 20.04.040 (Floodplain), which are consistent with its spirit and purpose.

(2) Duties and Responsibilities.

(A) Review all floodplain development permits to assure that the permit requirements of this UDO have been satisfied;

(B) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations;

(C) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects required to receive such authorization and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment);

(D) Ensure that all necessary federal or state permits have been received prior to issuance of the floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit;

(E) Maintain and track permit records involving additions and improvements to residences located in the floodway;

(F) Notify adjacent communities and the state floodplain coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

(G) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, letters of map change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance;

(H) Use and enforce all letters of map change (LOMC) or physical map revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

(I) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(J) Review certified plans and specifications for compliance;

(K) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.06.050(d) (Floodplain Development Permit); and

(L) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.06.050(d) (Floodplain Development Permit).

(g) Hearing Officer.

(1) Authority. The hearing officer, as may be authorized in the Plan Commission rules of procedure, shall have authority to act upon those matters, if any, delegated by the Plan Commission pursuant to Indiana Code § 36-7-4-923, which may include to approve or deny a:

(A) Variance from this UDO in accordance with Indiana Code § 36-7-4-918.5; and

(B) Conditional Use under the terms of this UDO in accordance with Indiana Code § 36-7-4-918.2.

(2) Procedures. The hearing officer shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule in accordance with Indiana Code § 36-7-4-923 and Indiana Code § 36-7-4-924. Where feasible and permissible, those procedures shall allow for the consolidation and simultaneous review of approvals connected with petitions relating to the same site.

(3) Appeals. Any interested person may appeal a decision by the hearing officer to the Board of Zoning Appeals within ten days after the decision is made.

(h) Plat Committee.

(1) Authority. The plat committee, as may be authorized in the Plan Commission rules of procedure, shall have authority to act upon those matters, if any, delegated to it by the Plan Commission, pursuant to Indiana Code § 36-7-4-701(e), which may include approval or denial of:

(A) Primary plats;

(B) Secondary plats;

(C) Requests for vacation of plats or parts of plats.

(2) Procedures. The plat committee shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule.

(Amd. of 1-14-2020; Ord. No. 23-07, § 2(Att. A), 4-19-2023)

20.06.030 Summary table of review procedures.

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

Table 06-1. Summary Table of Review Procedures

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			D*/A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Floodplain Development Permit	20.06.050(d)							D						
Site Development Permit	20.06.050(e)							D						
Certificate of Zoning Compliance	20.06.050(f)							D						
Certificate of Occupancy	20.06.050(g)							D						
Certificate of Final Acceptance	20.06.050(h)							D						
Certificate of Nonconforming Use	20.06.050(i)							D						
Sign Permit	20.06.050(j)							D						
Temporary Use Permit	20.06.050(k)							D						

Easements	20.06.050(l)	See 20.06.050(l) (Easements)												
Subdivision Procedures														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	D* /A	D*				
Secondary Plat	20.06.060(c)							R/ D	D/ A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D* /A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*			D*		
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*			D*		
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			D* /A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓	✓					R			D*			
R = Review and Recommendation Required		D = Decision			A = Appeal			* = Public Hearing						

(Amd. of 1-14-2020; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.040 Common review procedures.

(a) General.

(1) The common review procedures in this Section 20.06.040 provide the foundation for specific review and approval procedures identified in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures). The common review procedures are illustrated in Figure 06.04-1. Tailored versions of this illustration appear in each of the specific petition types.

(2) Not all common review procedures apply to every development petition type. Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures)

identify how these common review procedures are applied to specific petition types, and identify additional procedures and requirements beyond the common review procedures.

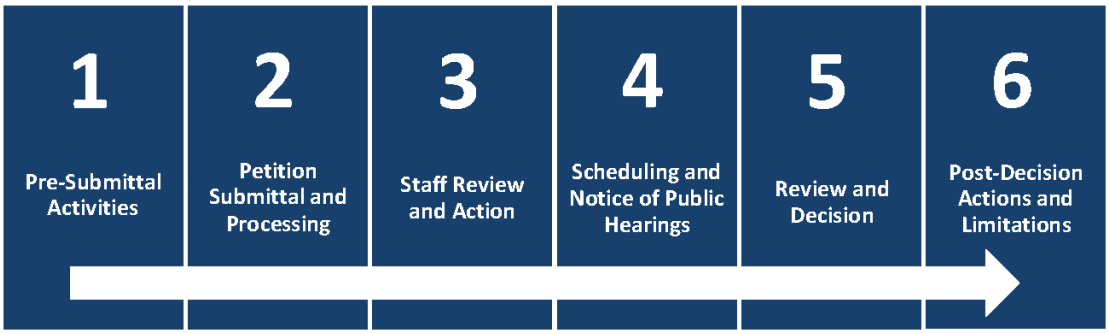


Figure 06.04-1: Summary of General Order of Review Steps if Public Hearing Required

(b) Pre-Submittal Activities.

(1) Pre-Submittal Meeting.

(A) Purpose. The pre-submittal meeting is intended to provide an opportunity for the petitioner to meet with City staff to review the zoning classification of the site, the regulatory ordinances and materials, the procedures, and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary. This meeting shall take place on or prior to the pre-submittal meeting deadline as listed on the schedule of meeting dates.

(B) Applicability. A pre-submittal meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Procedure. The petitioner shall submit a request for a pre-submittal meeting to Planning and Transportation Department staff.

(D) Effect. Any information or discussions held at the pre-submittal meeting shall not be binding on the City or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(2) Development Review Committee (DRC) Meeting.

(A) Purpose. The development review committee (DRC) meeting is intended to provide an opportunity for City staff from several departments to discuss details and potential impacts of the proposed project, and to establish points of contact. The staff shall advise the petitioner in preparing the petition and supporting documents as necessary. The petitioner or petitioner's representation is required to attend the DRC meeting.

(B) Applicability. A DRC meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Procedure.

i. The petitioner shall refer to the schedule of meeting dates in the administrative manual to determine the filing deadline for any given meeting of the DRC. Incomplete submittal information may result in the petition being postponed from the DRC agenda to allow the petitioner sufficient time to complete the submittal.

ii. The staff shall inform the petitioner of the time, date, and place of the DRC meeting.

(D) Effect. Any information or discussions held at the DRC meeting shall not be binding on the City or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(3) Pre-Submittal Neighborhood Meeting.

(A) Purpose. The purpose of the pre-submittal neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the petitioners before significant funds have been spent on project design and engineering.

(B) Applicability. A pre-submittal neighborhood meeting shall be required as indicated in Table 06-1 (Summary Table of Review Procedures).

(C) Notification.

i. The petitioner shall send a written notification of the required pre-submittal neighborhood meeting to the Planning and Transportation Department and neighborhood associations on record with the City that have boundaries within a five-hundred-foot radius of the boundaries of the proposed project site, at least ten days prior to the meeting date.

ii. If the parties receiving notice do not respond, and as a result a pre-submittal neighborhood meeting cannot be scheduled, the petitioner may file the petition and the City may conduct the review procedures established in this UDO.

(D) Meeting Specifics.

i. City staff may attend the pre-submittal neighborhood meeting but are not required to attend nor facilitate the meeting.

ii. The petitioner shall present information about the proposed land uses, dimensional standards, location of buildings, and overall site layout and design. Detailed engineering is not required. The material presented shall be adequate to describe the project features without the need for the petitioner to have retained architects, engineers, or consultants before this meeting.

iii. If a pre-submittal neighborhood meeting is required, and subsequent petition submittals show that the proposed development is larger, taller, or contains significantly different land uses than those presented at the neighborhood meeting, the Planning and Transportation Director may require that an additional neighborhood meeting be held before the petition is accepted.

(E) Requirements for Petition Submittal.

i. Details of the pre-submittal neighborhood meeting, including proof of notification, a meeting summary, and a list of meeting attendees, as well as copies of any exhibits used at the meeting, shall be provided to the Planning and Transportation Department along with the project petition.

ii. Any petition, permit, or process included in this Chapter 20.06 (Administration and Procedures) shall be filed with the Planning and Transportation Department within one hundred eighty days after any pre-submittal neighborhood meeting has been held. If no petition is filed during that period, the Planning and Transportation Director may require that another pre-submittal neighborhood meeting be held before the petition will be accepted.

(c) Petition Submittal and Processing.

(1) Authority to Submit a Petition.

(A) No petition shall be submitted prior to completing required pre-submittal requirements as indicated in Table 06-1 (Summary Table of Review Procedures).

(B) Unless expressly stated otherwise in this UDO, petitions, permits, or processes under this UDO shall be submitted by:

i. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed within the City; or

ii. A person authorized to submit the petition on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner or contract purchaser.

iii. The owner of at least fifty percent of the land involved may initiate a zoning map amendment for that land.

(C) Notwithstanding subsections (A) and (B) above, the Plan Commission and/or Common Council may initiate any action permitted by Indiana Code and other applicable laws.

(2) Petition Submittal Requirements.

(A) Each petition shall include all forms and information required by the City for that type of petition as indicated below:

i. Required petition materials as provided in the City's administrative manual, as those lists may be updated by the Planning and Transportation Department from time to time to reflect best practices.

ii. If the proposal is for a project to be developed in phases the petition shall be for all permits and approvals required for that phase of the project.

(B) The Planning and Transportation Director may waive certain submittal requirements in order to reduce the burden on the petitioner and to tailor the requirements to the information necessary to review a particular petition. The Planning and Transportation Director may waive such requirements upon finding that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. Any such waivers shall be authorized in writing and retained in the project file.

(3) Payment of Fees.

(A) City staff shall maintain an official fee schedule for any petition, permit, or process included in this Chapter 20.06 (Administration and Procedures). Such fees shall be approved by the Plan Commission and, where applicable, the Common Council. The official fee schedule shall be available to the public in the Planning and Transportation Department office.

(B) Fees shall be paid at the Planning and Transportation Department office at the time of petition submittal. When the Planning and Transportation Department has received a complete submittal, the staff shall calculate the total amount of the application fee and any other applicable fees. All payments shall be made to the City of Bloomington.

(C) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any petition, subdivision request, or permit.

(D) No application and inspection fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.

(E) The Plan Commission may waive the application fee for any proposal that is actively being promoted by a unit of local government or quasi-public organization or that involves a local subsidy.

(F) No refunds shall be permitted after a Plan Commission or plat committee hearing on the petition has been held, regardless of whether or not the Plan Commission or plat committee has taken action on the petition.

(4) Completeness of Petition.

(A) On receiving a petition, the Planning and Transportation Director shall determine whether the petition is complete. A complete petition is one that contains all information and materials required by the administrative manual and this UDO for submittal of the particular petition, and that has sufficient detail and readability to evaluate the petition for compliance with applicable review standards of this UDO.

(B) No petition shall be considered complete until all pre-submittal requirements of Section 20.06.040(b) (Pre-Submittal Activities) have been satisfied and all required fees have been paid.

(C) Upon determining that the petition is incomplete, the Planning and Transportation Director or designee, shall notify the petitioner of the submittal deficiencies. The petitioner may correct the deficiencies and resubmit the petition for a determination of completeness until the Planning and Transportation Director determines the petition is complete.

(D) No development petition shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

(E) Upon determining that the petition is complete, the Planning and Transportation Director shall accept the petition for review in accordance with the procedures and standards of this Chapter 20.06 (Administration and Procedures).

(5) Minor Petition Revisions.

(A) A petitioner may revise a petition after receiving notice of compliance deficiencies following staff review according to Section 20.06.040(d) (Staff Review and Action), or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the petition.

(B) Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the petition, as determined by the Planning and Transportation Director.

(C) All other petition revisions shall be processed as a new petition.

(6) Abandoned Petitions. If a petition has not been resubmitted to address staff-noted deficiencies within ninety days after notification of those deficiencies, the petition shall be deemed abandoned and all fees forfeited. The petitioner may request an additional ninety days to address staff-noted deficiencies. Restarting an abandoned petition shall require a new pre-submittal meeting and may be subject to additional fees.

(7) Petition Withdrawal.

(A) After a petition has been accepted, the petitioner may withdraw the petition by submitting a notarized letter to the Planning and Transportation Director before the City takes action by a vote of the decision-making body or by rendering an administrative decision.

(B) A petitioner is not entitled to a refund of application fees for withdrawn petitions. However, the Planning and Transportation Director may refund fees not expended during the first round of staff review if the petition is withdrawn prior to preparation of any official written comments.

(8) Simultaneous Review and Approval.

(A) Whenever a petition requires review under the provisions of more than one permit, approval, or process, the staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent practicable.

(B) Some forms of approval depend on the petitioner having previously received another form of approval or require the petitioner to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this UDO intends to accommodate simultaneous processing, petitioners should note that each of the permits and approvals set forth in this UDO has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval.

(9) Authorization of Site Inspection. By submitting a petition, the petitioner is authorizing City staff to inspect the subject property being considered for development at any reasonable time to obtain the information required for review of compliance with this UDO.

(10) Examination of Petition and Other Documents. Upon reasonable request, and during normal business hours, any person may examine a petition and materials submitted in support of, or in opposition to, a petition in the Planning and Transportation Department office.

(d) Staff Review and Action.

(1) Referral to Staff and Review Agencies. The Planning and Transportation Director shall distribute the complete petition to appropriate staff and appropriate review agencies, per the administrative manual.

(2) Petition Routing.

(A) Referral to Plan Commission.

i. If Table 06-1 (Summary Table of Review Procedures) authorizes staff or the plat committee to make a decision, and the Planning and Transportation Director determines that the application is unusually complex or raises potentially unique or serious impacts on the City or the surrounding neighborhoods, the Planning and Transportation Director may, refer the petition to the Plan Commission for decision pursuant to the same criteria that the staff or the plat committee would have been required to apply to that petition.

ii. In cases where the Planning and Transportation Director refers the decision to the Plan Commission, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(B) Referral to Board of Zoning Appeals.

i. If Table 06-1 (Summary Table of Review Procedures) authorizes the hearing officer to make a decision, and the hearing officer determines that the application is unusually complex or raises potentially unique or serious impacts on the City or the surrounding neighborhoods, the hearing officer may refer the decision to the Board of Zoning Appeals for a decision

pursuant to the same criteria that the hearing officer would have been required to apply to that decision.

ii. In cases where the hearing officer refers the decision to the Board of Zoning Appeals, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(3) Staff Review and Petition Revisions. Staff shall review the petition and shall consult with applicable City departments and participating reviewing agencies with jurisdiction over public health and safety or required public services. Staff shall submit recommendations and comments to the petitioner in a form established by the Planning and Transportation Director. The petitioner shall attend a meeting with the appropriate staff as determined by the Planning and Transportation Director to discuss staff and/or DRC recommendations and comments. The petition will not move forward for further review until the Planning and Transportation Director determines that the petitioner has adequately responded to the City's recommendations and comments, or the petitioner requests that the petition move forward without responding to the City's recommendations and comments.

(4) Petitions Subject to Staff Recommendation.

(A) Staff Report. If a petition is subject to staff review and recommendation to another review and decision-making body as indicated in Table 06-1 (Summary Table of Review Procedures), staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

(B) Distribution and Availability of Petition and Staff Report. The Planning and Transportation Director shall submit a copy of the staff report to the petitioner and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review prior to the public meeting or public hearing at which the petition is scheduled to be heard.

(5) Petitions Subject to Staff Decision.

(A) If a petition is subject to staff review and a final decision by the Planning and Transportation Director, the Planning and Transportation Director shall make a decision based on the review standards applicable to the petition type. The decision shall be in writing and shall clearly state reasons for a denial, conditions of approval, or commitments.

(B) Any appeal of an administrative decision shall be made pursuant to Section 20.06.080(d) (Administrative Appeal).

(6) Approval Criteria.

(A) Applicability.

i. When Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures) cross-reference this Section 20.06.040(d)(6), City review and decision-making bodies shall review all petitions submitted pursuant to this UDO for compliance with the general review criteria stated below.

ii. The petition may also be subject to additional review criteria specific to the type of petition, as set forth in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures).

iii. If there is a conflict between the general review criteria in this section and the specific review criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures), the applicable review criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures) shall control.

(B) General Compliance Criteria. All petitions shall be subject to review pursuant to the following criteria and shall only be approved if they comply with these criteria.

i. Compliance with this UDO. The proposed use and development shall comply with all applicable standards in this UDO, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

ii. Compliance with Other Applicable Regulations. The proposed use and development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

iii. Compliance with Utility, Service, and Improvement Standards.

1. As applicable, the proposed use and development shall comply with federal, state, county, service district, City, and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

2. Municipal sewer and water hookup are required for all developments except for instances where written approvals by the City utilities department and the county health department grant an exception to the hookup requirement. All sewer and water facilities shall meet the design specifications of the City utilities department.

3. When public improvements are required, the petitioner or authorized representative shall post performance and maintenance guarantees for such improvements. Such financial guarantees shall be submitted, reviewed, and approved per Section 20.06.060(c)(3)(E)iii. (Financial Bond Required).

iv. Compliance with Prior Approvals. The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

(C) Additional Criteria Applicable to Conditional Uses.

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

ii. Provides Adequate Public Services and Facilities. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

iii. Minimizes or Mitigates Adverse Impacts.

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

2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.

3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.

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

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

(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs).

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

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

iii. Minimization or Mitigation of Adverse Impacts.

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

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

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

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

iv. Adequacy of Road Systems.

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road

conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

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

v. Provides Adequate Public Services and Facilities. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

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

(7) Conditions of Approval.

(A) Where this UDO authorizes a review body to approve or deny a petition subject to applicable criteria, the review body may approve the petition with conditions necessary to bring the proposed development into compliance with this UDO or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.

(B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this UDO.

(C) No conditions of approval shall be less restrictive than the requirements of this UDO, except where the UDO expressly allows deviations.

(D) Any condition of approval that requires a petitioner to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of petitioners shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(E) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

(F) Unless otherwise provided in this UDO, any representations of the petitioner in submittal materials or during public hearings shall be binding as conditions of approval.

(G) Any conditions shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this UDO.

(8) Commitments.

(A) Authority. The final review body of the petition types listed below may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or

development of that parcel where the making of such commitment will further the goals of the Comprehensive Plan or this UDO:

i. Site plan review, minor;

ii. Site plan review, major;

iii. Conditional Use permit;

iv. Zoning map amendment;

v. Rezoning to Planned Unit Development (PUD); and

vi. Variance.

(B) Approval Procedure. The procedure by which the final review body allows or requires a written commitment shall be the same as the procedure set forth in this UDO for the underlying development or ordinance proposal, but no additional notice or hearing shall be required for the consideration or approval of a commitment.

(C) Recording. A commitment established under this UDO shall be recorded in the county recorder's office upon approval of the proposal and prior to issuance of any certificates of zoning compliance for the area involved in the proposal. The petitioner shall deliver one copy of the recorded commitment instrument to the Planning and Transportation Department within ten business days after recording.

(D) Effect of Commitments. A commitment made under this UDO takes effect upon approval of the proposal (i.e., adoption of an ordinance changing the zoning map, designating a Planned Unit Development zoning district, or approval of a final plan) in connection with which the commitment is made. An unrecorded commitment is binding upon the owner of the parcel but is only binding upon a subsequent owner or other person acquiring an interest in the parcel if that person has actual notice of the commitment. A recorded commitment is binding upon any subsequent owner and any person acquiring an interest in the parcel.

(E) Right to Enforce Commitments.

i. The City may enforce any commitment allowed or required by the decision-making body as if the commitment were a standard of the UDO.

ii. A written commitment shall be enforceable by any property owner adjacent to the parcel of real estate that was the subject of the underlying petition in connection with which the commitment was made, or other interested party as defined by the applicable rules of procedure.

(F) Modification or Termination.

i. The Plan Commission shall not delegate the authority to modify or terminate a commitment to another entity.

ii. The hearing officer may not modify or terminate any commitment, whether made by the hearing officer or under Indiana Code § 36-7-4-1015, as amended. Commitments made by the hearing officer may be only modified by the Board of Zoning Appeals.

iii. When a commitment has been allowed or required in conjunction with a petition under this UDO, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the Plan Commission for modification or termination of the commitment.

iv. The Plan Commission may approve modification or termination after notice and public hearing in any case where the modification or termination will further the goals of the Comprehensive Plan or this UDO.

v. The petitioner shall record the modification or termination instrument in the office of the Monroe County Recorder. The petitioner shall deliver one copy of the recorded modification or termination instrument to the Planning and Transportation Department within ten business days after recording. No certificate of zoning compliance for the area involved in the proposal may be issued until the modification or termination instrument has been recorded.

(e) Scheduling and Notice of Public Hearings.

(1) Scheduling.

(A) When the staff determines that a petition is complete and that a public hearing is required as indicated in Table 06-1 (Summary Table of Review Procedures), the staff shall place the item on the next agenda with space available pursuant to the rules of procedure of the appropriate decision-making body.

(B) The public hearing shall be scheduled to allow sufficient time to prepare a staff report per Section 20.06.040(d) (Staff Review and Action).

(2) Public Hearing Notice.

(A) General Notice Requirements. All public hearings required by this UDO shall be preceded by the notices identified in Table 06-1 (Summary Table of Review Procedures) and in accordance with Indiana Code § 5-3-1-2 and Indiana Code § 36-7-4-604 and Indiana Code § 36-7-4-706, as amended. Persons with specific issues or concerns regarding a proposed petition are encouraged to contact the Planning and Transportation Department in writing, by phone, or in person prior to the hearing.

(B) Responsibility for Notice. The City shall be responsible for the accuracy of and proper publication of notice of the public hearing. The petitioner shall be responsible for mailing and posting of notice of the public hearing and maintaining posted notices after they have been posted on the site.

(C) Notice Content. All required notices shall state:

i. The time and place of the hearing;

ii. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies; or the geographic area that is the subject of the zoning map change;

iii. A summary of the subject matter contained in the proposal; or a summary of the subject matter contained in the proposal that describes any new or changed provisions; or a description of the proposed change in the zoning maps;

iv. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

v. The place where a copy of the proposal is on file for examination before the hearing;

vi. That written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;

vii. That oral comments concerning the proposal will be heard; and

viii. That the hearing may be continued from time to time as may be found necessary.

(D) Notice to Interested Parties. All public hearings required by this UDO or by state law shall be sent to interested parties in accordance with the following:

i. "Interested parties" shall include the following:

1. All persons owning land adjacent and contiguous to the property included in the petition or proposal. All persons owning land within three hundred linear feet from the subiect parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, shall be interested parties.

a. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.

b. Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner.

c. Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

ii. In order to determine the names and addresses of property owners to whom notice shall be sent, staff shall consult either the current plat book and computerized ownership records located in the office of the auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address.

iii. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record.

(E) Notice to Adjacent Governmental Entities. In a proceeding involving a petition for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the City to the planning agency of the governmental unit abutting such land.

(3) Notice Format and Timeframes.

(A) Published Notice. Published notice shall be distributed in a newspaper in accordance with Indiana Code § 5-3-1 (Publication Procedures), at least ten days prior to the initial scheduled public hearing before the Plan Commission, Board of Zoning Appeals, plat committee, or hearing officer.

(B) Mailed Notice. Mailed notices shall be postmarked and sent via first class mail to all interested parties at least ten days before the date of the initial scheduled public hearing before the Plan Commission, Plat Committee, Hearing Officer, or Board of Zoning Appeals.

i. Proof of Notice. The Planning and Transportation Department shall retain proof of notice within the petition file pursuant to the administrative manual.

ii. Verification of Proper Notice. City staff shall verify proper noticing pursuant to the administrative manual and shall advise the decision-making body at its initial public hearing of any omissions or deficiencies in the proof of notice.

iii. Inadequate Notice. If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making

body, such petition may be continued to a later date to allow proper notice to all interested parties.

(C) Posted Notice.

i. Required posted notice shall include at least one sign per street frontage on the subject property at least twenty-one days prior to the scheduled public hearing before the Plan Commission or Board of Zoning Appeals and at least ten days prior to the scheduled public hearing before the plat committee or hearing officer.

ii. The required sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

(4) Minor Defects in Notice Shall Not Invalidate Proceedings.

(A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(B) Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.

(C) In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

(f) Appearance Waives Defects. Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.

(g) Review and Decision.

(1) Hearing, Review, and Decision.

(A) The petition shall be subject to review, hearings, recommendations, and decisions as indicated in Table 06-1 (Summary Table of Review Procedures).

(B) If the petition is subject to a public hearing, the applicable review or decision-making body shall hold a public hearing in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(C) The applicable review or decision-making body shall consider the following:

i. The written statement and supportive material submitted by the petitioner;

ii. Any commitments or conditions of approval attendant to prior approvals;

iii. The testimony of the petitioner;

iv. The testimony of the public during the public hearing, when applicable;

v. Any requirements of the members of the development review committee;

vi. The Planning and Transportation Department report; and

vii. Such other additional information as may be required by the review or decision-making body to evaluate the petition.

(D) The applicable review or decision-making body shall approve, approve with conditions, or deny the petition based on the applicable approval criteria listed in the petition-specific procedures in Sections 20.06.050 (Development Permits and Procedures) through 20.06.080 (Flexibility and Relief Procedures). The review or decision-making body may also continue the hearing in accordance with the review or decision-making body's adopted rules and procedures.

(E) If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

(F) The review or decision-making body may incorporate or require, as part of a condition of approval or commitment, a written agreement between the petitioner and the City that enforces the conditions or commitments. All conditions and commitments shall comply with the limitations in Sections 20.06.040(d)(7) (Conditions of Approval) and 20.06.040(d)(8) (Commitments), as applicable.

(G) The applicable review or decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

(2) Public Hearing Procedures. Whenever a public hearing is required by this UDO or by state law, the following public hearing procedures shall apply:

(A) Attendance. The petitioner is required to be present at the public hearing to address and discuss comments and concerns posed by the review or decision-making body. Failure to appear shall result in the petition being dealt with as outlined in the review or decision-making body's rules of procedure.

(B) Actions by Review or Decision-Making Bodies and Officers. All decisions shall include a brief summary of the matter being acted upon, and a clear statement of approval, approval with conditions, or disapproval. Conditions of approval and commitments shall be clearly stated and enumerated.

i. Action by Board of Zoning Appeals. Action by the Board of Zoning Appeals shall be final.

ii. Action by Plan Commission. In the instance where the Plan Commission has final authority, action by the Plan Commission shall be final. When the Plan Commission action is advisory to the Common Council, the Planning and Transportation Director shall certify the Plan Commission recommendation to the Common Council pursuant to Indiana Code § 36-7-4 (Local Planning and Zoning). When the Plan Commission action is advisory to any other body or agency, the staff shall forward such recommendation to that body or agency.

iii. Action by Common Council. The Common Council shall act on any petition forwarded by the Plan Commission within the time period specified and, in the manner set forth in Indiana Code § 36-7-4 (Local Planning and Zoning). Additionally, the mayor may exercise his or her authority to veto an action of the Common Council pursuant to Section 2.04.350 (Veto Procedure) of the Bloomington Municipal Code. The Common Council may override a mayoral veto pursuant to Section 2.04.350(d) of the Bloomington Municipal Code.

(h) Post-Decision Actions and Limitations.

(1) Expiration of Approval.

(A) A petition approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this UDO.

(B) A change in ownership of the land shall not affect the established expiration time period of an approval.

(C) The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to

the expiration date. The final approval authority shall determine whether or not there is reasonable cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

(2) Bound by Submissions. A recipient of any permit or other approval under this UDO shall be bound by the representations and information submitted in the original petition and in any revision, amendment, or supplement to the original petition that is provided to the reviewing authority prior to issuance of the permit or other approval except with respect to any detail that is clearly neither regulated by a provision of this UDO or other applicable law or regulation, nor expressly required as a commitment or condition of approval by the reviewing authority.

(3) Modification or Amendment of Approval. The following provisions apply to all proposed modifications or amendments of approvals previously granted by the City unless another provision of this UDO provides different standards, criteria, or procedures for modifications or amendments to specific types of approvals.

(A) Minor Changes Allowed. Development authorized by any approval under this UDO may incorporate minor changes from the approved plan, or permit, without the need for a new petition, provided that the Planning and Transportation Director determines that the proposed changes:

i. Comply with the standards of this UDO;

ii. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as originally approved.

(B) Major Changes. Any modification of an approved plan or permit that the Planning and Transportation Director determines does not meet the criteria in subsection (A) above shall require a new petition that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original petition.

(4) Limitation on Subsequent Similar Petitions. Following denial of a petition, the decision-making body shall not decide on petitions that are the same or substantially similar within one year of the previous denial, or in accordance with Indiana Code § 36-7-4-609, as amended. This waiting period may be waived by the decision-making body provided that:

(A) There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous petition review; or

(B) The new petition is materially different from the previous petition.

(5) Appeals. Unless a different procedure is provided in Section 20.06.080(d) (Administrative Appeal) or another provision of this UDO, the following provisions apply to appeals of decisions under this UDO.

(A) Staff or Hearing Officer Decision. A staff decision may be appealed to the Board of Zoning Appeals pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within ten days of staff's or the hearing officer's decision.

(B) Plan Commission, Board of Zoning Appeals, or Common Council Decision. Any person that has standing to obtain judicial review of a zoning decision as established in Indiana Code § 36-7-4-1603 (Standing) may appeal a zoning decision made by the Plan Commission according to the judicial review process established in Indiana Code § 36-7-4-1600 (Judicial Review). Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located and shall be filed no later than thirty days after the date of the zoning decision.

(C) Plat Committee Decision. A plat committee decision may be appealed to the Plan Commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within ten days of the plat committee's decision.

(D) Time of Expiration During Appeals. If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under subsections (A) through (C).

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-06, § II(Att. A), 4-10-2024)

20.06.050 Development permits and procedures.

(a) Site Plan Review.

(1) Purpose. The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:

(A) Promote well-planned and well-designed use of property;

(B) Promote a high character of community development;

(C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;

(D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;

(E) Determine compliance with the standards of this UDO;

(F) Protect environmental quality; and

(G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) Applicability.

(A) Activities Subject to Site Plan Review. Site plan review is required prior to the issuance of a building permit and/or construction of physical site improvements. Site plan review is required for all development and changes in use subject to this UDO, including the following, unless exempted by subsection (B) below:

i. New building construction;

ii. Newly established uses of land;

iii. Expansions, alterations, or modifications of existing structures or sites for commercial, public, institutional, civic, employment, utilities and communication, group living, and multifamily residential uses of property within the City that result in increased occupancy or intensity of use; and

iv. Creation or expansion of any vehicular parking area.

(B) Activities Exempt from Site Plan Review. Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO and building permit review:

i. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings; and

ii. Construction or erection of accessory buildings, fences, hedges, or walls; and

iii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.

iv. Projects that fall below the thresholds for minor site plan review in Section 20.06.050(a)(2)(C)i.

(C) Thresholds for Minor and Major Site Plan Review. Site plan review is conducted by the Planning and Transportation Director or the Plan Commission, based on the thresholds below:

i. Minor Site Plan Review. Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B) (Activities Exempt from Site Plan Review), or the project meets or exceeds the thresholds requiring major site plan review under Section 20.06.050(a)(2)(C)ii. (Major Site Plan Review).

1. A change in use that involves or requires site improvements;

2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.06.050(a)(2)(C)ii.;

3. Development that contains twenty thousand square feet or less of new non-residential gross floor area;

4. Development that contains fifty dwelling units or less;

5. The alteration of any vehicular parking area;

6. Petitions for a site development permit; or

7. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district such project does not contain more than seventy-five dwelling units.

ii. Major Site Plan Review. Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B) (Activities Exempt from Site Plan Review):

1. Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the City or surrounding neighborhoods; or

2. Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.

3. Anything that exceeds minor site plan review thresholds.

(3) Minor Site Plan Review Process. Figure 06.05-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-1: Summary of Minor Site Plan Review Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

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

(C) Staff Review and Action.

i. Generally.

1. The Planning and Transportation Director shall review the minor site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

2. Alternatively, the Planning and Transportation Director may refer the petition to the Plan Commission pursuant to Section 20.06.040(d)(2) (Petition Routing).

ii. Commitments. The Planning and Transportation Director may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain. Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

(D) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Notification of Findings. The Planning and Transportation Director shall make and sign written findings concerning each decision to approve or disapprove a minor site plan, and such written findings shall be made available to the petitioner.

ii. Expiration of Approval. Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Planning and Transportation Director grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. Modification or Amendment of Approval. An approved minor site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

iv. Appeal. Any person, other than the petitioner, aggrieved by a minor site plan decision by the Planning and Transportation Director may appeal the decision to the Plan Commission. Such appeal shall be filed in the Planning and Transportation Department within ten days of the staff's decision. The appeal shall specify the grounds for the appeal and shall be filed in the form established by the Plan Commission rules of procedure. All appeals shall be accompanied by fees required by the Plan Commission rules of procedure.

(4) Major Site Plan Review Process. Figure 06.05-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to major site plan review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-2: Summary of Major Site Plan Review Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

(C) Staff Review and Action. The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(D) Scheduling and Notice of Public Hearings. The major site plan petition shall be scheduled for a public hearing before the Plan Commission and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision.

i. Generally. The Plan Commission shall review the major site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. Commitments. The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain. Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Notification of Findings. The Plan Commission shall make written findings concerning each decision to approve or disapprove a major site plan, and such findings shall be made available to the petitioner.

ii. Expiration of Approval. Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. Modification or Amendment of Approval. An approved major site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

(b) Conditional Use Permit.

(1) Purpose. The Conditional Use permit procedure provides a mechanism for the City to evaluate proposed land uses in a particular zoning district and to establish certain conditions to address unique characteristics associated with the proposed land use. The use shall be permitted by the Board of Zoning Appeals or hearing officer if it is determined that the listed conditions are met.

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

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

Figure 06.05-3: Summary of Conditional Use Permit Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting or a pre-submittal neighborhood meeting.

iii. For petitions subject to review and decision by the Board of Appeals, a Development Review Committee meeting and pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting). The requirements of Sections 20.06.050(b)(3)(D) and 20.06.050(b)(3)(E)(v) apply to conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2, or R3 zoning districts.

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

(C) Staff Review and Action. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings. The conditional use permit petition shall be scheduled for a public hearing before the Board of Zoning Appeals or Hearing Officer and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings). Conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2 or R3 zoning districts shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with Section 20.06.040(e).

(E) Review and Decision.

i. Generally. The hearing officer or Board of Zoning Appeals shall review the Conditional Use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7) (Conditions of Approval), based on the general approval

criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

ii. Floodway and Floodway Fringe Development.

1. No Conditional Use shall be approved until a permit citing the one hundred year flood elevation and the recommended flood protection grade, or a letter stating that no permit is required, has been obtained from the Indiana Department of Natural Resources (DNR) and all conditions and specifications of that permit and other applicable DNR regulations are met.

2. Development shall not increase the elevation of the regulatory flood beyond the limits allowed by state and federal regulations.

3. On-site waste disposal systems such as sewage treatment plants shall be located so as to avoid their impairment and to avoid contamination during the occurrence of the regulatory flood. No septic systems shall be installed within either floodway or floodway fringe areas.

4. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted provided that all manholes or other above ground openings are located at or above the flood protection grade, or those which are located below the flood protection grade are watertight.

iii. Historic Adaptive Re-Use. The following shall apply to any adaptive use, protection, or restoration of a historic resource for a land use not specifically permitted in the zoning district pursuant to Table 03-1 (Allowed Use Table).

1. The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of petition for Conditional Use Approval.

2. The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.

3. The proposed use shall enhance the ability to restore and/or preserve the property.

4. The granting of the Conditional Use Approval shall be contingent upon any required certificate of appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

iv. Quarry Adaptive Re-Use.

1. The petitioner shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.

2. The proposed adaptive re-use shall retain, to the greatest extent possible, the existing quarry features to preserve the region's quarry heritage.

3. Land use decisions shall be made in consideration of the dominant land use patterns that surround each site.

4. The proposed adaptive re-use shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.

5. An environmental mitigation plan shall be submitted with the Conditional Use petition. The environmental mitigation plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards. All environmental mitigation plans shall meet the standards of the City utilities department, as well as any applicable state and federal requirements.

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

vi. Commitments.

1. The board of zoning appeals or hearing officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a Conditional Use permit in accordance with Section 20.06.040(d)(8) (Commitments).

2. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval of a Conditional Use. The granting of a Conditional Use authorizes the use and establishes the terms of use. Conditional Uses are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits and approvals shall be obtained before any grading, construction, or use commences.

ii. Duration. A Conditional Use permit granted by the Board of Zoning Appeals or the hearing officer shall expire:

1. Two years after the date granted by the Board of Zoning Appeals or hearing officer, unless:

a. A building permit has been obtained and construction of the structure or structures has commenced; or

b. An occupancy permit has been obtained and the use has commenced; or

2. At the date of termination established by the Board of Zoning Appeals or hearing officer as a condition or commitment if different from subsection (1) above.

iii. Modification or Amendment of Approval.

1. Any modification or intensification of a Conditional Use that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals or hearing officer at the time the Conditional Use was granted shall require a new Conditional Use Approval.

2. The Planning and Transportation Director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Conditional Use as approved. The operator of the Conditional Use shall provide the Planning and Transportation Director with all the necessary information to render this determination.

3. In the case where the Planning and Transportation Director determines a new Conditional Use permit is required, a petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) and this Section 20.06.050(b) (Conditional Use Permit).

4. The hearing officer may hear requests for amendments to a Conditional Use, if authorized by the Plan Commission.

(c) Demolition Delay Permit.

(1) Purpose. The demolition delay permit procedure is intended to ensure that potentially historic structures are protected from demolition or alteration.

(2) Applicability.

(A) This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(B) No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection (c).

(3) Demolition Delay Permit Review Process. Figure 06.05-4 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to demolition delay permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-4: Summary of Demolition Delay Permit Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing.

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

ii. If a petition for demolition or partial demolition that is subject to the demolition delay procedures of this UDO is withdrawn by the petitioner, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn petition shall be issued.

(C) Staff Review and Action.

i. Notice to Property Owner and Housing and Neighborhood Development Director.

1. Upon receiving a petition for a demolition or partial demolition covered by this Section 20.06.050(c) (Demolition Delay Permit), the Planning and Transportation Director shall give notice to the housing and neighborhood development director and to the property owner, or his/her representative. Such notice shall advise the property owner that the permit petition may need to be amended to include materials required by Section 20.06.050(a) (Site Plan Review) and the rules and regulations of the Historic Preservation Commission, in order for the petition to be considered complete.

2. Not later than thirty days after such notice is given by the Planning and Transportation Director, the housing and neighborhood development director shall give notice to the chairperson of the Historic Preservation Commission and to the property owner, if the one-hundred-twenty-day waiting period is to be imposed pursuant to section 20.06.050(c)(3)(C)ii. (Waiting Period).

ii. Waiting Period.

1. Determination of Waiting Period. The ninety-day period shall apply in all cases unless the housing and neighborhood development director, or his/her designee, finds that an additional thirty-day delay period is needed in order for the Historic Preservation Commission to responsibly consider and determine whether to recommend designation of the property. The housing and neighborhood development director shall make such finding only where:

a. There are multiple demolition permits and/or historic designation proposals pending or expected to come before the Historic Preservation Commission during the ninety-day period; or

b. The demolition request presents unusually complex public policy issues due to the location or survey classification of the structure; or

c. The structure is located within an area that contains multiple surveyed properties, it is located within an area designated on the National Register of Historic Places, or the survey classification of the structure proposed for demolition or partial demolition is "notable" or "outstanding."

2. Early Termination of Waiting Period. The remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued if within the ninety- or one-hundred-twenty-day period one of the following occurs and all other requirements of this UDO are satisfied:

a. The Historic Preservation Commission votes affirmatively not to recommend local historic designation to the Common Council; or

b. The Historic Preservation Commission votes on a motion to recommend local designation and the motion fails; or

c. In cases of contributing structures in a single family district, staff for the Historic Preservation Commission decides not to recommend local historic designation to the Historic Preservation Commission and Common Council based on the same review criteria used by the Historic Preservation Commission when determining if a property should be recommended for local historic designation; or

d. The Common Council disapproves a recommended local historic designation of the subject property.

3. Waiting Period Limited to Once per Year.

a. No structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until one year has passed from the date of expiration of the first waiting period.

b. During this one-year period, no action of the Historic Preservation Commission or the Common Council may prevent issuance or effect revocation of a certificate of zoning compliance or demolition permit that is otherwise properly issued or petition that meets all requirements of the Bloomington Municipal Code and this UDO.

c. This provision shall not apply except to the extent that the work covered by the certificate of zoning compliance or demolition or partial demolition permit, or petition for such a certificate or permit, is substantially identical to the work shown in the submission that occasioned the first waiting period.

d. For purposes of this Section 20.06.050(c)(3)(C)ii. (Waiting Period).

i. "Work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith;

ii. "Substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view; and

iii. "Submission" shall mean the submission that is authorized to receive approval pursuant to Section 20.06.040(c) (Petition Submittal and Processing) of this Chapter 20.06 (Administration and Procedures).

4. Emergency Waiver of Waiting Period. The waiting period may be waived upon a written determination by the City's housing and neighborhood development department that there is an emergency condition dangerous to life, health, or property that requires demolition prior to the expiration of the waiting period.

(D) Scheduling and Notice of Hearings.

i. Discretionary Hearing. The Historic Preservation Commission may conduct a hearing, at its sole discretion, during the waiting period, to determine if any structure described below should be recommended for local designation by the Common Council:

1. A "Contributing" structure located in any of multifamily or mixed-use zoning district.

2. A "Contributing" structure located in the R1, R2, R3, or R4 zoning districts if the staff for the HPC determines that a review of the petition necessitates full HPC review.

3. A "notable" structure located in any zoning district of the City.

4. An "outstanding" structure located in any zoning district of the City.

ii. Posted Notice Required.

1. Generally.

a. Within three business days of receiving notice by the Planning and Transportation Director that his/her property is subject to the waiting period provisions of this section, the owner shall place upon the property where the structure is located, in plain public view, a notice to the public of the proposed demolition or partial demolition of the structure.

b. The notice shall be in such form as approved by the staff and shall remain in place until termination of the waiting period.

c. Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the Planning and Transportation Director, during which the notice was not properly in place.

2. Exemption to Posted Notice.

a. This section shall not apply to a petition for partial demolition of a property classified as "contributing" in any single-family district if staff for the Historic Preservation Commission reviews and releases the petition.

i. Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the Historic Preservation Commission as outlined in Section 2.16.010(c) (Composition) of the Bloomington Municipal Code.

ii. If within seven business days of the receipt of a petition the staff has not taken steps to forward the matter to the Historic Preservation Commission for further review, the petition shall be released automatically and the provisions of Section 20.06.050(c) (Demolition Delay Permit) shall apply.

iii. Staff's decision shall be based on the same criteria used by the Historic Preservation Commission when it renders a determination about whether or not a property should be recommended for local historic designation.

b. If staff for the Historic Preservation Commission determines that full Historic Preservation Commission review of a petition for a partial demolition of a property classified as "contributing" in a single-family district is necessary, then the owner shall post the notice described in subsection D.ii.1. above on the property.

(E) Review and Decision.

i. After expiration of the waiting period, which shall include early termination of the waiting period, a certificate of zoning compliance authorizing demolition shall be issued if the property owner has submitted a complete petition and all other requirements of the Bloomington Municipal Code and this UDO are met.

ii. For any structure that is exempt from the waiting period of this section, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the Planning and Transportation Department of a complete petition, provided all other requirements of the Bloomington Municipal Code and this UDO are met.

iii. If within the ninety- or one-hundred-twenty-day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:

1. Upon termination of interim protection without historic or conservation district designation being placed upon the property; or

2. Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. The recipient of a permit or other approval subject to this section shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission and may not deviate from such depiction, except as modified and approved at one or more public meetings of the Historic Preservation Commission, without applying for a new certificate of zoning compliance, petition for which shall commence a new waiting period.

ii. No action of the Historic Preservation Commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period. The demolition delay approval by the Historic Preservation Commission shall expire one year after the approval is issued.

(d) Floodplain Development Permit.

(1) Purpose. The floodplain development permit procedure is intended to minimize public and private losses due to flood conditions in specific areas and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all floodplain development activities.

(2) Applicability.

(A) No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. ~~In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.~~

(B) Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state

law and all other applicable rules, regulations, standards and specifications of the City regarding development within a floodplain.

(C) The following activities are exempt from requiring a floodplain development permit- installation of underground utilities that do not require any fill, construction of sidewalks or similar features at existing grade, and signs.

(3) Floodplain Development Permit Review Process. Figure 06.05-5 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to floodplain development permit review. Additions or modifications to the common review procedures are noted below.

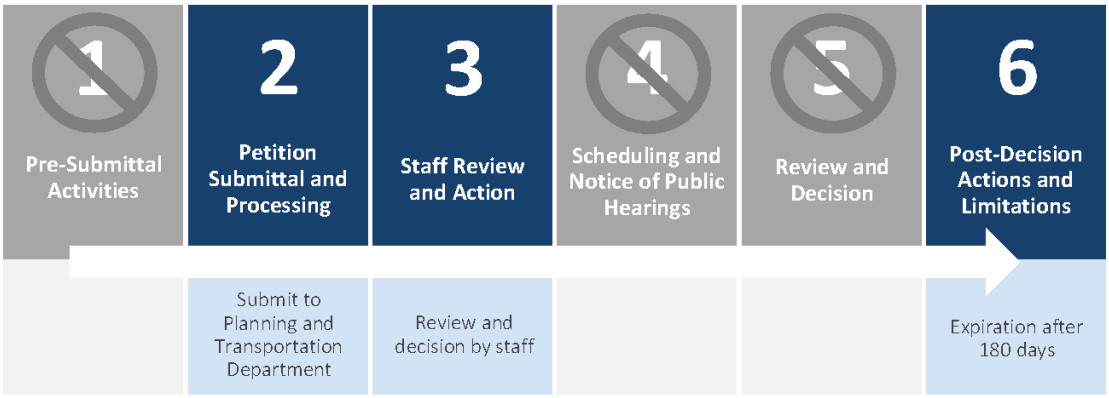


Figure 06.05-5: Summary of Floodplain Development Permit Procedure

(A) Petition Submittal and Processing. The floodplain development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements. The petition shall include, but not be limited to, the following documents:

1. A description of the proposed development;

2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;

3. A legal description of the property site;

4. A site development plan showing existing and proposed development locations and existing and proposed land grades;

5. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed; and

7. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a letter of map revision.

ii. Submittal to the Indiana Department of Natural Resources. If the site is in an identified floodway pursuant to Section 20.04.040(c)(1) (Basis for Establishing Regulatory Flood Data),

the floodplain administrator shall require the petitioner to forward the petition, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway.

iii. Petitions Involving Channel Modifications or Fill. For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(B) Staff Review and Action. The floodplain administrator shall review the floodplain development permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria:

i. Ensure that all necessary federal or state permits have been received prior to issuance of the floodplain development permit;

ii. Under the provisions of Indiana Code § 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (Indiana Code § 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

iii. No action shall be taken by the floodplain administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the floodplain administrator may issue the local floodplain development permit, provided the provisions contained in this UDO have been met. The floodplain development permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources.

iv. No development shall be allowed, which acting alone or in combination with existing or future development, will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least 0.15 of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Duration.

1. Floodplain development permits shall be valid for a period of one hundred eighty days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.

2. At the written request of the petitioner, the City may extend the period one or more times for up to a maximum of an additional one hundred eighty days. The City may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this UDO.

ii. Changes or Amendments.

1. The petitioner may submit revisions or amendments to an approved floodplain development permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved floodplain development permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.

2. Changes to the floodplain development permit shall be approved in writing.

iii. Construction Stage

1. Inspections Required. The floodplain administrator shall perform a minimum of three inspections to ensure that all applicable floodplain development requirements have been satisfied:

a. The first upon the establishment of the flood protection grade reference mark at the development site;

b. The second upon the establishment of the structure's footprint/establishment of the lowest floor; and

c. The final inspection upon completion and submission of the required finished construction elevation certificate. Authorized City officials shall have the right to enter and inspect properties located in the SFHA.

2. Certification.

a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the petitioner to submit to the floodplain administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The floodplain administrator shall review the lowest floor elevation survey data submitted. The petitioner shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the petitioner's risk.

b. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the petitioner to submit to the floodplain administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. The floodplain administrator shall review the floodproofing certification submitted. The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to

make correction required shall be cause to issue a stop-work order for the project.

c. Upon completion of construction, an elevation certification (FEMA elevation certificate form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the floodplain administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA floodproofing certificate form 81-65 or any future updates) is required to be submitted by the applicant to the floodplain administrator.

3. Stop Work Orders.

a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this UDO shall immediately cease.

b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

iv. Revocation of Permits.

1. The floodplain administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

2. The floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.

(e) Site Development Permit.

(1) Purpose. The site development permit procedure is intended to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all site development activities.

(2) Applicability. No site development activity shall occur on platted or unplatted lands in any zoning district, unless a site development permit for such activity has been issued.

(A) Exemptions.

i. Site development activity on lots containing the uses: dwelling, single-family (attached); dwelling, single-family (detached); dwelling, duplex; dwelling, triplex; or dwelling, fourplex.

ii. Site development activity containing only new buildings or changes, alterations, or additions to an existing building or site~~,~~ with no additional improvements required.

iii. Site development activity containing only new signs, or changes, alterations, or additions to a sign.

iv. Site development activity containing related to an approved temporary use.

(3) Site Development Permit Review Process. Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to site development permit review. Additions or modifications to the common review procedures are noted below.

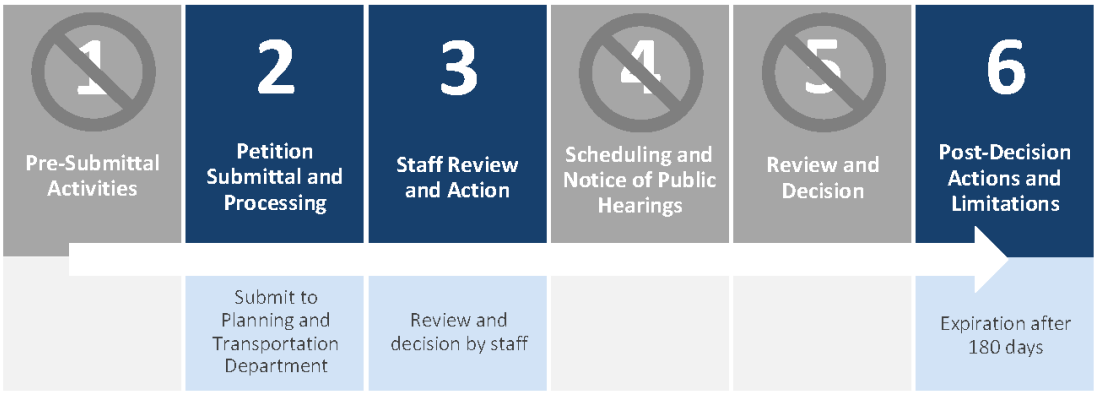


Figure 06.05-6: Summary of Site Development Permit Procedure

(A) Petition Submittal and Processing. The site development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements. The petition shall include, but not be limited to, the following documents:

1. Verification of site plan approval when such approval is required;

2. Construction plan including all proposed site improvements;

3. Topography of the site - proposed and existing two-foot contours;

4. Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.

(B) Staff Review and Action. The planning and transportation staff shall review the site development permit petition and approve, approve with conditions, or deny the petition within twenty working days of the receipt of a complete petition and all supportive documents in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria.

i. Construction Plan. The construction plans shall include all required and proposed environmental protections including but not limited to: tree protection zones, easements and setbacks from environmental features and conservation areas; as well as all required and proposed site improvements. The requirements are further detailed in the Administrative Manual.

ii. Planned Unit Development Approval. An approved final plan shall be in place prior to the issuance of a site development~~grading~~ permit.

iii. Stormwater Permit. If required by Title 13 (Stormwater) in the Bloomington Municipal Code, petitioner must submit an application for a stormwater management permit to the City of Bloomington Utilities Department at the time of application for the site development permit.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Duration.

1. Site development permits shall be valid for a period of one hundred eighty days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.

2. At the written request of the petitioner, the city may extend the period one or more times for up to a maximum of an additional one hundred eighty days.

ii. Changes or Amendments.

1. The petitioner may submit revisions or amendments to an approved site development permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved site development permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.

2. Changes to the site development permit shall be approved in writing.

(f) Certificate of Zoning Compliance.

(1) Purpose. The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability.

(A) Generally.

i. A Certificate of Zoning Compliance shall be required for any of the following activities:

1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;

2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change in Use);

3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;

4. Site development, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.

5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section 20.06.050(a) (Site Plan Review), and shall comply with the requirements of Section 20.04.030(h) (Tree and Forest Preservation).

6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or

structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of Historic Preservation Commission or its staff.

ii. A single certificate of zoning compliance may be issued for a combination of such actions if they occur together. Any petition for a certificate of zoning compliance, permit, or other approval for an action described in subsection (A)i.6. above shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit).

(B) Exemptions. Activities involving the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning and Transportation Department, are exempt from receiving a certificate of zoning compliance, unless such removal decreases the baseline canopy cover.

(3) Certificate of Zoning Compliance Review Process. Figure 06.05-7 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of zoning compliance review. Additions or modifications to the common review procedures are noted below.

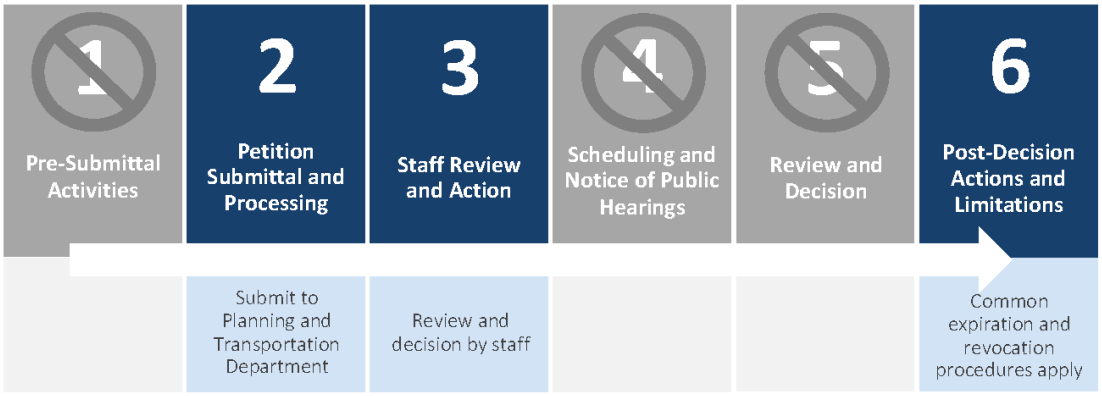


Figure 06.05-7: Summary of Certificate of Zoning Compliance Procedure

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

(B) Staff Review and Action. The Planning and Transportation Director shall review the certificate of zoning compliance petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Expiration of Approval. Approval of a certificate of zoning compliance shall be effective for a maximum period of one year unless:

1. Construction under a valid site development permit or building permit has commenced and is ongoing; or

2. Upon petition, the Planning and Transportation Director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration of Approval).

(g) Certificate of Occupancy.

(1) Purpose. The certificate of occupancy procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability.

(A) Generally. A certificate of occupancy shall be obtained prior to a building or structure being occupied or used in each of the following situations, except for detached single-family dwellings:

i. Occupancy or use of any new building or structure;

ii. Re-use or re-occupancy of any existing building or structure that requires either a permit from the county building department or a certificate of zoning compliance from the Planning and Transportation Department;

iii. Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.

(B) Certificate of Occupancy Required. If a certificate of occupancy is required pursuant to subsection (A) above, it is unlawful and a violation of this UDO for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until a temporary or final certificate of occupancy has been granted. Any violation of this provision shall be subject to a stop work order, mitigation, and/or fines and penalties as specified in Section 20.06.100 (Enforcement and Penalties).

(3) Certificate of Occupancy Review Process. Figure 06.05-8 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of occupancy review. Additions or modifications to the common review procedures are noted below.

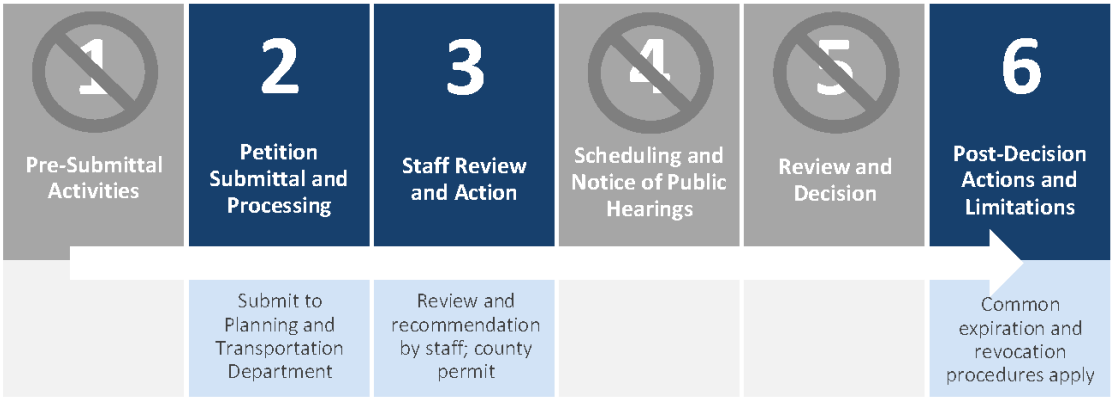


Figure 06.05-8: Summary of Certificate of Occupancy Procedure

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

(B) Staff Review and Action.

i. Temporary Certificate of Occupancy.

1. For a recommendation for a temporary certificate of occupancy to be issued each of the following shall be successfully completed:

a. Installation of required public and internal sidewalk improvements;

b. Installation of required parking areas surfaced and striped, including installation of upright ADA signage; and

c. Safe ingress and egress from all principal buildings.

2. All recommendations for a temporary certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.

3. A recommendation for a final certificate of occupancy shall be obtained within six months~~weeks~~ of the date of the recommendation for the temporary certificate of occupancy. Due to weather or other circumstances, this period may be extended once for a period of up to six months at the discretion of the Planning and Transportation Director or designee.

ii. Final Certificate of Occupancy.

1. For a recommendation for a final certificate of occupancy to be issued, the installation of all required site lighting, landscaping, and elevations as approved by the certificate of zoning compliance(s) shall be successfully completed.

2. All recommendations for a final certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.

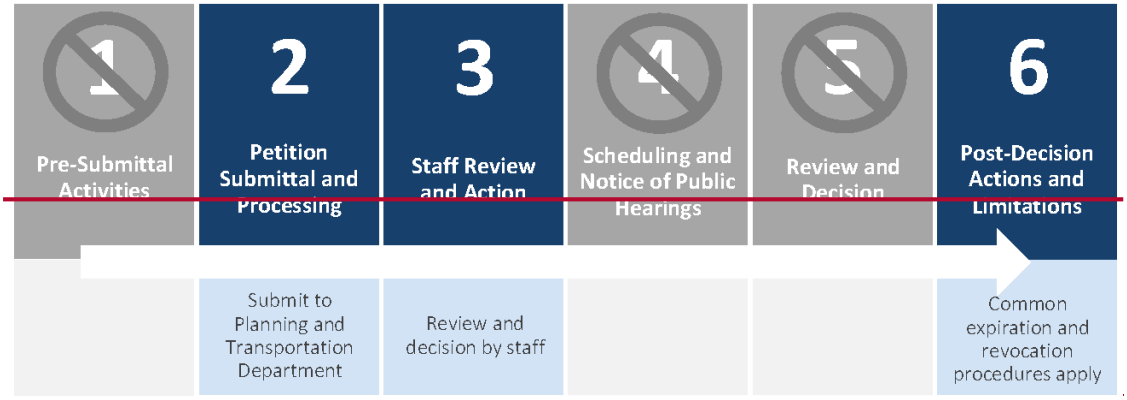
(C) Post-Decision Actions and Limitations. Post-decision actions and limitations shall be pursuant to Monroe County standards and procedures.

~~(h) Certificate of Final Acceptance.~~

~~(1) Purpose. The certificate of final acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO.~~

~~(2) Applicability. A certificate of final acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations.~~

~~(3) Certificate of Final Acceptance Review Process. Figure 06.05-9 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of final acceptance review. Additions or modifications to the common review procedures are noted below.~~



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

~~(A) Petition Submittal and Processing. The certificate of final acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).~~

~~(B) Staff Review and Action.~~

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

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

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

~~1. The completed public improvements shall comply with this UDO; have been constructed in accordance with City Engineering Department standards and specifications; and have been installed in accordance with the approved plans; and~~

~~2. All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Engineering Department.~~

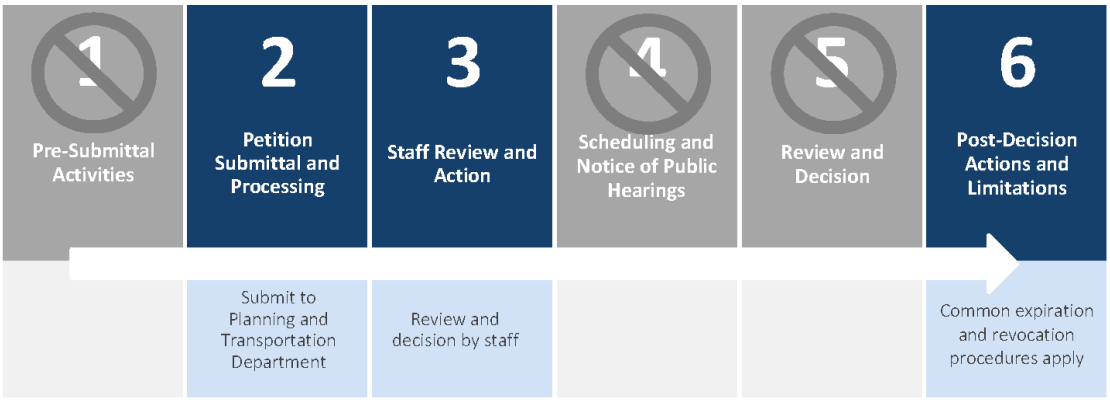
~~(C) Post-Decision Actions and Limitations. The City Planning and Transportation Department and City Engineering Department shall maintain records of all petitions, plans, and permits filed for a certificate of final acceptance.~~

(h~~i~~) Certificate of Nonconforming Use.

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

(2) Certificate of Nonconforming Use Review Process. Figure 06.05-10 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-10: Summary of Certificate of Nonconforming Use Review Procedure



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

(B) Staff Review and Action. The Planning and Transportation Director shall review the certificate of nonconforming use petition, and shall approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following criteria:

i. The petitioner shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. A certificate of nonconforming use authorizes the continuation of an existing use of a property or building with any additional terms and conditions of the certificate and shall be valid as long as the use of the building or land remains in effect and is not abandoned.

2. The certificate of nonconforming use shall clearly state that the existing use of the building or property was legally established prior to the effective date of the current UDO.

ii. Revocation of a Certificate of Nonconforming Use.

1. A certificate of nonconforming use may be revoked by the Planning and Transportation Director if the use of the property or building is inconsistent with the authorized use of the certificate of nonconforming use.

2. The Planning and Transportation Director shall notify the certificate holder in writing and provide thirty days from the date of the letter for the certificate holder to bring the use of the property into compliance with the certificate of nonconforming use, or the certificate shall be revoked.

(~~i~~ii) Sign Permit.

(1) Purpose. The sign permit procedure is intended to provide a mechanism for enforcement of the sign regulations of this UDO in order to:

(A) Establish for all signs located on any premises a reasonable and impartial means to permit adequate communication;

(B) Control confusing sign displays that present a hazard to pedestrians and motorists along streets;

(C) Ensure light, air, and open space;

(D) Protect the natural beauty and environment of the City;

(E) Safeguard and enhance property values;

(F) Protect public and private investment in buildings and open spaces;

(G) Protect the public health, safety, and general welfare; and

(H) Comply with all state and federal laws and case decisions of courts applicable to the City concerning freedom of expression.

(2) Applicability.

(A) Generally.

i. Except as otherwise provided, no person shall erect any sign as defined in this UDO without first obtaining a sign permit from the Planning and Transportation Department.

ii. The use requesting the sign permit shall be legally established on the property for which the signage is being requested.

(B) Exemptions. Signs that are exempt from the sign permit requirement are specified in Section 20.04.100 (Signs).

(3) Sign Permit Review Process. Figure 06.05-11 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to sign permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-11: Summary of Sign Permit Review Procedure

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

(B) Staff Review and Action.

i. The planning and transportation staff shall review the sign permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. A staff decision on the petition shall be made within thirty days of receipt of a complete petition.

iii. If a petition for a sign permit is denied, and the denial is appealed to the Board of Zoning Appeals pursuant to Section 20.06.080(d) (Administrative Appeal), the Board of Zoning Appeals shall make a decision on the appeal at the next regularly scheduled hearing.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Duration. The sign authorized by a sign permit shall be completed and erected within six months of the date of issuance; otherwise, the sign permit shall lapse and become null and void, unless good cause for an extension of time for completion is approved by the Planning and Transportation Director.

ii. Extension. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the sign permit record.

iii. Changes or Amendments. When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the sign permit without prior approval of the Planning and Transportation Director. When granted, a written record of such amendment shall be entered upon the original sign permit petition and maintained in the files of the Planning and Transportation Department.

(j~~k~~) Temporary Use Permit.

(1) Purpose. The temporary use procedure is intended to provide a mechanism for enforcement of the temporary use regulations of this UDO, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

(2) Applicability.

(A) Generally. A temporary use permit shall be required prior to the establishment of any temporary use, unless otherwise exempted in subsection (B) below.

(B) Exemptions. The following uses are permitted and shall not be regulated as temporary uses under this UDO.

i. Garage or yard sales, tent meetings, nonprofit events and political rallies, provided they meet the following standards:

1. The event is allowed for a maximum of seven consecutive days;

2. No property shall hold more than three such events in a single calendar year; and

3. The hours of operation of such events shall be limited to between the hours of seven a.m. and eleven p.m.

ii. Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of ninety days.

iii. Any business activity licensed by Title 4 (Business Licenses and Regulations), of the Bloomington Municipal Code.

(3) Temporary Use Permit Review Process. Figure 06.05-12 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to temporary use permit review. Additions or modifications to the common review procedures are noted below.

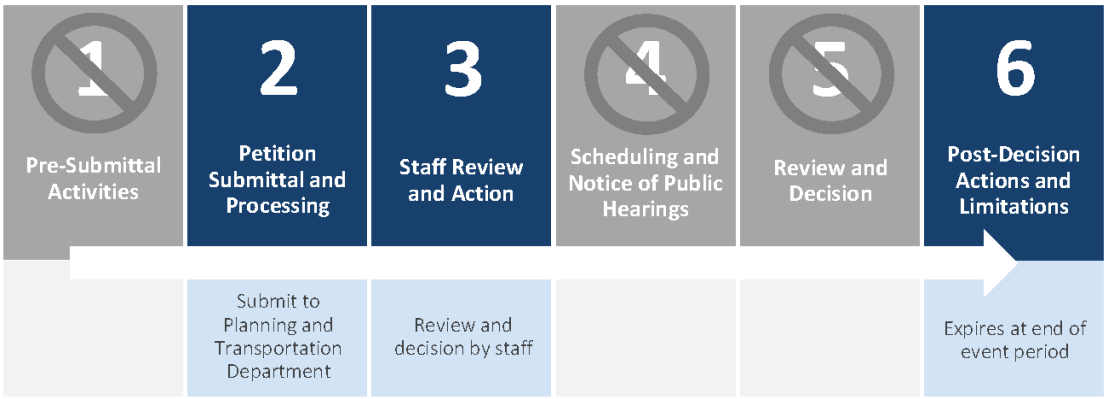


Figure 06.05-12: Summary of Temporary Use Permit Review Procedure

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

(B) Staff Review and Action. The planning and transportation staff shall review the temporary use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B)i. (Compliance with this UDO), and Section 20.03.030(h) (Temporary Uses).

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Temporary uses shall be terminated and removed at the end of the event period unless otherwise specified in Section 20.03.030(h) (Temporary Uses).

ii. A temporary use permit may be granted only one time per year on any individual zoning lot and is nonrenewable. For purposes of this standard, fireworks, Halloween pumpkin, and Christmas tree sales are considered separate uses.

(k~~l~~) Easements.

(1) Purpose. The purpose of this section is to outline the procedures for obtaining and recording easements, modifying platted or unplatted easements, terminating unplatted easements, and vacating platted easements and to ensure that the statutory requirements of the Indiana Code are met.

(2) Applicability. This Section 20.06.050(l) (Easements) governs easements that are:

(A) Required and/or granted pursuant to a provision of this UDO;

(B) Permitted or required as a commitment;

(C) Permitted or required as a condition of approval; or

(D) Shown on a recorded plat.

(3) Easement Review Process. Figure 06.05-13 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to easement review. Additions or modifications to the common review procedures are noted below.

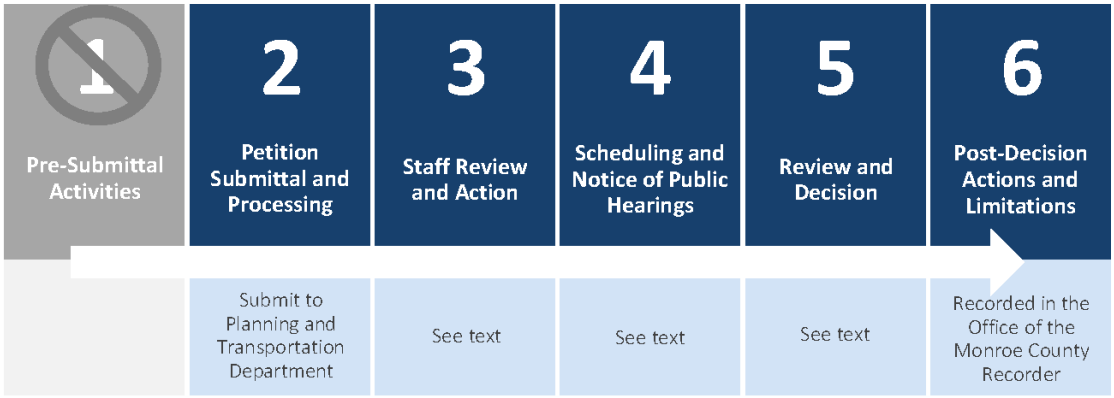


Figure 06.05-13: Summary of Easement Review Procedure

(A) Petition Submittal and Processing.

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

ii. Either the grantor or the grantee of an easement may apply to the approving body for modification of an easement.

iii. Persons who own or hold an interest in a lot or lots adjacent to a platted easement may petition the Common Council for vacation of the easement in the manner outlined in Indiana Code § 36-7-3-12.

iv. Any easement required by this UDO that is not included in a plat subject to Section 20.06.060 (Subdivision Procedures) shall comply with the procedure outlined in this Section 20.06.050(l) (Easements).

(B) Staff Review and Action.

i. Easements Not Required by Conditions or Commitments. The Planning and Transportation Director shall review the easement petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), if the Planning and Transportation Director determines that the proposed action complies with Section 20.06.040(d)(6)(B)iii. (Compliance with Utility, Service, and Improvement Standards), and those general standards for easements in Section 20.05.040(b) (General Standards) as applicable, and will not create significant adverse impacts on surrounding properties.

ii. Easements Required by Conditions or Commitments. If the easement to be vacated was established as a result of a permitted or required commitment or condition of approval by the Plan Commission or Board of Zoning Appeals, the body that required the commitment or condition of approval shall approve both the easement vacation petition and the termination of the commitment or condition. The decision of that body shall be based on a determination as to whether the proposed action complies with Section 20.06.040(d)(6)(B)iii. (Compliance with Utility, Service, and Improvement Standards), and

those general standards for easements in Section 20.05.040(b) (General Standards) as applicable, and will not create significant adverse impacts on surrounding properties.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Form. Easement instruments shall be prepared in a recordable form acceptable to the City Legal Department.

ii. Recording. Approved easement instruments shall be recorded in the county recorder's office. The original recorded easement shall be delivered to the grantee and a copy shall be delivered to the Planning and Transportation Department.

iii. 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 UDO.

iv. Removal of Improvements. When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

v. Time Limitation. If an easement modification or termination petition has been denied, the petitioner shall not file a new petition with the same or substantially similar request for a period of six months.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 21-23, § II(Att. B), 6-14-2021; Ord. No. 22-11, § II(Art. A), 5-18-2022; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.060 Subdivision procedures.

(a) General Standards.

(1) Purpose. The purpose of these subdivision procedures, and the related standards in Chapter 20.05 (Subdivision Standards) is to guide the development of the Plan Commission's jurisdiction to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities; that the needs of public utilities and facilities be recognized in the future growth; and that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

(2) Applicability.

(A) Generally. This Section 20.06.060 (Subdivision Procedures) shall apply to all subdivisions of land in any zoning district located within the jurisdiction of the Plan Commission, except as stated in subsection (B) below. No land within that jurisdiction shall be subdivided until:

i. A plat conforming to these regulations has been approved and certified by the Plan Commission; and

ii. The approved secondary plat has been filed with the county recorder's office.

(B) Exemptions. The regulations of this Section 20.06.060 (Subdivision Procedures) shall not apply to the following:

i. An adjustment of lot lines as shown on a recorded plat which does not reduce the lots below the minimum zoning requirements of Chapter 2 and does not increase the original number of lots. Such adjustment is subject to Sections 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).

ii. A division of land into two or more tracts for an agricultural use of ten or more acres, not involving any new street or access easement.

iii. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in state law.

v. Modification of existing streets to conform to the Comprehensive Plan.

vi. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.

vii. The exchange of land between owners of adjacent property provided that such exchange does not reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels. Such adjustment is subject to Sections 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).

viii. The platting of condominium units regulated by Indiana Code Article 32-25 (Condominiums).

(C) Jurisdiction. After the provisions of this Section 20.06.060 (Subdivision Procedures) and related provisions in Chapter 20.05 (Subdivision Standards) have been adopted, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by this UDO.

(D) Subdivision Type. All subdivisions shall be designed according to one of the subdivision types specified in Chapter 20.05 (Subdivision Standards). A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the Plan Commission.

(b) Primary Plat.

(1) Purpose. The primary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability. A primary plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

(3) Primary Plat Review Process. Figure 06.06-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to primary plat review. Additions or modifications to the common review procedures are noted below.

Figure 06.06-1: Summary of Primary Plat Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D) (Development Review Committee (DRC) Meeting).

iii. For petitions subject to review and a decision by the Plan Commission, pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

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

(D) Scheduling and Notice of Public Hearings. Within thirty days after receipt of a complete petition, the primary plat petition shall be scheduled for a public hearing before the Plan Commission or plat committee and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision. The Plan Commission or plat committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

i. All subdivision proposals shall be consistent with the need to minimize flood damage.

ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA.

vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(F) Subdivision Waivers. Waivers from any standards within Chapter 5 shall be reviewed according to the following criteria:

i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injuries to other property; and

ii. The conditions upon which the request for a Subdivision Waiver are based are unique to the property; and

iii. The Subdivision Waiver shall not in any manner vary the provisions of the development standards, Comprehensive Plan, or Transportation Plan, except that waivers related to sidewalks and tree plots in the Transportation Plan may be requested.

(G) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. All decisions of the Plan Commission or plat committee approving, denying, or placing conditions upon a primary plat must be in writing and signed by the president of the Plan Commission, the chair of the plat committee, or the Planning and Transportation Director.

2. The approval of a primary plat by the Plan Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.

ii. Revisions to Primary Plat. Following Plan Commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Expiration of Primary Plat.

1. A secondary plat petition shall be filed no later than twelve months after the date of approval of the primary plat, otherwise the primary plat approval shall be considered void, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

2. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the primary plat record.

(c) Secondary Plat.

(1) Purpose. The secondary plat procedure provides a mechanism for the City to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability. No secondary plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded in the office of the Monroe County Recorder until the plat has been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the president of the Plan Commission, chair of the plat committee, or the Planning and Transportation Director.

(3) Secondary Plat Review Process. Figure 06.06-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to secondary plat review. Additions or modifications to the common review procedures are noted below.

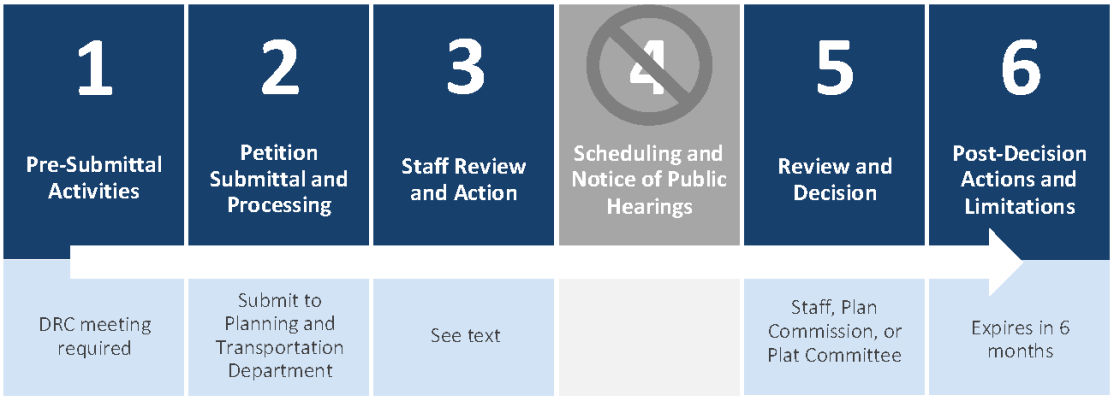


Figure 06.06-2 to be edited to remove "DRC meeting required" from the first step.

Figure 06.06-2: Summary of Secondary Plat Procedure

(A) Pre-Submittal Activities. ~~A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).~~

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

(C) Staff Review and Action. Staff review and action standards in Section 20.06.040(d) (Staff Review and Action) shall apply with the following modifications:

i. Review and Decision by Staff.

1. If Table 06-1 (Summary Table of Review Procedures) authorizes the plat committee or Plan Commission to make a decision on a secondary plat, and the plat committee or Plan Commission determines that the application is not unusually complex or does not raise potentially unique or serious impacts on the City or the surrounding neighborhoods, the plat committee or Plan Commission may, at their discretion, refer the decision to the staff for decision pursuant to the same criteria that the plat committee or Plan Commission would have been required to apply to that decision.

2. Prior to approval of a secondary plat, the Plan Commission or plat committee shall have approved the primary plat; and the primary plat must not be expired.

3. The staff shall, based upon the facts presented for review, notify the petitioner in writing what revisions, changes, or further changes in the petition are needed for approval.

4. Following the petitioner's submittal of plans that incorporate the necessary revisions, the staff shall approve the secondary plat, or the Planning and Transportation Director may forward the secondary plat to the plat committee for review; or forward the secondary plat to the Plan Commission for review.

ii. Review and Decision by the Plan Commission or Plat Committee. If the Plan Commission elects to review the secondary plat, or delegates to the plat committee authority to review the secondary plat, then the Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Review and Decision. The Plan Commission or plat committee shall review the secondary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval.

1. After compliance with this UDO and upon approval of the secondary plat, the Planning and Transportation Director shall sign and seal the plat at the appropriate locations.

2. The staff shall then notify the petitioner of the Planning and Transportation Director's actions.

3. The petitioner shall then file the secondary plat for recording in the office of the Monroe County Recorder, as required by law.

4. Within thirty days after recording the secondary plat, the petitioner shall provide the City Planning and Transportation Department with a copy of the recorded plat in a form acceptable to the City.

ii. Expiration of Secondary Plat.

1. If the secondary plat, or a phase thereof, has not been recorded within a maximum period of six months from the date of approval by the Plan Commission or plat committee, the secondary plat shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

2. For a secondary plat where an initial phase was recorded within six months of the date of approval by the Plan Commission or plat committee, successive phases shall be recorded within eighteen months of the previous phase. If a successive phase fails to meet the eighteen-month requirement, the approval of the phases that have not been recorded shall be null and void, but only the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

iii. Financial Bond Required.

1. Purpose. In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that ~~all~~ public facility improvements and installations required under the provisions of this UDO and Planning and Transportation and Engineering Departments requirements shall be completed.

2. Applicability.

a. A performance agreement between the petitioner and the City, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.

~~b. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.~~

b~~c~~. The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the City. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).

c~~d~~. The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

3. Review. The ~~City~~ Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Engineering Department shall verify that the performance bond or letter of credit shall:

a. Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost ~~of the project~~ in order to be sufficient to complete the improvements and installations in compliance with this UDO and ~~City~~ Engineering Department requirements;

~~b. Provide bond satisfactory to the City or to the county;~~

b~~c~~. Run to and be in favor of the City ~~or the county~~;

c~~d~~. Specify the time for the completion of the improvements and installations (both on site and off site);

d~~e~~. Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years;

e~~f~~. Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [d]~~e.~~ above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved by the Board of Public Works. The maintenance bond shall be in the amount of five percent of the

original performance bond, or ten thousand dollars, whichever is greater, or as determined by the City Engineer; and

fg. Be in a form approved by the ~~City~~ Legal Department.

4. Report. The ~~City~~ Engineering Department shall recommend approval or rejection of the performance bond to the Board of Public Works.

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

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

7. Extension of Completion Time. Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the ~~City Planning and Transportation~~ Engineering Department may approve the petitioner's written request for an extension of time for up to one additional year, ~~granted at six month intervals and~~ conditioned ~~in every case~~ upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations.~~, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.~~ Additional one year extensions beyond the effective period of three years may be considered by the Board of Public Works based on the following criteria:

a. The petitioner remains responsive and responsible;

b. The petitioner continues to make progress on the required public facility improvements;

c. There are no other approved subdivisions that require use of the public facility improvements;

d. There are no other property owners or residents within the subdivision that are served by insufficient public facilities as determined by the Engineering Department;

e. The extension is in the public's best interest and will not jeopardize the health, safety, or welfare of the public.

Extensions beyond an effective period of three years may require an increase in the bond amount and may require modifications to the public facility improvements in order to ensure compliance with current standards. All extension requests must be made in writing at least 3 months prior to the end of the approved effective period.

8. Nonperformance. Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the Engineering~~City Planning and Transportation~~ Department, the City may take the necessary steps to

proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

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

10. Performance Bond Reductions.

a. P~~Annual p~~artial releases of performance sureties held by the City may~~shall~~ be approved by the Board of Public Works~~City Engineering Department~~ in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer or his or her designee, and the developer or his or her designee.

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

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

ii. No performance bond shall be reduced beyond seventy-five percent of the original bond amount.

iii. Periodic partial releases shall not occur before completion of at least thirty percent of the improvements covered by the performance bond.

(d) Vacating Plat.

(1) Purpose. The vacating plat procedure provides a mechanism for the City to review a petition for the vacation of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability.

(A) Secondary Plat.

i. The owner of land in a secondary plat may file with the Plan Commission or plat committee a petition to vacate all or part of the secondary plat pertaining to the land owned by the petitioner.

ii. In a case in which not all the owners of land in a secondary plat are in agreement regarding a proposed vacation, one or more owners of the land in the secondary plat may file with the Plan Commission or plat committee a petition to vacate all of the secondary plat or only that part of the secondary plat that pertains to land owned by the petitioner or petitioners. A petition under this subsection shall:

1. State the reasons for and the circumstances prompting the request;

2. Specifically describe the property in the secondary plat proposed to be vacated; and

3. Give the name and address of every other owner of land in the secondary plat.

(B) Rights-of-way. This plat vacation procedure shall not be used to vacate rights-of-way, regardless of whether they are platted. Rights-of-way shall be vacated pursuant to Indiana Code § 36-7-3-12.

(C) Covenants or Commitments. The plat vacation petition may include a request to vacate any recorded covenants or commitments filed as part of the secondary plat. The covenants or commitments are then also subject to vacation.

(D) Easements.

i. This plat vacation procedure shall not be used to vacate platted easements. Platted easements shall be vacated pursuant to Section 20.06.050(l) (Easements).

ii. Per Indiana Code § 36-7-3-16, platted easements are vacated by the Common Council.

(E) Public Utilities. Notwithstanding the provisions of this Section 20.06.060(d) (Vacating Plat), plat vacation proceedings do not deprive a public utility of the use of all or part of a public right-of-way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public right-of-way or public place for the location and operation of its facilities. However, the utility may waive its rights under this section by filing its written consent in the plat vacation proceedings.

(3) Vacating Plat Review Process. Figure 06.06-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to the vacating plat review. Additions or modifications to the common review procedures are noted below.

Figure 06.06-3: Summary of Vacating Plat Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D) (Development Review Committee (DRC) Meeting).

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

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

(D) Scheduling and Notice of Public Hearings. The vacating plat petition shall be scheduled for a public hearing before the Plan Commission or plat committee and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision. The Plan Commission or plat committee shall review the vacating plat petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the following specific approval criteria:

i. Grounds for Remonstrances and Objections. All persons may comment at the public hearing in accordance with the procedural rules of the Plan Commission or plat committee. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed plat vacation, but only on one or more of the following grounds:

1. The plat 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 plat vacation would make access to the lands of the aggrieved person by means of a public right-of-way difficult or inconvenient;

3. The plat vacation would hinder the public's access to a place of worship, school, or other public building or place; and/or

4. The plat vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

ii. Findings of Fact. The Plan Commission or plat committee may approve the petition for plat vacation of all or part of a secondary plat only upon making written findings that:

1. Conditions in the platted area have changed so as to defeat the original purpose of the secondary plat;

2. It is in the public interest to vacate all or part of the secondary plat; and

3. The value of that part of the land in the secondary plat not owned by the petitioner will not be diminished by vacation.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Decision.

1. The findings of fact shall be signed by the president of the Plan Commission or plat committee chair.

2. The Plan Commission or plat committee shall furnish a copy of its decision to the office of the Monroe County Recorder for recording.

3. The plat vacation instrument shall be signed by the president of the Plan Commission or plat committee chair and the owner of the vacated property.

4. The petitioner shall record the plat vacation instrument in the office of the Monroe County Recorder within sixty days of the approval of the plat vacation. Failure to record the vacation within that time period shall render the vacating plat null and void. The petitioner shall deliver a copy of the recorded plat vacation instrument to the City Planning and Transportation Department.

ii. Bond Requirement. In conjunction with the approval of a plat vacation, and unless determined to be unnecessary by the Plan Commission or plat committee, the petitioner shall provide financial bond for all public improvements pursuant to Section 20.06.060(c)(3)(E)iii. (Financial Bond Required).

iii. Time Limitation. After the termination of a plat vacation proceeding under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for three years.

(Amd. of 1-14-2020; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Art. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.070 Plan and ordinance amendments.

(a) Comprehensive Plan Amendment. The following procedure is established for review and amendment of the Comprehensive Plan.

(1) The Plan Commission may recommend, and the Common Council may determine the appropriate interval for a review, but such review should be conducted once every four years.

(2) Amendments to the Comprehensive Plan shall proceed pursuant to Indiana Code § 36-7-4, Series 500.

(b) Zoning Map Amendment.

(1) Purpose. The zoning map amendment procedure is intended to provide a mechanism for the City to consider a petition for the rezoning of real property within the jurisdictional area of the Plan Commission and to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.

(2) Applicability. The zoning map amendment procedure applies to all proposals requesting to change the zoning district classification of a parcel of real property to a different zoning district classification. This procedure does not include changing the zoning classification of a parcel to a Planned Unit Development, which is governed by Section 20.06.070(c) (Rezoning to Planned Unit Development).

(3) Zoning Map Amendment Review Process. Figure 06.07-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to zoning map amendment review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-1: Summary of Zoning Map Amendment Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

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

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

(D) Scheduling and Notice of Public Hearings.

i. The zoning map amendment petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

ii. Mailed notice shall not be required if the Plan Commission or Common Council initiate a petition to repeal and replace the zone maps for all or substantially all of the City.

(E) Review and Decision.

i. Plan Commission Review and Recommendation.

1. The Plan Commission shall review the zoning map amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following specific approval criteria:

a. The recommendations of the Comprehensive Plan;

b. Current conditions and character of structures and uses in each zoning district;

c. The most desirable use for which the land in each zoning district is adapted;

d. The conservation of sensitive environmental features;

e. The conservation of property values throughout the jurisdiction; and

f. Responsible development and growth.

2. The Plan Commission shall forward the petition to the Common Council with:

a. A favorable recommendation;

b. A favorable recommendation with conditions and/or commitments;

c. A negative recommendation;

d. No recommendation; or

e. Continue the petition to a definite future meeting date.

3. If the petition has not been continued, the Plan Commission shall certify and forward the petition to the Common Council.

ii. Common Council Review and Decision.

1. The Common Council shall act on the petition within ninety days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-608.

2. Commitments may be allowed or required as part of a proposal to amend the zoning map under Indiana Code § 36-7-4-608 and this UDO.

(F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Effect of Approval of the Amendment.

1. When an amendment of the Official Zoning Map is approved, such amendment shall be incorporated into the Official Zoning Map in the geographic information system maintained by the City.

2. For zoning map amendments located adjacent to public streets, all required right-of-way shall be dedicated in compliance with the Transportation Plan. Such dedication shall take place within one hundred eighty days of approval of the zoning map amendment. The one-hundred-eighty-day time limit may be extended by the Planning and Transportation Director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the City.

ii. Automatic Termination of Commitments. A commitment made in connection with a zoning map amendment approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(c) Rezoning to Planned Unit Development (PUD).

(1) Purpose. The rezoning to a Planned Unit Development (PUD) procedure is established to achieve the purposes of Section 20.02.050 (Planned Unit Development (PUD) District) and to ensure that the statutory requirements established in the Indiana Code § 36-7-4-1500 et seq. are met. The PUD procedure shall not be used when a Conditional Use permit, variance, minor modification, or rezoning to an existing base zoning district could achieve a similar result.

(2) Applicability.

(A) This procedure applies to new Planned Unit Development (PUD) proposals, and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD district ordinance or the general layout of any element of the preliminary plan, and that does not qualify for approval pursuant to Section 20.06.080(a) (Minor Modification).

(B) Any property owner in a district other than the MD district may propose a PUD zoning district in accordance with these procedures. A parcel proposed for a PUD is not required to be under single ownership. However, if not under single ownership, the multiple owners must all consent to the development of their individual properties consistent with the requirements of the proposed PUD district ordinance. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained in the UDO. An approved preliminary plan shall be binding upon the petitioner, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.

(C) All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by Chapter 20.06 (Administration and Procedures).

(3) Rezoning to Planned Unit Development (PUD) Review Process. Figure 06.07-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to rezoning to Planned Unit Development (PUD) review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-2: Summary of Rezoning to Planned Unit Development (PUD) Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

(B) Petition Submittal and Processing. A petition for rezoning to a Planned Unit Development (PUD) petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. PUD Plan Required.

1. A petition for rezoning to a PUD shall include all submittal requirements as specified by the Planning and Transportation Director or required by the administrative manual.

2. A preliminary PUD plan and then a final PUD plan is required, unless the Planning and Transportation Director determines that the proposed divergence from UDO standards is so minor that only a final PUD plan is needed.

3. The preliminary plan shall include the conceptual location of all required improvements.

Approval of the PUD plan is required prior to approval of a development permit in a PUD district.

ii. PUD Plan Contents. The submittal requirements and specifications for the PUD plan shall be established in the administrative manual.

iii. Petition. A petition for a Planned Unit Development shall not be considered complete until all information and documentation required by this subsection and the administrative

manual has been submitted and all meetings required by Section 20.06.070(c)(3) (Rezoning to Planned Unit Development (PUD) Review Process) have been completed.

(C) Staff Review and Action.

i. PUD District Ordinance and Preliminary Plan. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

ii. Final Plan.

1. The Plan Commission may, by rule, delegate to staff authority to review final plans. If authority is delegated to staff, the Planning and Transportation Director shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District).

2. Staff may allow or require the owner to make a written commitment and shall have all powers and duties of the Plan Commission under this section except the power to approve modification or termination of a commitment.

3. Minor Deviations from Preliminary Plan. If the Planning and Transportation Director finds the final plan proposes minor deviations from the approved preliminary plan that do not require a PUD district ordinance amendment or a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i. (Preliminary Plan), and that do not change the concept or intent of the development, he or she may review and approve or deny the final plan without public notice or a public hearing, as authorized by rule of the Plan Commission. The Planning and Transportation Director's decision is subject to appeal under Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission).

4. Determination that Amendment is Required.

a. If the Planning and Transportation Director finds the final plan proposes changes to the approved PUD district ordinance, or deviations from the approved preliminary plan that require a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i. (Preliminary Plan), he or she shall not approve the final plan, but shall notify the petitioner that a PUD amendment is required pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

b. If the petitioner disagrees with the Planning and Transportation Director's determination, he or she may request that the Plan Commission review the final plan and determine whether such amendment is required. Such request shall be submitted in writing to the Planning and Transportation Department not later than fourteen days after the Planning and Transportation Director's determination is made.

c. The Plan Commission procedure upon such review shall be the same as for an appeal under Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission). If the Plan Commission determines that no amendment to the PUD district ordinance or preliminary plan is required, the Plan Commission shall review and act upon the final plan. In this case, the Plan

Commission decision shall be final and appealable pursuant to Indiana Code § 36-7-4-1016.

d. If the Plan Commission determines that an amendment is required pursuant to Section 20.06.070(c)(3)(E)ii.4. (Appeal to Plan Commission), the Plan Commission shall review the proposal as a PUD amendment petition and shall forward a recommendation to the Common Council, pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

iii. Scheduling and Notice of Public Hearings.

1. PUD District Ordinance and Preliminary Plan. The rezoning to a Planned Unit Development (PUD) petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

2. Final Plan. The final plan petition shall be scheduled for a public hearing before the Plan Commission, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings) when:

a. The Plan Commission recommends denial of the PUD district ordinance and preliminary plan; or

b. The Plan Commission provides no recommendation on the PUD district ordinance and preliminary plan and the Common Council approves the PUD district ordinance and preliminary plan.

(D) Review and Decision.

i. PUD District Ordinance and Preliminary Plan.

1. Plan Commission Review and Recommendation. The Plan Commission shall review the rezoning to a Planned Unit Development (PUD) petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District) below.

a. The Plan Commission shall forward the petition to the Common Council with:

i. A favorable recommendation;

ii. A favorable recommendation with conditions and/or commitments;

iii. A negative recommendation;

iv. No recommendation; or

v. Continue the petition to a definite future meeting date.

b. If the petition has not been continued, the Plan Commission shall certify and forward the petition to the Common Council.

2. Changes by Plan Commission.

a. The Plan Commission may vote to favorably recommend a proposal with changes to the PUD district ordinance or to the preliminary plan if the

petitioner agrees in writing to the changes. If the petitioner is unable to respond to the proposed changes prior to the vote, then such motion and vote shall be: either for favorable recommendation, with the changes, contingent upon the petitioner's acceptance of the changes in writing within ten days of the Plan Commission's approval, or, in the alternative, if the petitioner fails to accept the changes in writing within said specified time, the Plan Commission's motion and vote shall be to continue the petition to the next Plan Commission meeting.

b. The Plan Commission shall permit the petitioner to comment upon changes to the PUD district ordinance or to the preliminary plan made by the Plan Commission after a motion to approve with changes is made but prior to the vote, and the Plan Commission may amend its motion accordingly.

3. Revisions. Following Plan Commission approval, the petitioner shall submit revised copies of the PUD district ordinance and preliminary plan that address the comments, concerns, and conditions of approval of the Plan Commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

4. Common Council Review and Decision.

a. The Common Council shall vote on the proposal within ninety days after the Plan Commission certifies the proposal in accordance with Indiana Code § 36-7-4-608.

b. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety days, the ordinance codified in this chapter takes effect as if it had been adopted (as certified) ninety days after certification.

c. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety days, the proposal is defeated.

d. The Common Council may adopt or reject the proposal and may also exercise powers set forth under the Indiana Code § 36-7-4-1500 Series and this section. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments under Indiana Code § 36-7-4-608.

ii. Final Plan. When the Plan Commission is the final review authority for a final plan, the Plan Commission shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) (Approval Criteria for Rezoning to a Planned Unit Development (PUD) District).

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:

i. Preliminary Plan.

1. Effect of Approval.

a. When a PUD district ordinance and preliminary plan for a Planned Unit Development have been approved by the Common Council, the PUD district ordinance and preliminary plan shall become effective and its location shall be shown on the Official Zoning Map. The Official Zoning Map shall be amended to designate the site as a PUD zoning district.

b. For PUDs located adjacent to existing public streets, all required right-of-way for such public streets shall be dedicated in compliance with the Transportation Plan. Such dedication shall take place within one hundred eighty days of approval of the PUD district ordinance. The one-hundred-eighty-day time limit may be extended by the Planning and Transportation Director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the City.

c. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD district ordinance and preliminary plan, subject to approval of a final plan.

d. No permit of any kind shall be issued until the final plan has been approved.

2. Duration.

a. Abandonment. The preliminary plan shall be considered abandoned if, three years after the approval of the preliminary plan by the Common Council, no final plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the preliminary plan should be extended for a period up to a maximum of one hundred eighty days. If no extension is sought for the Planned Unit Development, and the three-year period since Common Council approval has elapsed, the Plan Commission may initiate a proposal to rezone the area designated as a Planned Unit Development to an appropriate zoning district. Any such rezoning shall follow the process provided in Section 20.06.070(b) (Zoning Map Amendment). The owner or owners of any property proposed to be rezoned by the Plan Commission under the provisions of this subsection shall be notified at least twenty-one days in advance of the Plan Commission public hearing on the proposed rezoning.

b. Review. If, ten years after the approval of the preliminary plan by the Common Council, final plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved final plans, the Plan Commission may, on its own initiative, make a recommendation to the Common Council to rezone those portions of the Planned Unit Development that do not have approved final plans to an appropriate zoning district.

3. Changes or Amendments.

a. PUD District Ordinance. Amendments to the PUD district ordinance shall follow the procedure for creating a new PUD district ordinance pursuant

to this Section 20.06.070(c) (Rezoning to Planned Unit Development (PUD)).

b. Preliminary Plan. To the extent that a preliminary plan is a conceptual and general rendering of a proposed development conforming to the PUD district ordinance, a final plan may deviate from the approved preliminary plan in some respects without necessitating an amendment to the preliminary plan. However, any deviation from an approved preliminary plan that alters the concept or intent of the Planned Unit Development shall be subject to the procedure for approval of a new preliminary plan. The Plan Commission may require that a petition for preliminary plan amendment encompass the entire Planned Unit Development. Deviations that require a preliminary plan amendment include, but are not limited to, the following:

i. Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;

ii. Increases in residential density;

iii. More than a ten percent change to the proportion of housing types;

iv. Substantial increase in the building envelope;

v. More than a one percent reduction of proposed open space;

vi. Changes in functional uses of open space, where such change constitutes an intensification of open space usage;

vii. Substantial change in the ratio of off-street parking spaces to use;

viii. Substantial changes in standards, continuity, or general location of roads, utilities, or stormwater management features; or

ix. Substantive changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by this UDO.

ii. Final Plan.

1. Effect of Approval.

a. No permit of any kind shall be issued for any purpose within a Planned Unit Development zoning district except in accordance with the approved final plan. Any material deviation from the final plan is subject to appropriate enforcement action.

b. No permit of any kind shall be issued until the final plan has been approved.

2. Duration.

a. Abandonment. The final plan shall be considered abandoned if no site development permits or building permits have been obtained and are still valid for the area contained in the final plan within three years after final plan approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this UDO.

b. Extension. An extension, not to exceed twelve months, may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one twelve-month extension.

3. Changes or Amendments.

a. Minor Changes. The Planning and Transportation Director may approve minor changes to an approved final plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to Section 20.06.070(c)(3)(E)ii.4. (Appeal to the Plan Commission). This shall include the following:

i. Minor changes in the location and siting of buildings and structures;

ii. Changes in height of less than one story, but not over eight feet in any case;

iii. Minor changes to an approved landscape plan that do not alter the general concept or screening effectiveness of the landscaping;

iv. Minor changes to the internal street system and off-street parking areas;

v. Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD district ordinance and preliminary plan in that general location; and

vi. Changes of less than ten percent of the gross floor area of an approved building.

b. Major Changes. The following changes shall require a new final plan, provided that this subsection b. shall not be interpreted to allow any change that would otherwise require an amendment to the PUD district ordinance and/or the preliminary plan:

i. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;

ii. Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of Section 20.04.030 (Environment), or other such development or design standards in the PUD district ordinance;

iii. Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways; and/or

iv. Any reduction in aesthetic treatment.

4. Appeal to Plan Commission. Interested parties, as defined in Section 20.06.040(e)(2)(D) (Notice to Interested Parties), affected by the decision of the Planning and Transportation Director upon review of a final plan may within ten days of such decision request that the Plan Commission review the Planning and Transportation Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be

required with notice pursuant to the Plan Commission rules of procedure. The Plan Commission may affirm, reverse, or modify the Planning and Transportation Director decision.

5. Revisions. Following final approval, the petitioner shall submit revised copies of the final plan that address the comments and concerns of the staff. The petitioner shall refer to the final plan petition form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.

iii. Automatic Termination of Commitments. A commitment made in connection with the adoption of a PUD district ordinance or PUD final plan approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(4) Approval Criteria for Rezoning to a Planned Unit Development (PUD) District. The Plan Commission and Common Council shall only approve a petition for rezoning to a PUD district if they determine that the petition:

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

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

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

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

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

i. The proposed PUD zoning district will include construction of a substantial open space, recreational, entertainment, or cultural amenity that will be open to and usable by the general public, and that would not otherwise be required by this UDO. Reconfiguration of open space required by this UDO does not satisfy these criteria;

ii. The proposed PUD zoning district will protect a significant ecological, natural, historical, architectural, or archeological resource that was not already protected from development by this UDO or by state or federal law. Avoidance of designated floodplains or wetland areas, or the provision of additional buffers around such areas, does not satisfy these criteria; or

iii. The proposed PUD zoning district provides affordable housing beyond the amounts that the petitioner would have been required to provide in order to earn a tier 1 or tier 2 affordable housing incentive under Section 20.04.110(c)(5) (Affordable Housing Incentives) by either:

1. Income-restricting at least ten percent more of the dwelling units at or below the income levels required to earn a tier 1 or tier 2 incentive; or

2. Income restricting the same number of dwelling units required to earn a tier 1 or tier 2 affordable housing incentive, but limiting incomes to at least ten

percent lower AMI level than would have been required to earn a tier 1 or tier 2 incentive under Section 20.04.110(c)(5) (Affordable Housing Incentives).

(5) Changes to an Approved PUD District.

(A) Changes to the UDO that directly affect public health and safety shall apply to any PUD even if such changes are adopted during the PUD build-out.

(B) To the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition), changes to the UDO that alter any development standards for which the PUD district ordinance is silent shall apply to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change.

(C) To the extent permitted by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition), if a PUD is no longer proceeding in accordance with its PUD district ordinance, commitments, or time requirements imposed through the procedures in this Section 20.06.070(c) (Rezoning to Planned Unit Development (PUD)) or by agreement, amendments to the UDO may be applied to portions of the PUD for which an approved site plan has not been approved before the date of the UDO change.

(D) After at least ninety-five percent of a PUD has been built-out, the PUD may be subject to being rezoned into an appropriate standard zoning district pursuant to Section 20.06.070(b) (Zoning Map Amendment).

(d) Zoning Text Amendment.

(1) Purpose. The zoning text amendment procedure is intended to provide a mechanism for the City to consider a petition for an amendment to the text of this UDO and to ensure that the statutory requirements established in the Indiana Code for amending the ordinance text are met.

(2) Applicability. The zoning text amendment procedure applies to all proposals requesting to change the text of this UDO.

(3) Zoning Text Amendment Review Process. Figure 06.07-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to zoning text amendment review. Additions or modifications to the common review procedures are noted below.

Figure 06.07-3: Summary of Zoning Text Amendment Procedure

Figure 06.07-3: Summary of Zoning Text Amendment Procedure

(A) Pre-Submittal Activities. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing.

i. Only the members of the Common Council or the Plan Commission shall have standing to initiate a proposal to amend the text of this UDO.

ii. The staff shall prepare the proposal upon the direction of either the Plan Commission or the Common Council. The staff shall prepare the proposal so that it is consistent with Indiana Code § 36-7-4-601.

(C) Staff Review and Action. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings. Within sixty days of initiating a proposal to amend the text of this UDO or of receiving a proposal from the Common Council, the zoning text amendment petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision.

i. Plan Commission Review and Recommendation. The Plan Commission shall review the zoning text amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the specific approval criteria in Section 20.06.070(d)(4) (Approval Criteria for Zoning Text Amendment).

1. The Plan Commission shall certify and forward the proposal to the Common Council with:

a. A favorable recommendation;

b. A negative recommendation;

c. No recommendation; or

d. Continue the proposal to a definite future meeting date.

ii. Common Council Review and Decision. The Common Council shall vote on the proposal within ninety days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-607.5, which governs whether the proposal is adopted or defeated.

(F) Post-Decision Actions and Limitations. If the proposal is adopted by the Common Council pursuant to Indiana Code § 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in this UDO printed by the City.

(4) Approval Criteria for Zoning Text Amendment. In reviewing the proposal, the Plan Commission and Common Council shall pay reasonable regard to:

(A) The Comprehensive Plan;

(B) Current conditions and the character of current structures and uses in each zoning district;

(C) The most desirable use of land in each zoning district;

(D) The conservation of sensitive environmental features;

(E) The conservation of property values throughout the jurisdiction; and

(F) Responsible development and growth.

(Amd. of 1-14-2020; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.080 Flexibility and relief procedures.

(a) Minor Modification.

(1) Purpose. The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this UDO where strict application of the UDO would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the UDO. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this UDO and shall not be used to circumvent the variance procedure.

(2) Applicability.

(A) Other Incentives are Prerequisite. All available incentives and allowances in this UDO shall be used before a minor modification may be considered, including but not limited to the exceptions in Section 20.04.020 (Dimensional Standards). (For example, a petitioner shall apply all available alternate standards for increased height before applying for a minor modification for increased height.)

(B) Table of Allowable Minor Modifications. A petition for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 06-2 (Allowable Minor Modifications).

Table 06-2. Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
Lot width, minimum	10
Lot area, minimum	10
Lot Dimensional Standards	
Front building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building facade at build-to range, minimum	25
Side building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Rear building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Encroachment into setback pursuant to Table 04-6	10
Impervious surface coverage, maximum	5
Building Standards	
Primary structure height, maximum	10
Primary structure height, minimum	10

Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 04-7: Authorized Exceptions to Height Requirements	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaped area	10
Fence or wall height, maximum	15

(C) Reasonable Accommodations Under the FFHA.

i. In response to a written petition identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Planning and Transportation Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

1. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or

2. Reduce any off-street parking requirement by no more than one space.

ii. The Planning and Transportation Director may approve a type of reasonable accommodation different from that requested by the petitioner if the Planning and Transportation Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Planning and Transportation Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

(D) Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). The Planning and Transportation Director may grant minor modifications in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Planning and Transportation Director approve a modification that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this UDO prohibits such use or accessory use, structure, or activity.

(3) Limitations on Minor Modifications.

(A) Except when requested as a reasonable accommodation for Fair Housing Act or Religious Land Use and Institutionalized Persons Act purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Chapter 20.04 (Development Standards and Incentives).

(B) The minor modification procedure shall not apply to any proposed modification or deviation that results in:

i. A change in permitted uses or mix of uses;

ii. A deviation from building or fire codes;

iii. A deviation from engineering standards;

iv. Requirements for public roadways, utilities, or other public infrastructure or facilities; or

v. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(4) Minor Modification Review Process.

(A) Petition Submittal and Handling. A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a Conditional Use permit, temporary use permit, site plan review (minor or major), certificate of zoning compliance, or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision.

i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the Planning and Transportation Director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria).

ii. Where the concurrently reviewed petition requires review and approval by the Plan Commission, Plat Committee, or Common Council, the decision-making body, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5) (Minor Modification Approval Criteria).

(C) Effect of Approval. Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the petition.

(D) Expiration of Minor Modification. A minor modification shall automatically expire if the associated development petition is denied or if approval of the concurrently reviewed petition expires, is revoked, or otherwise deemed invalid.

(5) Minor Modification Approval Criteria. A minor modification may be approved if the decision-making body finds that the modification:

(A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;

(B) Is not necessitated by the petitioner's actions; and

(C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance.

(1) Purpose. The variance procedure provides a mechanism for the City to authorize variances from the development standards of this UDO when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this UDO, where, owing to special conditions, literal enforcement of this UDO will result in practical difficulties or unnecessary hardship.

(2) Applicability.

(A) Development Standards Variance.

i. The board of zoning appeals or hearing officer, in accordance with the procedures established in this UDO, may grant variances from the development standards applicable to the zoning district in which the subject property is located.

ii. It is not within the jurisdiction of the board of zoning appeals or hearing officer to grant development standards variances of Chapter 20.05 (Subdivision Standards).

(B) Floodplain Variance.

i. The board of zoning appeals or hearing officer, in accordance with the procedures established in this UDO, may grant variances from the standards in Section 20.04.040(d) (Flood Hazard Reduction), only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

ii. Variances may be granted for the reconstruction, restoration, repair, or rehabilitation of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

iii. No variance for a residential use within a floodway that requires a permit for construction in a floodway from the Indiana Department of Natural Resources pursuant to the provisions of Indiana Code § 14-28-1 or a project that is subject to Section 20.04.040(e)(2)(C) may be granted.

(3) Variance Review Process. Figure 06.08-1 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to variance review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-1: Summary of Variance Procedure

(A) Pre-Submittal Activities.

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting.

iii. For petitions subject to review and decision by the board of zoning appeals, a development review committee meeting may be required at the discretion of the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

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

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

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

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

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

1. General Approval Criteria.

a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

b. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and

c. The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.

2. Affordable Housing Incentive Criteria. In addition to the general approval criteria in subsection (1) above, the Board of Zoning Appeals or hearing officer may grant a variance from Section 20.04.070(d)(5) (Neighborhood Transition Standards) for any project that qualifies for the affordable housing incentives established in Section 20.04.110(c) (Affordable Housing) if the petitioner can demonstrate that:

a. The neighborhood transition standards substantially reduce or eliminate the building height incentive that would otherwise be allowed through the affordable housing incentive; and

b. The development impact to abutting and adjacent properties is minimized through building placement, design, and massing.

~~3. Determinate Sidewalk Variance Approval Criteria. While not to be included as separate findings of fact, items to consider when determining the practical~~

~~difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:~~

~~a. That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or~~

~~b. That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or~~

~~c. The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or~~

~~d. The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or~~

~~e. Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.~~

ii. Floodplain Variance.

1. Review Considerations. In reviewing floodplain variance requests, the Board of Zoning Appeals or the hearing officer shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following:

a. The danger of life and property due to flooding or erosion damage.

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

c. The importance of the services provided by the proposed facility to the community.

d. The necessity of the facility to a waterfront location, where applicable.

e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

f. The compatibility of the proposed use with existing and anticipated development.

g. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Review Criteria. The Board of Zoning Appeals or the hearing officer may grant a floodplain variance if, after a public hearing, it makes findings of fact in writing, that there is:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship;

c. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and

d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

iii. Commitments.

1. The board of zoning appeals or the hearing officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).

~~2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the office of the Monroe County Recorder before a certificate of zoning compliance is issued.~~

2~~3~~. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(F) Post-Decision Actions and Limitations.

i. Effect of Approval.

1. The granting of a variance from the development standards authorizes the development and establishes the terms of use.

2. Variances are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits shall be obtained before any grading, construction, or use commences.

ii. Signature and Notice.

1. Generally.

a. The findings of fact shall be signed by the chair of the Board of Zoning Appeals or the hearing officer.

b. The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or hearing officer.

2. Floodplain Variance.

a. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

i. Specifies the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

ii. Clarifies the issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

iii. Such construction below the flood protection grade increases risks to life and property.

b. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.

iii. Duration. Unless otherwise specified at the time of approval or before expiration, any variance granted by the Board of Zoning Appeals or hearing officer shall expire:

1. In cases where new construction or modifications to an existing structure are required, three years after the date that the variance was granted, unless a building permit has been obtained and construction of the structure or structures has commenced; or

2. In cases where new construction or modifications to an existing structure are not required, three years after the date that the variance was granted, unless a certificate of occupancy has been obtained and the use commenced; or

3. At the date of termination as established by the Board of Zoning Appeals or hearing officer as a condition or commitment if different from (iii)(1) or (iii)(2) above.

(c) Administrative Interpretation.

(1) Purpose. The administrative interpretation procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this UDO.

(2) Authority. Responsibility for making interpretations of provisions of this UDO is assigned as follows:

(A) The Planning and Transportation Director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this UDO, including, but not limited to: interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDO and other provisions of the Bloomington Municipal Code; interpretations of compliance with a condition of approval; and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district. The Planning and Transportation Director shall also be responsible for interpretations of the zoning district boundaries on the Official Zoning Map.

(B) The City engineer shall be responsible for all interpretations of the floodplain and engineering provisions in the text of this UDO.

(3) Interpretation Procedure. Figure 06.08-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to administrative interpretation review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

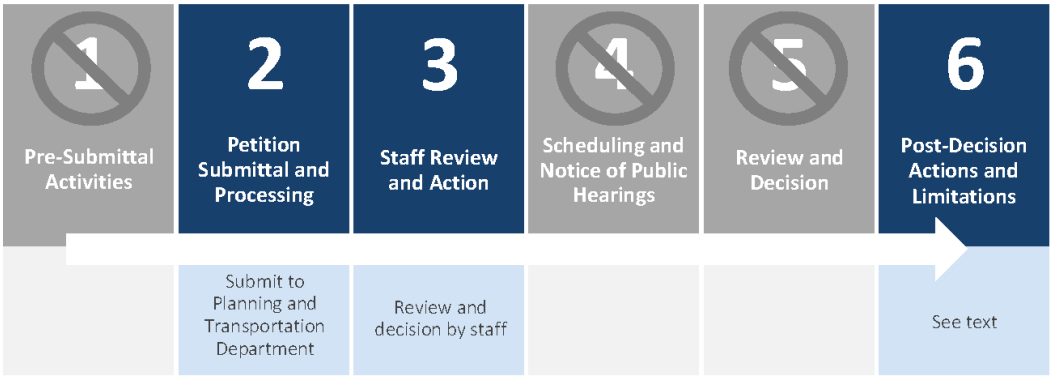


Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

(A) Petition Submittal and Processing.

i. A request for administrative interpretation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

ii. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

(B) Staff Review and Action. The Pplanning and Ttransportation Directorstaff or Citytraffic and transportation Eengineer (as applicable) shall review the request for interpretation, shall consult with the Legal DepartmentCity attorney and affected City officials, and shall render a decision based on the following specific approval criteria:

i. General Interpretation. The interpretation shall be consistent with:

1. The purposes of this UDO; and

2. The purposes of the zoning district (and overlay district(s), if applicable) in which the property is located; and

3. If the interpretation is based on the meaning of specific words that are not defined in this UDO, adopted City regulations, or the Indiana Code, with common use of words in the English language; and

4. Prior interpretations of the UDO on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria 1. through 3. above.

ii. Use Interpretation.

1. The Planning and Transportation Director shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.

2. When determining the level of permission or associated Use-Specific Standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.

3. The Planning and Transportation Director shall consult with the City attorney and affected City officials before rendering the interpretation.

(C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations), shall apply, with the following modifications:

i. Notice.

1. The Planning and Transportation Director shall inform the petitioner in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.

2. The decision shall be in the form of a written interpretation and shall be made available to the public.

ii. Effect of Approval.

1. The interpretation shall be binding on subsequent decisions by the Planning and Transportation Director, City Engineer ~~traffic or transportation engineer~~, or other City administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Board of Zoning Appeals or a court of law.

2. No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the City.

3. A land use determination finding a particular use to be permitted, or allowed as a Conditional Use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.

iii. Official Record of Interpretations. The Planning and Transportation Department shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

iv. Board of Zoning Appeals. The Board of Zoning Appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the Planning and Transportation Director or City Engineer ~~traffic and transportation engineer~~ acting pursuant to his or her authority and duties under this UDO.

(4) Criteria for Interpretations.

(A) Text Provisions. Interpretation of text provisions and their petition shall be based on the following considerations:

i. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Chapter 20.07 (Definitions), and by the common and accepted usage of the term;

ii. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;

iii. The general purposes served by this UDO, as set forth in Section 20.01.010(b) (Purpose);

iv. Consistency with the Comprehensive Plan; and

v. Consistency with the measurement standards of this UDO.

(B) Zoning Map Boundaries. Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 20.02.010 (Zoning Districts Established), and consistent with the Comprehensive Plan.

(C) Use Regulations. Interpretations of land use determinations shall be based on the following considerations:

i. Any listed use defined in Chapter 20.07 (Definitions), shall be interpreted as defined in that section;

ii. No land use determination shall authorize any use in any zoning district unless evidence is presented demonstrating that it will comply with the general zoning regulations established for that particular zoning district;

iii. No land use determination shall authorize any use in a particular zoning district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zoning district and is more similar to such uses than to other uses listed as permitted or conditional in another zoning district;

iv. If the proposed use is most similar to a use allowed only as a Conditional Use in the zoning district, then any land use determination authorizing such use shall be subject to Conditional Use Approval pursuant to Section 20.06.050(b) (Conditional Use Permit); and

v. No land use determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question, unless such use meets the standard of either subsection (iii) or (iv) above.

(d) Administrative Appeal.

(1) Purpose. The administrative appeal procedure is employed by the City in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this UDO.

(2) Applicability.

(A) An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, charged with the administration or enforcement of any part of this UDO.

(B) This administrative appeals section shall not apply to fines levied under the authority of Section 20.06.100 (Enforcement and Penalties). Such fines may be appealed under the procedures specified in Section 20.06.100 (Enforcement and Penalties).

(3) Administrative Appeal Review Process. Figure 06.08-3 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to administrative appeal review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-3: Summary of Administrative Appeal Procedure

(A) Petition. An appeal petition shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. Burden of Proof on Petitioner. The petitioner has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of petition.

ii. Time Limit. An administrative appeal shall be filed with the Planning and Transportation Department within ten days of the order, requirement, decision, or determination that is being appealed.

iii. Stay of Proceedings. An appeal stays all proceedings from further action unless the Planning and Transportation Director determines that a stay would create adverse impacts to the health, safety, or welfare of the City or neighborhood.

iv. Stop Work Order. When an appeal from the decision of an administrative official or body has been filed, the Planning and Transportation Director may issue a stop work order on the premises affected.

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

i. Staff review shall only confirm that the petition is complete and that the appeal is heard by the appropriate authority.

ii. The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/petitioner.

(C) Scheduling and Notice of Public Hearings. The appeal shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(D) Review and Decision.

i. The appropriate decision-making body shall affirm, reverse, or amend a decision or interpretation made by another decision-making body in accordance with the approval criteria in Section 20.06.080(d)(3)(F) (Appeals Approval Criteria).

ii. The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

iii. The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(E) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

(F) Appeals Approval Criteria. In considering an appeal, the Board of Zoning Appeals shall consider the approval criteria applicable to all petitions in Section 20.06.040(d) (Staff Review and Action), the specific approval criteria in Section 20.06.050 (Development Permits and Procedures) through Section 20.06.080 (Flexibility and Relief Procedures), and shall consider the following:

i. The written statement and supportive material submitted by the appellant;

ii. The record of action supplied by the administrative official or body from which the appeal is taken;

iii. The written and oral testimony of the public;

iv. The testimony of the appellant;

v. The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed; and

vi. The testimony of the administrative official or body from which the appeal is taken.

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

20.06.090 Nonconformities.

(a) Purpose. This Section 20.06.090 is intended to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this UDO, but that no longer conform to the requirements of this UDO. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this UDO and the goals of the City.

(b) Regulations Applicable to All Nonconformities.

(1) Generally. Any lot, site, structure, or land use which does not conform with one or more provisions of this UDO, but which lawfully existed upon the effective date of the provisions of this UDO with which the lot, structure or use does not conform, shall be a lawful nonconforming lot, site, use, or structure within the meaning of this section.

(2) Authority to Continue. A lawful nonconforming lot, site, use, or structure may continue except as provided in this section and in Section 20.01.040(a)(2) (Uses Rendered Nonconforming), and Section 20.01.040(a)(3) (Buildings, Structures, and Lots Rendered Nonconforming).

(3) Determination of Nonconformity Status. The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity.

(4) Certificate of Nonconforming Use. In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a certificate of nonconforming use pursuant to Section 20.06.050(i) (Certificate of Nonconforming Use).

(5) Maintenance and Minor Repair.

(A) Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity and that they conform to the building code and other applicable regulations of this UDO. Minor repairs and maintenance include the following:

i. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this UDO;

ii. Maintenance of land to protect against and mitigate health and environmental hazards;

iii. Repairs that are required to remedy unsafe conditions; and

iv. Repairs necessary to comply with current building code requirements.

(B) Normal maintenance and repair do not include the razing of walls to the foundation and rebuilding, nor does it include altering a structure which contains a lawful nonconforming use in any way which results in additional bedrooms or other habitable space.

(6) Change in Ownership or Tenancy. Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section 20.06.090 (Nonconformities).

(7) Compliance to the Maximum Extent Practicable. Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental features, the petitioner shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning and Transportation Director.

(c) Nonconforming Uses. Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses.

(A) A nonconforming use may be extended throughout a conforming building or structure, provided that:

i. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;

ii. No additional dwelling units shall be permitted in the building;

iii. No additional nonresidential units and/or uses shall be permitted; and

iv. Such extension would not result in a violation of the parking standards pursuant to Section 20.04.060 (Parking and Loading).

(B) Any existing occupied conforming single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as

improvements do not increase the degree of nonconformity or increase the height or building footprint.

(C) A nonconforming use that is located in a nonconforming building or structure or on a lot with nonconforming site features shall comply with the requirements of Sections 20.06.090(d) (Nonconforming Structures) and 20.06.090(f) (Nonconforming Site Features) as applicable.

(D) No additional structure not conforming to the requirements of this UDO shall be erected in connection with the nonconforming use of land or structure.

(E) Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this UDO.

(2) Change in Use.

(A) A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.

(B) A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this UDO.

(C) A lawful nonconforming use which has been abandoned, including a use involving occupancy by four or five adults which has been voluntarily waived and relinquished pursuant to Section 20.06.090(c)(4) (Residential Occupancy), shall not be resumed or replaced by another nonconforming use.

(3) Abandonment of a Nonconforming Use. A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of twelve months, or when the furnishings have been removed and not replaced for a continuous period of twelve months.

(4) Residential Occupancy.

(A) Authority to Continue. In the R1, R2, R3, and R4 zoning districts, a nonconforming use involving occupancy of a dwelling unit by four or five adults who are not all related to each other, which was duly registered on or before October 1, 1985, in accordance with Ordinance No. 85-15; or was duly registered on or before November 1, 1995, in accordance with Ordinance No. 95-21, shall be deemed a lawful nonconforming use which may be continued under this UDO, without further registration, and shall be considered a lawful nonconforming use that may continue only as provided in this section.

(B) Transition from Prior Regulations.

i. Where a lawfully existing dwelling unit was lawfully occupied by four or five adults who were not all related to each other on the effective date of this UDO, but becomes nonconforming under this UDO because of being so occupied, the property owner may register such property as a lawful nonconforming use, and if properly and timely registered, such use will be a lawful nonconforming use which may be continued under this UDO without further registration.

ii. Forms for such registration shall be available in the Planning and Transportation Department and shall be completed by the property owner or agent and filed in the Planning and Transportation Department within one hundred eighty days of the effective date of this UDO.

iii. For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this UDO, or the predominant lawful use for the preceding five years, whichever is greater.

(C) Pending or Approved Building Permit.

i. When a complete building permit application has been filed with the Monroe County Building Department, where the proposed structure included a nonconforming use involving a dwelling unit intended for occupancy by four or five adults who are not all related to each other shall be considered a lawful nonconforming use subject to the following:

1. The building permit application conforms to all applicable regulations in effect at the time of application;

2. The property owner's intention to accommodate said four or five adults is stated in writing;

3. The property was registered pursuant to this subsection within one hundred eighty days of the effective date of this UDO;

4. The property was lawfully eligible for occupancy by four or five adults not all related to each other prior to the effective date of this UDO;

5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the City or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.040(b) (Effect of Change in the Law After Filing of Complete Petition).

(D) Abandonment of Residential Occupancy. Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4) (Residential Occupancy), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to City staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

(d) Nonconforming Structures.

(1) Authority to Continue. A lawfully nonconforming structure may continue in its existing condition, however no increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(2) Nonconforming Structures in Regulated Floodplains.

(A) Changes to Structures. Any structure or use located in a regulated floodplain shall be governed by the general regulations of this Section 20.06.090 (Nonconformities) to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed where:

i. A permit is issued by the department of natural resources for such modifications; and

ii. If the addition, in combination with all other additions to the abode or residence that have been constructed since the abode or residence was originally built, would increase the market value of the abode or residence to an amount more than fifty percent greater than: (1) the market value of the abode or residence if no additions have been constructed since the abode or residence was originally built; or (2) the approximate market value the abode or residence would have in the form in which the abode or residence was originally built if

at least one addition has already been constructed. For the purposes of Subsection (c), the market value of an abode or a residence does not include the value of the land on which the abode or residence is built.

(B) Replacement of Structures. A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood elevation; all necessary permits must be obtained from the department of natural resources and all other applicable requirements of state law are met; and that application for a building permit must be made within six months of the date of destruction or removal.

(3) Restoration and Repairs. A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions of this Section 20.06.090 (Nonconformities) have been met regardless of other regulations in this UDO. Replacement, restoration, and repairs shall conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

(4) Structure Damaged or Destroyed.

(A) A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including acts of God, may be replaced, provided the owner or agent makes application for a building permit within six months of the date of destruction or removal.

(B) The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this UDO, to the extent possible and to the extent permitted by building code or other applicable regulation.

(e) Nonconforming Lots. A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (Nonconformities).

(1) All lots legally established and recorded prior to the effective date of this UDO or its subsequent amendments that do not meet the lot area and lot width standards of this UDO shall be deemed a substandard lot, otherwise known as a lawful nonconforming lot of record.

(2) A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this UDO as long as all use restrictions and other development standards of this UDO are met.

(f) Nonconforming Site Features. A lawfully nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required. No increase in the degree of nonconformity with any site feature is permitted except as expressly provided in this section.

(1) Full Compliance. A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings, except that existing nonconforming setbacks, architecture, and height for existing structures can remain.

(2) Limited Compliance.

(A) Applicability. A lawful nonconforming site or structure shall be brought into compliance with the standards in paragraph (B) below when any of the following occur on the site:

i. Nonresidential and Mixed-Use.

1. Any change in use, expansion, enlargement, or relocation of any use;

2. Reestablishment of a prior conforming use that has been discontinued for a period of twelve months or longer; or

3. Expansions, alterations, or modifications that increase the gross floor area of the building by more than ten cumulative percent, including previous additions approved under any UDO effective since February 12, 2007.

ii. Multifamily and Group Living.

1. Any expansions, alterations, or modifications to an existing building, with the exception of accessory structures less than five hundred eighty square feet, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces;

2. Any change in use, or any expansion, enlargement, or relocation of any use; or

3. Any addition of dwelling units.

iii. Single-Family Detached, Duplex, Triplex, and Fourplexes. A lawful nonconforming use or site feature on a lot where the primary use is a single-family detached, duplex, triplex, or fourplex dwelling may continue except as provided below:

1. Enlargement or modification of an existing driveway shall be subject to Section 20.04.050(c)(3)(C) (Surface Material); and

2. Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to Section 20.06.090(c)(4) (Residential Occupancy).

(B) Required Compliance. A lawful nonconforming site or structure that meets or exceeds the thresholds established in paragraph (A) above shall comply with the following standards:

i. Building Setbacks and Height. Existing buildings shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case full compliance with this UDO shall be required.

ii. Parking Setback and Maximum Number of Spaces. All parking spaces over the maximum number of spaces allowed must be removed. If all setbacks cannot be met through the removal of excess parking spaces, then priority shall be given to the parking spaces located in the front setback. If on a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street. Any parking spaces or asphalt that encroaches into public right-of-way or adjacent property not owned by the petitioner must be removed.

iii. Parking. Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of Section 20.04.060 (Parking and Loading). Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building of more than ten percent of the gross floor area may not increase the degree of nonconformity regarding the required number of parking spaces.

iv. Paving. Any substandard parking surfaces shall be brought into compliance with Section 20.04.060(i)(7) (Surface Material).

v. ADA-Accessible Parking. All required ADA-accessible parking spaces must be installed in accordance with Section 20.04.060(f) (Accessible Parking). If no additional room for parking

is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.

vi. Bicycle Parking. All required bicycle parking must be installed per Section 20.04.060(1) (Minimum Bicycle Parking Required) and Section 20.04.060(m) (Bicycle Parking Location and Design).

vii. Landscaping. If full compliance with Section 20.04.080 (General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

viii. Pedestrian Facilities. Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that curb ramps shall comply with the Americans with Disabilities Act.

ix. Signage. All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.

x. Dumpster Enclosures. All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (Screening).

xi. Lighting. All lighting shall be brought into compliance with Section 20.04.090 (Outdoor Lighting).

xii. Entrances and Drives. All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.

xiii. Minimum Landscape Area. If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.

xiv. Fencing. Any fence or wall that contains prohibited components as outlined in Section 20.04.080(n)(4)(A) must remove the prohibited components only.

(g) Nonconforming Signs.

(1) Generally.

(A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area or change in sign face type to electronic reader board, except as expressly provided in this Section 20.06.090(g) (Nonconforming Signs).

(B) Ordinary maintenance is permitted and shall include replacement of supports with different materials or design from the previous supports but shall not include any increase in the dimensions or numbers of supports.

(C) A lawful nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening or other improvement to any public sidewalk, path, trail, street, road, alley, or other public right-of-way or facility, by the City. For purposes of this section, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public

improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined vision clearance triangle.

(D) In situations described in subsection (C) above, the sign may be relocated upon the same zoning lot as its original location, if the board or commission with authority to acquire right-of-way in the particular case declines to seek purchase of full sign rights for permanent removal of the sign.

(E) A sign that is relocated under this Section 20.06.090(g)(1) (Generally) shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the staff, which may consider the factors listed in Section 20.06.090(g)(2) (Practicability of Compliance with Development Standards), among others, in determining practicability.

(2) Practicability of Compliance with Development Standards. In determining the practicability of bringing lawful nonconforming signs into compliance with development standards pursuant to Section 20.06.090(f) (Nonconforming Site Features), the staff may consider the availability of public funds for any required compensation to any person, and/or whether or not waivers have been provided pursuant to Section 20.04.100(h) (Waiver of Right to Damages).

(3) Repair. Minor changes to a lawfully nonconforming sign shall be permitted only where necessary in order to keep the sign in good and safe repair and operating condition; such changes may include replacement of supports with different materials or design, but shall not include any enlargement to the dimensions of such supports or any increase in the number of such supports.

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-20, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-07, § 2(Att. A), 4-19-2023; Ord. No. 2024-06, § II(Att. A), 4-10-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.06.100 Enforcement and penalties.

(a) Authority. All departments, officials, and public employees of the City that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this UDO and shall issue no permit for any use, building, activity or purpose which would be in conflict with the provisions of this UDO. Any permit issued in conflict with the provisions of this UDO shall be null and void. The Planning and Transportation 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 UDO.

(b) Penalties and Remedies for Violations.

(1) For the purposes of this UDO, a violation shall be defined as violation of or failure to comply with:

(A) Any provision or requirement of this UDO; or

(B) Any condition, requirement or commitment established with the approval of a variance, Conditional Use, site plan, Planned Unit Development, subdivision, certificate of zoning compliance, or other development approval under this UDO; 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 person who is a responsible party as defined in Section 20.06.100(e) (Enforcement Procedures—Notices of Violation) 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 this Section 20.06.100 (Enforcement and Penalties), and the City 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) Removal of a building, structure, or other improvement;

(C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;

(D) Any other remedy specified in this UDO; and/or

(E) Other remedy acceptable to the City.

(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 20.06.100(e)(5); and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this UDO or any condition, requirement, or commitment established in connection with this UDO or any development approval hereunder.

(6) In addition to all other penalties and remedies provided for herein, if a building or structure is demolished (which shall include partial demolition) in violation of Section 20.06.050(c) (Demolition Delay Permit), then, for a period of two years following such demolition, no new certificate of zoning compliance authorizing any use or any release of a building or demolition permit shall be issued for any activity upon the lot of record upon which the building or structure was located, or any adjoining lot of record under common ownership or control, except for an approved restoration or replacement of the demolished building or structure, or as otherwise agreed to by the City or ordered by the court in enforcement proceedings. The Planning and Transportation Director shall be authorized to execute and record in the office of the Monroe County Recorder a sworn statement containing these restrictions upon the properties affected thereby.

(7) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section 20.04.030(h) (Tree and Forest Preservation), the responsible party shall be required to meet the following requirements:

(A) Replace the removed trees with healthy trees of similar species.

i. The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Planning and Transportation Director.

ii. The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.

iii. Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the Planning and Transportation Director.

(B) Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

(8) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental features as outlined in Section 20.04.030 (Environment), the responsible party

shall be required to meet the following requirements, and no violation shall be deemed corrected for purposes of fining until all required steps are completed:

(A) Submit a remediation plan to the Planning and Transportation Department indicating how the disturbed area shall be restored to its pre-disturbed condition. The Planning and Transportation Director may require the utilization of native seed mixes and native plantings to restore areas to their pre-disturbed condition.

(B) Remediation plans shall be submitted by the responsible party within seven days of receiving notice from the Planning and Transportation Department.

(C) An approved remediation plan must be fully carried out as soon as reasonably possible. A violation shall be deemed corrected as of the date of submission of a remediation plan if such plan is subsequently approved and if such plan is fully carried out as soon as reasonably possible. However, any unreasonable delay in implementation of the plan may result in each day of the period of delay being deemed an additional violation subject to the maximum fine provided for in this UDO.

(9) In addition to all other penalties and remedies provided for herein, the City may refuse to issue any certificate of zoning compliance, certificate of occupancy, or other permit or approval for any use, development, occupancy or other activity upon or concerning any lot or parcel created in violation of Chapter 20.05 (Subdivision Standards) and/or Section 20.06.060 (Subdivision Procedures) of this UDO. The City may further take legal action to restrain and enjoin further violations, including but not limited to sales or offers of sales of lots or parcels, in violation of Chapter 20.05 (Subdivision Standards) and/or Section 20.06.060 (Subdivision Procedures).

(10) The remedies provided for in this UDO shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(c) Administration. The Planning and Transportation Director or his or her 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; and report to the Plan Commission on an as-needed basis as to the number and type of complaints and the outcome of each.

(d) Penalty.

(1) Any violation of this UDO shall be subject to a civil penalty of not more than two thousand five hundred dollars for each such violation, and not more than seven thousand five hundred dollars for the second and any subsequent violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(2) The following violations of this UDO shall be subject to the fines listed in Table 06-3 (Summary of Fines for UDO Violations) for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this UDO within three years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in subsection (1) above. (For example, a violation that is subject to a one hundred dollar fine per Table 06-3 (Summary of Fines for UDO Violations) will be subject to a two hundred dollar fine for the second offense, a four hundred dollar fine for the third offense, and so forth.) A responsible party will be deemed to have violated the same provision for purposes of this subsection where the violations fall under the same section of this UDO or under the same subject matter heading where such heading contains multiple sections.

Table 06-3. Summary of Fines for UDO Violations

UDO Violation	Fine (US Dollars)
Temporary signage without permit	$100.00
Parking on unimproved surface	$50.00
Temporary use without permit	$500.00
Permanent signage without permit	$250.00
Change in use without certificate of zoning compliance (CZC)	$100.00
Illegal land use	$2,500.00
Operation of home occupation without CZC	$200.00
Failure to obtain CZC	$500.00
Failure to comply with CZC	$250.00
Failure to comply with development standards	$100.00
Violation of environmental standards	$2,500.00
Failure to obtain floodplain development permit	$2,500.00
Any other violation	Up to $2,500.00

(e) Enforcement Procedures—Notices of Violation.

(1) If the Planning and Transportation Director or his or her designee finds that any violation of this UDO is occurring, or has occurred, a notice of zoning violation (NOV) may be issued to the responsible party. Such NOVs 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

(C) Any person, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the 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 zoning 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) Additional remedies the City may seek for violation;

(F) That the fine is paid to the City of Bloomington;

(G) That the NOV may be appealed to the Board Of Zoning Appeals;

(H) That the fine may be contested in the Monroe County Circuit Courts.

(3) Each item of noncompliance enumerated on the notice of violation 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 zoning violation was reported or observed.

(4) If the responsible party refuses inspection of the property, the Planning and Transportation Director or his or her designee may obtain an inspection warrant from any court of record in the county in which the property is located.

(5) In addition to issuing a notice of violation (NOV), the Planning and Transportation Director or his or her designee may use and/or seek through legal proceedings one or more of the following remedies:

(A) Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred; and/or

(B) Issue a stop work order; and/or

(C) Request the county building department to issue a stop work order and suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or

(D) Draw on a performance or maintenance bond, as necessary, to affect any remedial actions required to abate the violations; and/or

(E) Revoke the permits, certificates and/or approvals that have been violated; and/or

(F) Any and all penalties and remedies listed in Section 20.06.100(b) (Penalties and Remedies for Violations).

(f) Appeals.

(1) Appeals of notices of violation shall be made to the Board of Zoning Appeals as set forth in Section 20.06.080(d) (Administrative Appeal).

(2) Fines levied for zoning violations may be challenged in the Monroe County Circuit Court.

(Amd. of 1-14-2020; Ord. No. 2024-17, § II(Att. A), 9-18-2024)

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-10 is a true and complete copy of Plan Commission Case Number ZO2026-02-0003, which was given a favorable recommendation by a vote of 7 Ayes, 1 Nays (Holmes), and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 13, 2026.

Type of Legislation: Zoning Code Amendment

Fiscal Impact Statement:

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

No, the proposed amendments to Title 20, the Unified Development Code, will not have an impact on existing city revenue.

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as implementing proposed legislation will not require any additional resources, nor produce any savings, nor create any revenue impact. Approval of case ZO2026-02-0003 amends the Unified Development Ordinance (UDO), with clarifications, revisions, or amendments, by the Bloomington Plan Commission.This ordinance is in accordance with Indiana Code 36-7-4-600.

Date:

Signature of Plan Commission Secretary David Hittle

Received by the Common Council Office on:

Signature of Bloomington City Clerk Nicole Bolden

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
298	290	6	20.06.040(c)(3)(D)	No application fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.	No application **and inspection** fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.	Adds that non-profits and government agencies are exempt from inspection fees		Y
328	320	6	20.06.050(d)(2)(A)	No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.	No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. ~~In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.~~	Removes last sentence to not require a SDP in cases where a stormwater management permit is not required		Y
332	324	6	20.06.050(e)(2)(A)(ii)	Site development activity containing only new buildings or changes, alterations, or additions to an existing building, with no additional improvements required.	Site development activity containing only new buildings or changes, alterations, or additions to an existing building **or site**~~,~~ with no additional improvements required.	Adds "or site"		Y
333	325	6	20.06.050(e)(3)(B)(ii)	An approved final plan shall be in place prior to the issuance of a **grading** permit.	An approved final plan shall be in place prior to the issuance of a **site development** ~~grading~~ permit.	Changes grading permit to site development permit which corrects an error		Y
338	330	6	20.06.050(g)(2)(D)(i)(2) | Should be 20.06.050(g)(3)(B)(i)(3)	A recommendation for a final Certificate of Occupancy shall be obtained within six weeks of the date of the recommendation for the temporary Certificate of Occupancy. Due to weather or other circumstances, this period may be extended for a period of up to six months at the discretion of the Planning and Transportation Director or designee.	A recommendation for a final Certificate of Occupancy shall be obtained within six **months** ~~weeks~~ of the date of the recommendation for the temporary Certificate of Occupancy. Due to weather or other circumstances, this period may be extended **once** for a period of up to six months at the discretion of the Planning and Transportation Director or designee.	Changes six weeks to six months and clarifies that extensions can be granted once		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
338	330	6	20.06.050(h)	Certificate of Final Acceptance Purpose The Certificate of Final Acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO. Applicability A Certificate of Final Acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations. Certificate of Final Acceptance Review Process Figure 06.05-9 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to Certificate of Final Acceptance review. Additions or modifications to the common review procedures are noted below. Figure 06.05-9: Summary of Certificate of Final Acceptance Procedure 1 2 3 4 5 6 Pre-Submittal Activities Petition Submittal and Processing Staff Review and Action Scheduling and Notice of Public Hearings Review and Decision Post-Decision Actions and Limitations Submit to Planning and Transportation Department Review and decision by staff Petition Submittal and Processing Common expiration and revocation procedures apply The Certificate of Final Acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing). Staff Review and Action Inspection The Planning and Transportation Department and Engineering Department staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department and City Engineering Department requirements. Recommendation The City Engineering Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the City Engineer shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.	~~Certificate of Final Acceptance Purpose The Certificate of Final Acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO. Applicability A Certificate of Final Acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations. Certificate of Final Acceptance Review Process Figure 06.05-9 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to Certificate of Final Acceptance review. Additions or modifications to the common review procedures are noted below. Figure 06.05-9: Summary of Certificate of Final Acceptance Procedure 1 2 3 4 5 6 Pre-Submittal Activities Petition Submittal and Processing Staff Review and Action Scheduling and Notice of Public Hearings Review and Decision Post-Decision Actions and Limitations Submit to Planning and Transportation Department Review and decision by staff Petition Submittal and Processing Common expiration and revocation procedures apply The Certificate of Final Acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing). Staff Review and Action Inspection The Planning and Transportation Department and Engineering Department staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department and City Engineering Department requirements. Recommendation The City Engineering Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the City Engineer shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.~~	Removes Certificate of Final Acceptance from the UDO and re-numbers following		Y 629

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
351	343	6	20.06.060(c)(2) Figure 06.06-2			DRC is not required for secondary plat		Y
351	343	6	20.06.060(c)(2)(A) | Should be 20.06.060(c)(3)(A)	A Development Review Committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).	~~A Development Review Committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).~~	DRC is not required for secondary plat		Y
353	345	6	20.06.060(c)(2)(E)(iii)(1) / Municode: 20.06.060(c)(3)(E)(iii)(1)	In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this UDO and Planning and Transportation and Engineering Departments requirements shall be completed.	In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that ~~all~~ public facility improvements and installations required under the provisions of this UDO and Planning and Transportation and Engineering Departments requirements shall be completed.	Removes all when referring to public facility improvements		Y
353	345	6	20.06.060(c)(2)(E)(iii)(2)[b]	The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.	~~The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.~~	Removes unnecessary text that is not required by State code and re-numbers the following		Y
353	345	6	20.06.060(c)(2)(E)(iii)(3)[a]	Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Engineering Department requirements;	Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost ~~of the project~~ in order to be sufficient to complete the improvements and installations in compliance with this UDO and ~~City~~ Engineering Department requirements;	Strikes "of the project" and "City"		Y
353	345	6	20.06.060(c)(2)(E)(iii)(3)[b]	Provide bond satisfactory to the city or to the county;	~~Provide bond satisfactory to the city or to the county;~~	Strikes language		Y
354	346	6	20.06.060(c)(2)(E)(iii)(3)[c]	Run to and be in favor of the city or the county;	Run to and be in favor of the city ~~or the county~~;	Strikes "or the county"		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
354	346	6	20.06.060(c)(2)(E)(iii)(3)[f]	Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [e] above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved. The maintenance bond shall be in the amount of five percent of the original performance bond, or $10,000.00, whichever is greater, or as determined by the City Engineer; and	Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection **[d]** above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved **by the Board of Public Works**. The maintenance bond shall be in the amount of five percent of the original performance bond, or $10,000.00, whichever is greater, or as determined by the City Engineer; and	Updates letters and specifies approved by the Board of Public Works		Y
354	346	6	20.06.060(c)(2)(E)(iii)(3)[g]	Be in a form approved by the City Legal Department.	Be in a form approved by the ~~City~~ Legal Department.	Strikes "City"		Y
354	346	6	20.06.060(c)(2)(E)(iii)(5)	The City Planning and Transportation and Engineering Departments shall maintain records of all petitions, plans, and permits filed for a performance bond.	The ~~City~~ Planning and Transportation and Engineering Departments shall maintain records of all petitions, plans, and permits filed for a performance bond.	Strikes "City"		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
354	346	6	20.06.060(c)(2)(E)(iii)(7) should be 20.06.060(c)(3)(D)(iii)(7)	Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the City Planning and Transportation Department may approve the petitioner's written request for an extension of time for up to one additional year, granted at six month intervals and conditioned in every case upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.	Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the ~~City Planning and Transportation Department~~ Engineering Department may approve the petitioner's written request for an extension of time for up to one additional year, granted at six twelve month intervals and conditioned in every case upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years. Additional one year extensions beyond an effective period of three years may be considered by the Board of Public Works based on the following criteria: a) The petitioner remains responsive and responsible; b) The petitioner continues to make progress on the required public facility improvements; c) There are no other approved subdivisions that require use of the public facility improvements; d) There are no other property owners within the subdivision that are served by insufficient public facilities as determined by the Engineering Department; e) The extension is in the public's best interest and will not jeopardize the health, safety, or welfare of the public. Extensions beyond an effective period of three years may require an increase in the bond amount and may require modifications to the public facility improvements in order to ensure compliance with current standards. All extension requests must be made in writing at least 3 months prior to the end of the approved effective period.	Changes Planning and Transportation to Engineering and modifies extension of completion time under financial bond required language; strikes City from Planning and Transportation Department		

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
355	347	6	20.06.060(c)(2)(E)(iii)(8)	Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the City Planning and Transportation Department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.	Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the **Engineering** ~~City Planning and Transportation~~ Department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.	Changes Planning and Transportation to Engineering		Y
355	347	6	20.06.060(c)(2)(E)(iii)(9)	The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City Engineering Department, and the maintenance bond has been accepted.	The performance bond or letter of credit shall be in effect and shall not terminate until ~~30 calendar days~~ after the certificate of final acceptance is approved ~~by the City Engineering Department,~~ and the maintenance bond has been accepted.	Strikes unneccessary text		Y
355	347	6	20.06.060(c)(2)(E)(iii)(10)[a]	Annual partial releases of performance sureties held by the city shall be approved by the City Engineering Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer or his or her designee, and the developer or his or her designee.	~~Annual p~~ **P**artial releases of performance sureties held by the city **may** ~~shall~~ be approved by the **Board of Public Works** ~~City Engineering Department~~ in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer or his or her designee, and the developer or his or her designee.	Revises text		Y
382	374	6	20.06.080(b)(3)(F)(iii)	Unless otherwise specified at the time of approval, any variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:	Unless otherwise specified at the time of approval **or before expiration**, any variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:	Clarifies duration language for variances		Y
374	366	6	20.06.080 Table 06-2 Subdivision Standards	-	**Lot width, minimum**	Adds minimum lot width to Allowable Minor Modification Table		Y
374	366	6	20.06.080 Table 06-2 Allowable Modification (maximum percentage)	-	**10**	Allows lot width minor modification up to 10%		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
379	371	6	20.06.080(b)(3)(E)(i)(3)	Determinate Sidewalk Variance Approval Criteria While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to: That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.	~~Determinate Sidewalk Variance Approval Criteria While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to: That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.~~	Removes determinate sidewalk variance language which is no longer needed with payment in lieu of sidewalk addition		Y
381	373	6	20.06.080(b)(3)(E)(iii)(2)	Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.	~~Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued. and re-number below.~~	Removes determinate sidewalk variance language which is no longer needed with payment in lieu of sidewalk addition and re-number following		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
383	375	6	20.06.080(c)(3)(B)	The Planning and Transportation staff or Traffic and Transportation Engineer (as applicable) shall review the request for interpretation, shall consult with the City Attorney and affected city officials, and shall render a decision based on the following specific approval criteria:	The Planning and Transportation **Director** ~~staff~~ or ~~Traffic and Transportation~~ **City** Engineer (as applicable) shall review the request for interpretation, shall consult with the **Legal Department** and affected city officials, and shall render a decision based on the following specific approval criteria:	Specifies P&T Director instead of staff and City Engineer instead of Traffic and Transportation Engineer. Changes City Attorney to Legal Department.		Y
396	388	6	20.06.090(g)(1)(A)	Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in this Section 20.06.090(g).	Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area **or change in sign face type to electronic reader board**, except as expressly provided in this Section 20.06.090(g).	Adds that nonconforming signs cannot be changed to electronic reader board		Y

Bloomington Common Council Ordinance 2026-11 - Chapter 2: Zoning Districts; Chapter 3: Use Regulations: Chapter 5: Subdivision Standards; Chapter 7 Definitions corrections to the Unified Development Ordinance

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect 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 April 13, 2026, 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 April 23, 2026; 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.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1:
Title 20, entitled "Unified Development Ordinance", is amended.

Section 2:

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. ZO2026-02-0004 Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5 Subdivision Standards; Chapter 7 Definitions (hereinafter “Attachment A”)
    B. Any Council amendment thereto (Attachment “B”).

Section 3:

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: 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, or 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 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6: 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

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the day of , 2026.

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

Signature of Bloomington City Clerk Nicole Bolden

Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of , 2026.

Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:

Signature of Mayor Kerry Thomson

Synopsis:
This Ordinance contains corrections and amendments to Chapter 2: Zoning Districts; Chapter 3: Use Regulations; Chapter 5: Subdivision Standards; Chapter 7: Definitions of the Unified Development Ordinance. There are 28 amendments in this petition.

Chapter 20.07 DEFINITIONS[1]

20.07.010 Defined words.

The following terms shall have the following meanings:

"A zone" means portions of the special flood hazard areas (SFHAs) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as zone A, zone AE, zones A1-A30, zone AO, zone AH, zone AR and zone A99 on a FIRM. The definitions are presented below:

"Zone A" means areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

"Zone AE and A1-A30" means areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of zones A1-A30.)

"Zone AH" means areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AO" means areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AR" means areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

"Zone A99" means areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

"AASHTO" means American Association of State Highway and Transportation Officials.

"Abutting" means bordering or touching, such as sharing a common lot line. Lots that are separated by a street, right-of-way, or platted alley are not abutting.

"Accessory dwelling unit (ADU)." See "dwelling, accessory unit."

"ADA" means the Americans with Disabilities Act.

"Addition (to an existing structure)" means any walled and roofed expansion of the perimeter of a structure. For purposes of floodplain regulations, any walled and roofed expansion to the perimeter of a structure in which

[1]Note(s)—This Chapter 20.07 includes definitions for words and phrases used in this UDO. The general rules of interpretation for this UDO are in Section 20.01.030(a) (Rules of Interpretation). Any words or phrases not defined in this Chapter 20.07 shall be given their customary meanings, as determined by the Planning and Transportation Director.

the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

"Adjacent property" means any property that physically touches a given property. For the purposes of this UDO, properties across a public right-of-way are also considered adjacent.

"Affordable housing" means residential developments with a recorded restriction that requires the housing for a certain minimum number of years to be rented or owned by qualified very low and low-income households.

"Agriculture." See "crops and pasturage," and "urban agriculture, noncommercial."

"Alley" means a right-of-way through or partially through a block, intended for secondary vehicular access to the rear or side of properties. However, where vehicle access from the street is not permitted or not possible, an alley may provide primary vehicle access.

"Alteration of a watercourse," for purposes of floodplain regulations, means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

"Amenity center" means a building or facility owned or operated by a corporation or homeowners association intended for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency in a specific development or neighborhood is required for participation. Examples may include communal areas, swimming pools, health club facilities, media rooms, or the like.

"Apartment." See "dwelling, multifamily."

"Appeal" means for purposes of floodplain regulations, a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

"Architectural features" means ornamentation or decorative features attached to or protruding from an exterior wall.

"Area of shallow flooding" means for purposes of floodplain regulations, a designated AO or AH zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard," for purposes of floodplain regulations, is the land within a community subject to a one percent or greater chance of being flooded in any given year.

"Art gallery, museum, or library" means a facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical, or scientific value. Accessory uses can include meeting rooms or cafes.

"Art, public" means a visual work of art that is permanently displayed in a way that it is visible from a public place, street or way. The work of art may include but need not be limited to sculptures, murals, monuments, frescoes, fountains, stained glass, or ceramics.

"Artist studio or workshop" means a facility that includes work or teaching space for one or more artists, artisans, or musicians.

"Assisted living facility" means a facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. An "assisted living

facility" does not contain equipment for surgical care or for treatment of disease or injury and does not include "nursing or convalescent home."

"Awning" means a roof-like cover intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or parapet of a structure over a window, walk, door, or a similar feature.

"Balcony" means an architectural appurtenance located above the first floor that is either entirely unenclosed or covered only by a roof or railing.

"Banner" means a sign with characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

"Bar" or "dance club" means a facility open to the public and characterized by live or televised entertainment, dancing or the serving of alcoholic beverages. Food or packaged alcoholic beverages may be sold but are generally accessory to the primary use.

"Base flood," for purposes of floodplain regulations, means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent annual chance flood or one hundred year flood.

"Base Flood Elevation (BFE)" means the water surface elevation of the base flood in relation to a specific datum, usually the North American Vertical Datum of 1988.

"Basement."

"Basement (generally)" means in all other contexts, that portion of a building that is partly or wholly below grade, as measured four feet from the exterior of the foundation wall, regardless of whether the interior space is finished or unfinished. A basement shall be counted as a story for determining building setbacks and number of stories if the front exterior wall of the basement facing a street is not completely below grade and each side of the foundation wall facing the side yard is less than fifty percent covered by grade.

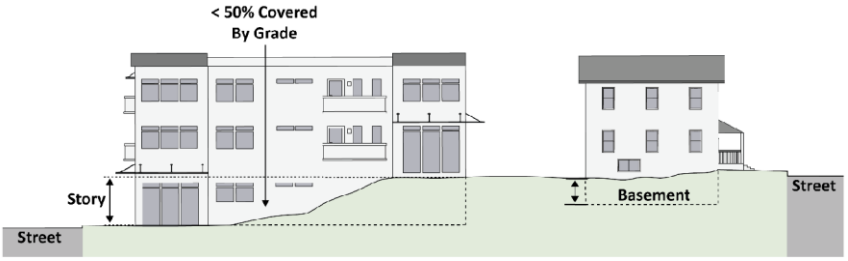


Figure 4: Basement Definition

"Basement (floodplain regulations)" means for purposes of floodplain regulations, that portion of a structure having its floor sub-grade (below ground level) on all sides.

"Bay window" means a large window or series of windows projecting from the outer wall of a building and forming a recess within and that does not extend to the ground on the exterior.

"Bed and breakfast" means a single-family detached dwelling where transient lodging and meals are provided for compensation, that does not meet the definition of a "hotel or motel," or single room occupancy."

"Berm" means a man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

"Best available flood layer," for the purposes of floodplain regulations, means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

"Bicycle parking facility, class I" means long-term parking facilities that provide a high level of security for long durations (day, overnight, or longer). Class I facilities can include individual lockers, racks in an enclosed, lockable room, or racks or lockers in an indoor area always visible to employees.

"Bicycle parking facility, class II" means short-term parking facilities that provide medium level security for relatively short durations (usually two hours or less). These facilities often include stands or racks and allow a user to secure a bicycle frame and one or both wheels to the facility with a lock.

"Bike lane" means a portion of the street that has been designated and designed for the exclusive use of bicycles with distinct signage and pavement markings.

"Block" means property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead-end street.

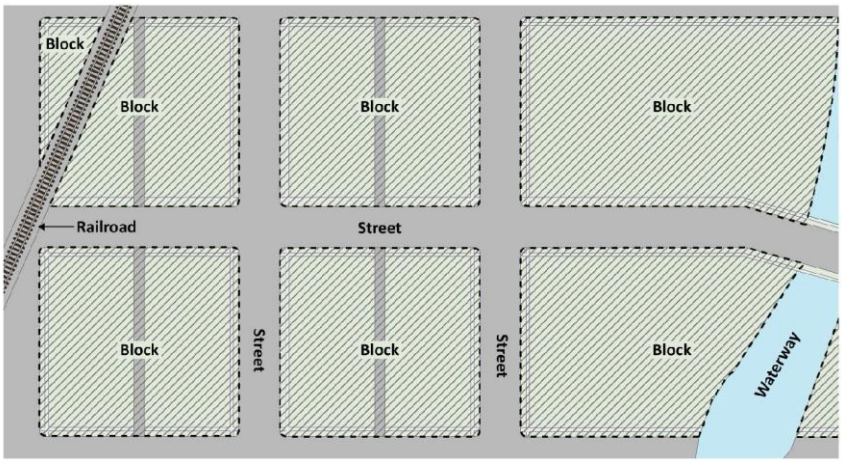


Figure 5: Block Definition

"Block face" means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another.

"Board of Zoning Appeals (BZA)" means the City of Bloomington Advisory Board of Zoning Appeals or any division or designee thereof.

"Book buyback" means a use or business that purchases used higher education books.

"Bottled gas storage or distribution" means a facility that engages in the holding and transportation of bottled gas products.

"Brewpub, distillery, or winery" means a commercial use that brews ales, beers, meads, distilled drinks, wines, and/or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use.

"Buffer yard" means an area adjacent to side and rear property lines, measured perpendicularly from adjacent property lines, intended to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffer yards also help to maintain existing vegetation, to block or reduce noise, glare or other emissions and to maintain privacy.

"Building."

"Building (generally)" means for all other contexts, any structure having a roof supported by columns, walls or air pressure.

"Building (floodplain regulations)." For purposes of floodplain regulations, see "structure."

"Building base" means the street level portion of a building facade. The building base is typically one or two stories tall in height and contains such features as display windows, kick plates, pedestrian entrances and a sign band.

"Building cap" means the uppermost portion of a building facade. The building cap is typically located above the uppermost windows and contains a cornice that is integrated with the roof form and downspouts/gutters for stormwater diversion.

"Building code" means the Indiana Building Code, which establishes and controls the standards for constructing all forms of permanent structures and related matters.

"Building middle" means the area of the facade of a building between the base and the cap. This area includes evenly spaced and similarly sized windows, as well as balconies and other architectural features.

"Building or structure, accessory" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and that is customarily incidental to the primary building or structure or to the primary use of the land. This includes, but is not limited to, automated teller machines (ATMs) and automated ice dispensers.

"Building or structure, attached" means a building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

"Building or structure, detached" means a building or structure that has no structural connection with the primary building or structure or any other building or structure.

"Building or structure, enclosed" means a building or structure that is fully enclosed on all sides by solid walls and a roof that are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

"Building or structure, lawful nonconforming" means any building or structure that does not comply with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the building or structure does not comply.

"Building or structure, primary" means a building or structure in which is conducted any primary use that is a permitted use of the lot on which it is located.

"Building or structure, temporary" means any building or structure that is easily moved, without any foundation or footing, or intended to be used for a limited period of time. Temporary buildings or structures

include, but are not limited to, tents, trailers, and other temporary structures that are not, and are not legally required to be, erected under the state, City, and county permit processes for permanent buildings.

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

"Building, prefabricated" means, for purposes of floodplain regulations, a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

"Building supply store" means a business establishment that provides materials for sale that are commonly used for building construction purposes.

"Build-to line" means an alignment establishing a certain distance from the front property line where a building must be constructed.

"Build-to range" means the area measured from the property line parallel to the frontage to at least one of the primary structure's front building wall.

"Business school." See "school, trade or business."

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

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

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

"Cement production." See "gravel/sand/cement production."

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

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

"Center line" means the midpoint in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic centerline for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original centerline prior to such acquisition shall be considered the centerline for the purposes of this UDO.

"Certificate of appropriateness" means a permit issued by the Historic Preservation Commission granting a petitioner approval for the alteration, change, demolition, relocation, excavation, or new construction of a structure within a local historic or conservation district.

"Certificate of occupancy" means a certificate issued by the Monroe County Building Department stating that the occupancy and use of a building or structure complies with the provisions of all applicable Monroe County and City of Bloomington codes and ordinances.

"Certificate of zoning compliance (CZC)" means improvement location permits as authorized by the Indiana Code § 36-7-4-800 Series. A certificate issued under this UDO prior to permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any lot, building, structure or sign within its jurisdiction, or permitting a person to change the condition of the land or the use.

"Changeable copy" means a sign that displays words, lines, logos, or symbols that can be easily changed to provide different information without altering the face or surface of such sign.

"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.

"Check cashing" means a business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing also includes a facility that provides loans to individuals in exchange for personal checks as collateral. The term "check cashing" does not include a state or federally regulated bank or credit union.

"Chicken flock" means as defined in Section 7.01.010 (Definition of terms) of the Bloomington Municipal Code, as that definition may be amended, which is expressly incorporated into this UDO by reference.

"Church." See "place of worship."

"City" means the City of Bloomington, Indiana.

"City of Bloomington Survey of Historic Sites and Structures" means those sites and structures listed in the City of Bloomington Survey of Historic Sites and Structures, as it may be amended or replaced with said table being incorporated into this UDO by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection.

"Club" or "lodge" means a nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club" or "lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities. This does not include "fraternity or sorority house."

"College." See "school, college or university."

"Collocation" means a space on an existing or proposed communication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

"Commercial laundry" means an establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply. Such establishments may also include self-service laundering facilities.

"Commitment" means a written document, in recordable form approved by the City Legal Department, which may include maps, site plans or other exhibits, and that contains the information necessary to affect the provisions of this ordinance or the approval to which the commitment is connected. Commitments are established by the Indiana Code § 36-7-4-1500 Series for establishment of Planned Unit Developments; Indiana Code § 36-7-4-1405 and Indiana Code § 36-7-4-613 for site plans; Indiana Code § 36-7-4-921 for variances; and Indiana Code § 36-7-4-608 for amendments to the zoning maps. Commitments shall be recorded in the office of the Monroe County Recorder.

"Common area" means any portion of a development that is neither part of a lot or tract nor dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and ~~may include such other uses as parking lots and~~ complementary buildings or structures. Maintenance of such areas is not the responsibility of the City and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas. A common area does not provide relief from other zoning requirements that would normally exist between a property and adjacent properties and/or rights-of-way if the common area did not exist.

"Common area development" means a type of development where the lot area includes only the footprint of a building or the footprint and a limited area outside the footprint. The remainder of the area included in the parent parcel is owned in common by a homeowner's association.

"Common Council" means the Common Council of the City of Bloomington, Indiana.

"Communication facility" means antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum-based transmissions or receptions. The following shall not be considered as "communications facilities" for the purpose of this definition: satellite reception dishes less than three feet in diameter; wireless communication facilities that are completely located within a primary structure and that operate with the sole purpose of providing communications within that structure; and hand-held wireless communications devices.

"Communication tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

"Community" means for purposes of floodplain regulations, a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

"Community center" means a building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, that is accessible to the general public, and that is not operated for profit.

"Community rating system (CRS)" means for purposes of floodplain regulations, a program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

"Comprehensive Plan" means the most recently adopted Comprehensive Plan for the City of Bloomington including the Transportation Plan, and any subsequently adopted subarea plans and amendments thereto, prepared by the Plan Commission and legally adopted. The plan includes goals, objectives and strategies for land use, growth management, transportation/ thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan is developed and adopted by the Plan Commission pursuant to the Indiana Code § 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

"Condition of approval" means stipulations or provisions set forth by the Board of Zoning Appeals, Plan Commission, or Common Council required as a prerequisite for approval of a petition.

"Conditional Use" means a use specifically designated as such in this UDO that, because of its unique characteristics, cannot be properly classified as a permitted use in a particular zoning district and that may be conducted only pursuant to a Conditional Use Approval granted by the Board of Zoning Appeals.

"Condominium" means the same as the word is defined by Indiana Code Article 32-25, entitled "Condominiums."

"Conference or convention center" means a facility containing over twenty thousand square feet of gross floor area and designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking facilities.

"Connectivity" means the directness of links and the density of connections in the street network. An area with high connectivity has many links, numerous intersections, and minimal dead-ends or culs-de-sac.

"Connector path" means a hard surface linkage or shortcut between two destinations that is not accessible by automobiles.

"Conservation areas" means the cumulative of all areas required to be maintained for environmental preservation.

"Construction support activities" means a temporary structure used as an office for contractors and builders during construction located at a construction site that serves only as an office until the given construction work is completed. This includes contractor's offices, equipment storage, and portable lavatories.

"Continuing care retirement facility" means an establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally incudes a variety of housing types and provides a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

"Contractor's yard" means a lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition also includes contractor's office.

"Convalescent home." See "nursing or convalescent home."

"Cooperative housing" means a facility used for the purpose of household living, where the residents share common areas and cooking, dining, and maintenance duties. All residents are shareholders in a cooperative corporation, registered with the Indiana Secretary of State, that owns the property, and are entitled to use of a housing unit in the property, but shall not own a real property interest in the building, land, or other amenities that make up the facility. Membership in the cooperative corporation shall be open regardless of age, sexual orientation, gender, religion, or ethnicity, and governance of the cooperative is provided by the membership. This definition does not include any facility that meets the definition of a student housing or dormitory or a fraternity or sorority house under this UDO or the definition of a condominium under Indiana law.

"Country club" means a membership club catering primarily to its membership and invited guests, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, clubhouse and locker rooms. A country club may also include incidental retail sales such as a pro shop and may include dining and catering facilities.

"County" means Monroe County, Indiana.

"Courthouse square" means a geographic area encompassing all buildings facing the Monroe County Courthouse. This shall also include buildings located at the southwest corner of College and Kirkwood, the southeast corner of Walnut and Kirkwood, the northeast corner of Walnut and 6th Street, and the northwest corner of College and 6th Street.

"Covenant" means private and legal restrictions of various kinds on the use and development of a lot. In the case of public health, safety and welfare, covenants may be required by the Plan Commission, that are recorded with the plat and deed. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees, but instead are enforceable in civil court by interested or affected parties.

"Crematory" means a facility containing apparatus intended for use in the act of cremation of deceased persons.

"Critical facility" means for purposes of floodplain regulations, a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Crops" and "pasturage" means agricultural uses including raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, as defined by this UDO, or livestock products, for the production of income. This shall also include any other horticultural, floricultural or viticultural use, and animal husbandry. Crops include field crops, flowers and seeds, fruits, grains, melons, ornamental crops

and vegetables. Livestock products include milk, butter, cheese, eggs, meat, fur, and honey. This use does not include feed lots, concentration points, confined feeding, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, transfer stations, forest management and timber harvesting activities, noncommercial residential gardens, or the commercial feeding of garbage or offal to swine or other animals.

"Cul-de-sac" means a street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end. A stub street is not a cul-de-sac.

"Current preferred practices (CPP)" means a set of practices proven both effective and cost effective at reducing soil erosion and sedimentation during land disturbing activities, including but not limited to silt or erosion-control fences, filter socks, straw bales, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

"D zone" means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

"Dance club." See "bar or dance club."

"Day care center, adult" means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a period of less than twenty-four hours per day.

"Day care center, adult or child" means a facility, other than a "child day care home," "assisted living facility," or "nursing/convalescent home" where children or elderly and/or functionally impaired adults receive care from a provider for a period of less than twenty-four hours per day. The term "day care center" includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education, which shall be included within the definition of "school, primary/secondary." The term "day care center" shall include facilities defined as "child care centers" under Indiana Code § 12-7-2-28.4 and facilities defined as "child care homes" under Indiana Code §§ 12-7-2-28.6, 12-7-2-33.7, and Indiana Code § 12-7-2-33.8 in which child care homes are not the primary residence of the provider. Where required by state law, day care centers shall be and remain licensed by the state, pursuant to Indiana Code § 12-17.2 et seq., and shall operate in accordance with their license and all applicable state laws. A "day care center" exempt from state licensing requirements shall provide proof of exemption.

"Day care home, adult" means a residential dwelling unit used as the primary residence of the day care provider where adults receive care from the provider while unattended by a guardian or custodian for a period of less than twenty-four hours per day.

"Day care home, child" means a residential dwelling unit used as the primary residence of the day care provider where children receive care from the provider while unattended by a parent, legal guardian or custodian for a period of less than twenty-four hours per day. A facility shall not be classified as a day care home unless it provides care for no more than sixteen full- or part-time children at any one time. The maximum of sixteen children does not include children of at least seven years of age for whom the provider is a parent, stepparent, guardian, custodian or other relative. The term "child day care home" includes those facilities where fewer than six full- and part-time children (excluding any children for whom the provider is a parent, stepparent, guardian, custodian or other relative) receive care from the provider while unattended by a parent, legal guardian or custodian. Where required by state law, child day care homes shall be and remain licensed by the state and shall be operated in accordance with their license and all applicable state laws. A "child day care home" exempt from state licensing requirements shall provide proof of exemption.

"Deck" means a structure that is typically constructed of wood, elevated from ground level and open to the sky. Decks may be freestanding or attached to a primary structure or building.

"Decorative stone" means natural stone that is washed or finished, where the total aggregate utilized is at least 2 inches in size.

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"Dedication" means the setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

"Demolition" means the complete removal or destruction of any structure excluding its foundation.

"Density" means a unit of measurement describing the number of dwelling units per measured acre. This UDO may regulate density by establishing the permitted number of units per acre or the amount of land, measured in square feet or acres, required per individual unit on the resulting lots.

"Development."

"Development (generally)" means in all other contexts, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any change in use, or alteration or extension of the use of land.

"Development (floodplain regulations)" means for purposes of floodplain management any man-made change to improved or unimproved real estate including but not limited to:

(1) Construction, reconstruction, or placement of a structure or any addition to a structure;

(2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) Mining, dredging, filling, grading, excavation, or drilling operations;

(6) Construction and/or reconstruction of boat lifts, docks, piers, or seawalls;

(7) Construction and/or reconstruction of bridges or culverts;

(8) Storage of materials; or

(9) Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

"Development plan, PUD" means the name for PUD final plans under the Bloomington Zoning Ordinance effective 1973—1995. See "final plan, PUD."

"Development standards" means height, bulk, density, environmental performance standards, and other standards for development as set forth in this UDO, including landscaping, parking, and other required improvements, excluding those provisions that specifically regulate the use of property.

"Diameter at breast height (DBH)" means the diameter of an existing tree trunk or the cumulative diameter of multiple trunks measured four and one-half feet or fifty-four inches above natural grade.

"Display window" means a window of a store facing onto the street that is used to display merchandise or signage. Display windows typically include a kick plate and are not typically double-hung windows.

"Distribution, warehouse, or wholesale facility" means a facility that is used for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production. This does not include "bottled gas storage or distribution."

"District, mixed-use or nonresidential" refers to all zoning districts, including Planned Unit Developments, other than those defined as a "residential district."

"District, residential" refers to the R1, R2, R3, R4, RM, RH, and RMH zoning districts and residential portions of Planned Unit Developments.

"DNR" means the Indiana Department of Natural Resources.

"Dripline" means the perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

"Drive" means a vehicular access to a development site, including private streets or roads and excluding an aisle serving as direct access to a row of parking spaces.

"Drive apron" means the driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing a private property.

"Drive-through" means a facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

"Drive-through bay" means the portion of a drive-through use or structure, including any awnings, structures, or service windows, where individual vehicles are parked to receive service.

"Driveway" means a surfaced area intended solely for the purpose of accessing a garage or parking area, other than an aisle serving as direct access to a row of parking spaces.

"Dwelling, accessory unit" means an additional residential dwelling unit, but not a mobile home, camper, or recreational vehicle, that is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Without limiting the generality of the previous sentence, this definition includes a transportable living unit that meets either the applicable City building code or the construction standards of the Federal Manufactured Housing Act, contains less than five hundred square feet of gross floor area, is mounted on a permanent foundation, and is connected to City utilities as required for other types of dwelling units.

"Dwelling, cottage development" means a cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings containing less than five hundred square feet of gross floor area, commonly referred to as tiny homes, provided that each home meets either the Indiana Building Code or the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to City water, sewer, and electric services. This definition shall not include a "manufactured home park."

"Dwelling, duplex" means a single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

"Dwelling, fourplex" means a single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family.

"Dwelling, live/work" means a dwelling unit containing an integrated living and working space in different areas of the unit.

"Dwelling, manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds nine hundred fifty square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Mobile Home."

"Dwelling, mobile home" means any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and that is not a "dwelling, manufactured home" as defined by this UDO.

"Dwelling, multifamily" means one or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-Family Detached", "Dwelling, Single-family Attached", "Dwelling Duplex", "Dwelling, Triplex", "Dwelling, Fourplex" "Student Housing or Dormitory", or "Dwelling Accessory Unit".

"Dwelling, short-term rental" means the rental of an entire dwelling unit for monetary consideration for a period of time less than thirty consecutive days, not including a "bed and breakfast," single room occupancy," or" hotel/motel." This definition does not include offering the use of one's property where no fee is charged or collected.

"Dwelling, single-family attached" means two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

"Dwelling, single-family detached" means a single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "dwelling, manufactured home" but does not include "dwelling, mobile home." A single-family detached dwelling may also include an "accessory dwelling unit" if it meets the requirements for that additional use under this UDO.

"Dwelling site" means a site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

"Dwelling, triplex" means a single building on a single lot containing three dwelling units under one roof, each of which is occupied by one family.

"Dwelling unit" means one or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "family"). The dwelling unit shall be characterized by but not limited to:

(1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;

(2) A single kitchen adequate for the preparation of meals;

(3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one "family" (see definition) shall be constructed and regulated as a "single room occupancy" (see definition).

"Easement" means a nonpossessory interest in land granted by a property owner to the City, the general public, a corporation, or other persons for specific purposes including but not limited to the construction of utilities, drainage ways, and streets, or for the protection of natural features.

"Easement, conservancy" means an easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for forest, recreational or open space use, and protecting natural resources.

"Easement, drainage" means an easement that permits the unobstructed flow of upstream stormwater runoff. A drainage easement may include detention or retention ponds, swales, wetlands or underground pipes, and that allows the City utilities department access for installation, maintenance, repair or removal of drainage facilities.

"Easement, karst conservancy" means an easement that restricts any land-disturbing activities within a defined area around a surface karst feature and permits the City of Bloomington the right to enter the property to inspect the easement and alter or repair the karst feature.

"Easement, pedestrian" means an easement that permits the general public the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain classes of nonmotorized vehicles, and grants the City the right to construct, alter, repair, maintain, or remove improvements within the easement area.

"Easement, sanitary sewer" means an easement that allows the City utilities department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

"Easement, temporary turnaround" means an easement that permits the general public the right to access the easement for purposes of turning a motor vehicle around at the end of a stub street. This easement right is terminated when the road is extended to the adjoining property.

"Easement, transit facility" means an easement that grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation, or grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

"Easement, tree preservation" means an easement that prohibits the removal of any tree over six inches in diameter at breast height within the easement area and allows the removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the Planning and Transportation Department.

"Easement, utility" means an easement that allows both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

"Easement, waterline" means an easement that allows the City utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

"Edge vegetation" means those plants that naturally grow in a transition area between two distinct, but adjoining, plant communities such as those that grow between a forest and an open space, along the edge of the forest.

"EIFS" means exterior insulation and finish system.

"Electric vehicle charging facility" means a facility in which electric vehicle charging services are made available to the public or to members for a fee, including structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Electronic reader board" means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

"Elevated structure" means for purposes of floodplain regulations, a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

"Elevation certificate" means for purposes of floodplain regulations, a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

"Emergency program" means for purposes of floodplain regulations, the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

"Enclosed area" for purposes of floodplain regulations, (enclosure) is an area of a structure enclosed by walls on all sides.

"Enclosure below the lowest floor" means for the purposes of floodplain regulations, see "Lowest Floor" and "Enclosed Area."

"Enlargement" means the expansion of any use or structure into or onto any portion of a structure or lot not previously occupied by said use or structure or increase in any physical dimension of a structure. Also, expansion of a use into any structure floor area not previously occupied by said use. Enlargement includes expansion of a principal use into floor area previously used as an accessory use, such as expansion of residential living area into a basement, attic or garage not previously used as living area.

"EPA" means United States Environmental Protection Agency.

"Equipment sales or rental" means an establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery or other equipment used for commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, semi-tractor trailers, farm equipment, bulldozers, cranes, backhoes, rollers, loaders, or lifts. This use includes the selling of manufactured homes that are not intended to be used on the same lot on which they are sold and the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders, but not including "vehicle sales or rental."

"Erosion" means the general process by which soils are removed by flowing surface or subsurface water, or by wind, ice or gravity.

"Existing manufactured home park or subdivision" means for purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

"Expansion." See "enlargement."

"Expansion to an existing manufactured home park or subdivision" means for purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Exterior finish material, primary" means an exterior finish material that covers more than twenty percent of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

"Exterior finish material, secondary" means an exterior finishing material that covers twenty percent or less of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

"FAA" means the United States Federal Aviation Administration.

"Facade" means that portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The facade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a facade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building

may have more than one facade, and a facade may cross building lines, provided there is unitary ownership or control of both buildings.)

"Facade open area" means areas within a building facade that provide voids or relief, such as windows or balconies.

"Facade, primary" means those portions of a facade that are adjacent to or front on a private or public street, park or plaza.

"Family" means an individual or group of persons that meets at least one of the following definitions.

(1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.

(2) A group of no more than five adults aged fifty-five years of age or older living together as a single housekeeping unit in a dwelling unit.

(3) A group of people whose right to live together is protected by the Federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.

(4) In the R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit.

(5) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

(6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

"Farm produce sales" means the seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, and baked goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

"Farmer's market" means an occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.

"FCC" means United States Federal Communications Commission.

"FEMA" means the Federal Emergency Management Agency.

"FHA" means the Fair Housing Act.

"Fill," for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

"Final plan, PUD" means the detailed construction drawings for all or part of a Planned Unit Development.

"Financial institution" means a federal or state-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term does not include "check cashing," except where separately permitted. Accessory uses may include automatic teller machines and offices.

"Findings of fact" means the written findings of an approving body as required by Indiana Code § 36-7-4-707 for subdivisions of land, Indiana Code § 36-7-4-915 for actions of the Board of Zoning Appeals, and Indiana Code § 36-7-4-1406 for site plans.

"Firearm sales" means a business in which at least ten percent of the gross floor is used for or ten percent of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. This does not include "pawn shop".

"Fitness center" means a facility where members or nonmembers use equipment or space for the purpose of physical exercise, improved circulation or flexibility, and/or weight control. Facilities and activities can include running, jogging, aerobics, weightlifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance and swimming, as well as locker rooms, showers, and lockers. This use includes but is not limited to fitness training studios, exercise facilities, gymnasiums, and health clubs.

(1) "Fitness center, large" is a facility with more than seven thousand five hundred square feet of gross floor area.

(2) "Fitness center, small" is a facility with up to seven thousand five hundred square feet of gross floor area.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e. mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

"Flood hazard area" means for the purpose of floodplain regulations, areas subject to the one percent annual chance flood. (See "Special Flood Hazard Area")

"Flood insurance rate map (FIRM)" means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood insurance study (FIS)" means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

"Flood prone area" means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Floodplain")

"Flood Protection Grade (FPG)" means the BFE plus two feet at any given location in the SFHA. For sites within a SFHA designated as "Zone AO," the BFE is equivalent to the flood depth specified on the Flood Insurance Rate Map, measured from the highest adjacent grade. If no flood depth is specified, two feet is used as the minimum depth. (See "Freeboard")

"Floodplain" or "flood prone area" means any land area susceptible to being inundated by water from any source. (See "Flood")

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain,

including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this UDO and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

"Floodproofing (dry floodproofing)" means a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

"Floodproofing certificate" means a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Food production or processing" means a facility that produces or processes food for human consumption and certain related products. This use includes but is not limited to commercial bakeries; dairy products processing; fats and oil product processing; fruit and vegetable canning, preserving, and related processing; grain mill products and by-products; meat, poultry, and seafood canning, curing, and by-product processing; and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

"Footprint" means the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In buildings or structures with no walls, the building footprint shall be the area under the horizontal projection of the roof.

"Foundation" means the supporting substructure of a building or other structure, including but not limited to basements, slabs, sills, posts, or frost walls.

"Fraternal organization." See "club or lodge."

"Fraternity or sorority house" means a building or portion of a building used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of students where the students living in the building are enrolled at the same college or university, are active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university. This use shall also include a building or portion of a building in which individual rooms or apartments are leased to individuals, regardless of the ownership of the building, provided that the students living in the building are enrolled at the same college or university, are active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university.

"Freeboard" means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

"Fringe or flood fringe" means the portion of the floodplain lying outside the floodway.

"Front building wall" means the building elevation that fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.

"Frontage, building" means those building elevations that face upon either a road or parking area between the building and the road.

"Frontage, lot" means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

"Functionally dependent use" means for the purposes of floodplain regulation, a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Funeral home." See "mortuary."

"Garage" means a building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

"Garage, detached" means a detached accessory building in which the sole use is the storage of vehicles and other incidental personal possessions of the premises.

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

"Glare" means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

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

"Grade, finished" means the final grade of a plan that conforms to the approved plan.

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

"Grade, street" means the top of the curb, or the top of the edge of the pavement where no curb exists.

"Grade (surface), average finished" means the midpoint between the highest exposed finished grade and lowest exposed finished grade as measured a minimum of four feet from the exterior building facade.

"Grade, unfinished" means the stage at which the grade approximately conforms to the approved plan.

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

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

"Grocery" or "supermarket" means a retail establishment where most of the floor area is devoted to the sale of food products, both perishable and dry goods, for home preparation and consumption, and other convenience and household goods.

"Gross floor area" means all of the area contained in a building or buildings without exception, including utilities, stairwells, chimneys and other appurtenant features.

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

"Ground floor" means the level of a building that is situated at or most nearly at street grade.

"Group care home, FHAA, small and large" means a residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the Federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for persons with disabilities, persons with mental health conditions, or persons with developmental disabilities. This use does not include "opioid rehabilitation home, small" or "opioid rehabilitation home, large."

"Group care home, FHAA small" means a facility designed for and occupied by eight or fewer residents living together.

"Group care home, FHAA large" means a facility designed for and occupied by nine or more residents living together.

"Gym." See "fitness center."

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

"HAND" means the City of Bloomington Department of Housing and Neighborhood Development.

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

"Health club." See "fitness center."

"Hearing officer" means a member of the staff, appointed by the Plan Commission, who hears and makes final decisions on certain variances and certain Conditional Uses, as specified in the Plan Commission rules of procedure. The hearing officer is established pursuant to Indiana Code § 36-7-4-923.

"Hedge" means several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus forming more or less a dense planting area.

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

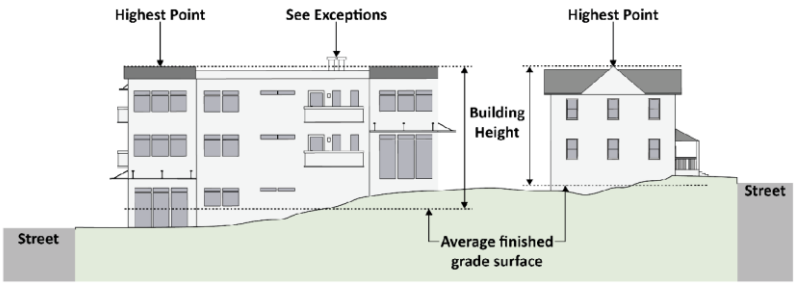

Figure 6: Building Height

"Highest adjacent grade" means for purposes of floodplain regulations, the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

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

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

"Hospital" means an acute healthcare establishment providing accommodations, facilities and services on a continuous twenty-four-hour basis with overnight (meaning between twelve midnight and five a.m.) beds and services for persons suffering from illness, injury or conditions requiring medical services. The term "hospital" does not include "nursing or convalescent home," "medical clinic," or "methadone treatment facility," or "opioid rehabilitation facility" except where separately permitted.

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

"HPC" means the City of Bloomington Historic Preservation Commission.

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

"IBC" means Indiana Building Code.

"IC" means Indiana Code.

"IDEM" means Indiana Department of Environmental Management.

"IESNA" means Illuminating Engineering Society of North America.

"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.

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

(1) Primary buildings;

(2) Accessory buildings, parking garages, carports, and utility and storage sheds;

(3) Porches, stairways, elevated walkways, ground floor decks, paved areas, gravel or stone areas, or areas otherwise covered with impervious surface; and

(4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Planning and Transportation Director.

"Increased cost of compliance (ICC)" means for purposes of floodplain regulations, the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

"Indiana State Historic Architectural and Archaeological Research Database" means the Indiana State Historic Architectural and Archaeological Research Database, as the same may be amended from time-to-time, created by and/or administered by the State of Indiana's Division of Historic Preservation and Archaeology.

"International Code Council-Evaluation Service (ICC-ES) Report" means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

"Invasive species" means a nonnative or alien plant whose introduction does, or is likely to, cause economic or environmental harm, or harm to human health. A plant is regarded as invasive if it has been introduced by human action to a location, area, or region where it did not previously occur naturally, becomes capable of establishing a breeding population in the new location without further intervention by humans, and spreads widely throughout the new location.

"ITE" means Institute of Transportation Engineers.

"Jail" or "detention facility" means a facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

"Karst" means a type of geology with distinctive characteristics of relief and drainage arising from the solution of soluble bedrock by natural waters, and in which the drainage is underground in solutionally enlarged fissures and conduits. Karst features may include but not be limited to sinkholes, springs, solution valleys, underground rivers, caverns, disappearing streams, towers, grikes, and conical hills.

"Karst, compound" means any two or more karst features where the last closed contour of the features is located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

"Karst, subsurface" means karst features expressed under the ground surface.

"Karst, surface" means karst features expressed on the ground surface.

"Kennel" means an establishment where any person engages in a business involving boarding, keeping, letting for hire, dogs, cats or other domestic animals.

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

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

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

"LEED green building rating system" means the most recent version of the Leadership in Energy and Environmental Design (LEED) commercial green building rating system, or other related LEED rating system, approved by the U.S. Green Building Council.

"Length, block" means the distance as measured along the street centerline between intersecting streets.

"Length, cul-de-sac" means the distance as measured along the street centerline between the intersecting street and the center point of the cul-de-sac bulb.

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

"Letter of map change (LOMC)" means a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

(1) Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.

(2) Conditional Letter of Map Revision Based on Fill (CLOMR-F) means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.

(3) Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a building or land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

(4) Letter of Map Amendment Out as Shown (LOMA-OAS) means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.

(5) Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

(6) Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

"Lighting" means any fixed source of light emanating from a man-made device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, or construction and security lights.

"Lighting fixture, full-cutoff" means lighting that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

"Liquor or tobacco sales" means an establishment that predominantly sells tobacco products or alcoholic beverages for off-premises consumption. This does not include "retail sales" (of any size) or "grocery or supermarket" in which tobacco products or alcoholic beverages make up a minority of the sales of the store.

"Livestock, large" includes domesticated animals that weigh more than three hundred fifty pounds including but not limited to horses, ponies, stallions, colts, geldings, mares, bulls, steers, heifers, cows, calves, mules, alpacas, emus, jacks, jennets and other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

"Livestock, medium" includes domesticated animals weighing between one hundred pounds and three hundred fifty pounds including but not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

"Livestock, small" means small livestock that includes domesticated animals weighing less than one hundred pounds including but not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

"Lodging house." See "single room occupancy."

"Lot" means a contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this UDO, a lot may or may not coincide with a lot of record and shall be duly recorded.

"Lot area" means the computed area contained within the boundary of all perimeter lot lines.

"Lot, corner" means a lot having at least two adjacent sides that abut for their full length along streets. Both such lot lines shall be considered front lot lines for the purposes of determining setbacks.

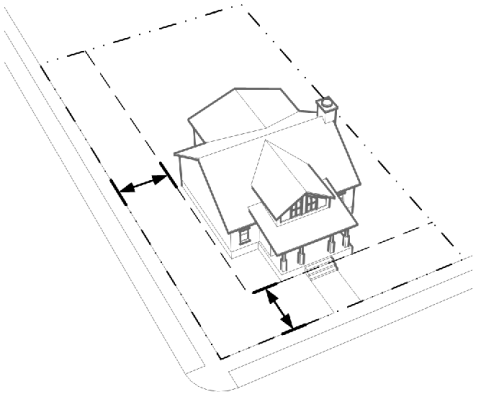

Figure 7: Corner Lot Definition

"Lot depth" means the horizontal distance between the front and rear lot lines.

"Lot, interior" means any lot, the side property line of which abuts the rear property line of one or more lots, and that is not separated by an alley or any other public right-of-way.

"Lot, lawful nonconforming" means any lot of record that does not conform with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the lot does not conform.

"Lot line, corner" means the point at which two lot lines meet.

"Lot line, front" means that portion of a lot that abuts and runs parallel to a street. For corner lots, both sides that abut a street are front lot lines.

"Lot line, rear" means the line dividing one lot from another and on the opposite side of the lot from the front lot line. In the case of an irregular or triangular shaped lot, a line ten feet inside the lot boundary, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, a lot line that adjoins a front lot line and extends away from the street shall be considered side lot lines.

"Lot line, side" means any lot line that is not a front lot line or a rear lot line.

"Lot of record" means a lot that was created by subdivision, the plat of which has been approved as required by applicable City and state law and recorded in the office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the office of the Monroe County Recorder. "Legally established" means not in violation of any City or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

"Lot, through" means a lot having a pair of opposite lot lines along two more or less parallel public streets and that is not a corner lot.

"Lot width" means the horizontal distance between side lines measured along a line that is parallel to the front lot line. For lots with existing buildings, the lot width shall be measured at the front building wall of the primary building. For newly created lots, the lot width shall be measured at the minimum required setback distance from the front lot line.

"Lot, zoning" means a single tract of land, located within a single block that is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

"Low- and moderate-income housing" means residential housing units that serve individuals, households, or families with annual incomes less than eighty percent of the area median income. These housing units would qualify under Section 20.04.110(c)(2) (Eligibility) for tier 2 affordable housing incentives.

"Lowest adjacent grade" means for purposes of floodplain regulations, the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

"Lowest floor" means for floodplain management purposes, the lowest elevation described among the following:

(1) The lowest floor of a building.

(2) The basement floor.

(3) The garage floor if the garage is connected to the building.

(4) The first floor of a structure elevated on pilings or pillars.

(5) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.

b. At least two openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

"Lumen" means a unit that measures the quantity of light that shines on an area of one square foot, every point of which one foot is away from a light source equal to one foot candle.

"Lux" means a unit of illumination equal to the direct illumination on a surface that is one meter from a uniform point source of one candle intensity, or equal to one lumen per square meter.

"Manufactured home" means for purposes of floodplain regulations, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park" means a parcel of land containing two or more dwelling sites, with required improvements and utilities that are leased for the long-term placement of "mobile home dwellings" and/or "manufactured home dwellings." A "manufactured home park" does not include an establishment primarily engaged in the sale of "mobile home dwellings" or "manufactured home dwellings" where unoccupied units are parked for inspection or sale.

"Manufactured home park or subdivision" means for purposes of floodplain regulations, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Manufacturing, artisan" means an establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

"Manufacturing, heavy" means the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "light manufacturing." This use may include outdoor activities and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable, hazardous, or explosive materials and processes, uses involving the fabrication, use, or repair of heavy special purpose equipment. Examples of this use include beverage bottling plants, tool and die shops, motor vehicle or heavy machinery assembly, carpet or furniture manufacturing, dairy works, ice works, metal fabrication, stonecutting, and food processing, unless performed on a scale that meets the definition of "artisan manufacturing." "Heavy manufacturing" shall not include any use that is otherwise listed specifically in Table 03-1 as a permitted or Conditional Use.

"Manufacturing, light" means the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this UDO. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to fabrication of sporting goods or wearing apparel, small medical or specialty equipment, or musical instruments; commercial digital printing operations; and assembly of small appliances or equipment. The term "light manufacturing" shall not include any use that is otherwise listed specifically in Table 03-1 as a permitted or Conditional Use.

"Market value" means for purposes of floodplain regulations, the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

"Mausoleum." See "cemetery or mausoleum."

"Mayor" means the mayor of the City of Bloomington, Indiana.

"Medical clinic" means a health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not lodged overnight. This use includes immediate medical care clinics, ambulatory surgical care (as defined by Indiana Code § 16-18-2-14), and outpatient care facilities. This definition does not include "methadone treatment facility."

"Meeting, banquet, or event facility" means a facility with or without food preparation equipment, available for lease by private parties to accommodate private functions including, but not limited to, banquets, meetings, receptions, fellowship, and other social functions and available on a rental basis to the general public. A "meeting, banquet, or event facility" may also include on site kitchen/catering facilities.

"Methadone treatment facility" means a clinic or facility engaged in dispensing Methadone (dolophine) for the purpose of elimination or reduction of opiate use by individuals suffering from substance use disorder. This definition does not include "opioid rehabilitation facility."

"Mitigation" means for purposes of floodplain regulations, sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

"Mobile home park." See "manufactured home park."

"Monopole" means a single, self-supporting vertical pole used to support telecommunications equipment, with no guy wire anchors or lattice, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

"Mortuary" means an establishment where the deceased are physically prepared for final interment.

"Mosque." See "place of worship."

"Motel." See "hotel or motel."

"Motor vehicle" means any self-propelled vehicle that requires state license plate registration to be used on public roads and highways, including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle.

"Multi-tenant center" means a group of separate buildings with multiple tenants, operating under a common name or management; a single building containing multiple uses where there are specific exterior entrance ways

for individual uses; or a group of uses on separate but adjoining properties that request treatment as a multiuse complex.

"Multi-tenant nonresidential center, large-scale" means a group of two or more retail establishments, managed as a unit, sharing a common site, parking area and entrances, and having a gross floor area of one hundred thousand square feet or greater.

"Multi-use path" means a hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other non-motorized traffic.

"Multi-use trail" means a hard-surface, off-road pathway used by bicyclists, pedestrians, and other nonmotorized traffic typically located within or along a greenway.

"Mural" means a painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Unified Development Ordinance. Murals that function as a sign are regulated in the Unified Development Ordinance as a wall sign.

"MUTCD" means the Manual on Uniform Traffic Control Devices.

"National Flood Insurance Program (NFIP)" means the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

"National Geodetic Vertical Datum (NGVD) of 1929." As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Native species" means naturally occurring, indigenous plants within the City of Bloomington. Native species are adapted to the soil and climate in which they live and have evolved defenses to many diseases and pests.

"Nature preserve" means areas with environmental resources intended to remain in a predominately natural or undeveloped state to provide resource protection or passive recreation.

"New construction" means for floodplain purposes, any structure for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means for purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

"Night club." See "bar or dance club."

"Non-boundary river floodway" means the floodway of any river or stream other than a boundary river.

"North American Vertical Datum of 1988 (NAVD 88)." As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

"Nursing or convalescent home" means an extended or intermediate care establishment licensed by the State of Indiana, that maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Such home does not contain equipment for surgical care or for the treatment of injury. This definition includes "rest home."

"Obstruction," for purposes of floodplain regulations, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any

watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Office" means a facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, government offices, motor vehicle licensing branches, post offices, radio/TV stations, research centers, social services, testing laboratories, advertising agencies, travel agencies, abstract and title agencies or insurance companies, and stockbrokers. This use does not include "medical clinic," "methadone treatment facility," or "opioid rehabilitation facility." Accessory uses may include cafeterias, health and exercise facilities, or other amenities primarily for the use of employees in the firm or building.

"Official Zoning Map" means a map of the City of Bloomington, Indiana, that legally delineates the boundaries of zoning districts as they apply to the properties within the City. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning and Transportation Director.

"One-percent annual chance flood" means the flood that has a one percent chance of being equaled or exceeded in any given year. See "regulatory flood."

"Open space" means an area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and floodplains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

"Opioid rehabilitation facility" means a facility, clinic, or office engaged in treating or counseling patients for reduction and management of opiate use, which may, but need not, include treatments involving medication, and where patients do not receive housing or overnight accommodation.

"Opioid rehabilitation home" means a dwelling where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment to reduce dependence or maintain independence of opioid drugs. An opioid rehabilitation home is subject to the protections of the Federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Indiana.

"Opioid rehabilitation home, small" means a facility designed for and occupied by eight or less residents living together.

"Opioid rehabilitation home, large" means a facility designed for and occupied by nine or more residents living together.

"Orchard or tree farm, commercial" means a group of trees grown for either home or commercial use where products are sold on site or transported to market.

"Outdoor retail and display" means the outdoor sale and display area of retail goods, produce, plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated.

"Outline plan" means the name for PUD district ordinance text and PUD preliminary plans under the Bloomington Zoning Ordinance effective 1973—1995. See "preliminary plan, PUD" or "PUD district ordinance."

"Outlot" means a lot of record in a subdivision, nonresidential center or Planned Unit Development that is adjacent to a (public or private) street, roadway or frontage road, and is intended for an additional and separate building or buildings within the development.

"Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations, or their legal representative.

"Parapet" means that portion of a wall that extends above the roof line.

"Parcel." See "lot."

"Park" means a parcel of land available to the public for passive and/or active recreation and is maintained and governed by the Bloomington Parks Board.

"Parking space" means space within a public or private parking area for the storage of one passenger automobile or commercial vehicle under a one and one-half ton capacity.

"Partial demolition" means the complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:

(1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or

(2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch or material, or; adding any gable, dormer or other similar feature to an existing roof; or

(3) Any work resulting in the obscuring from view of forty percent or more of the exterior of any facade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior facade on the structure; or

(4) Construction or attachment of any addition to a structure; or

(5) Replacement of any window or door where the window or door opening is enlarged or obscured from view; or

(6) Creation of any new window or door opening.

"Pasture" means land covered with grass or similar plants suitable for animals, such as cows and sheep, to eat.

"Patio" means a level-surfaced area, which may or may not be directly adjacent to a principal building, that has an average elevation of not more than thirty inches above finished grade, and without walls or a roof, usually constructed of concrete, brick, or other masonry material.

"Pavement" means a durable surface permanently and completely covered with asphalt, concrete, brick, paving blocks, or another surface approved by the City. Crushed gravel, stone, rock, dirt, sand, and grass are not permitted as a paved surface. Permeable parking pavers do not fall under this definition and must meet separate criteria. See "permeable parking pavers."

"Pawn shop" means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

"Pedestrian entrance, primary" means the principal ingress and egress to and from a building for pedestrian traffic.

"Permanent display cabinet" means a cabinet that is attached to a building that is constructed of durable materials and intended to display signage within.

"Permanent foundation" means a structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

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

"Personal services" means 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" means a facility with not more than seven thousand five hundred square feet of gross floor area.

"Personal service, large" means a facility with more than seven thousand five hundred square feet of gross floor area.

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

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

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

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

"Place of worship" means a structure and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities.

"Plan Commission" means the City of Bloomington Advisory Plan Commission or any division thereof. The City of Bloomington Plan Commission is an advisory Plan Commission serving the City of Bloomington as defined under Indiana Code § 36-7-1-2, as amended.

"Planned Unit Development (PUD)" means a large-scale unified development approved under the provisions of Section 20.02.050 (Planned Unit Development Districts). Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity that does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and/or required open space to the regulations established in any district of the Unified Development Ordinance. A Planned Unit Development requires approval through a zoning map amendment. The uses and standards expressed in the PUD district ordinance constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for a standard zoning district.

"Planning and Transportation Director" means the officer appointed by and/or delegated the responsibility for the administration of this UDO's regulations by the Plan Commission, as well as administration of the Planning and Transportation Department for the City of Bloomington, Indiana. The term includes the Planning and Transportation Director's authorized representatives.

"Plant nursery or greenhouse, commercial" means an establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

"Plat" means a map or chart indicating the subdivision or re-subdivision of land, either recorded or in a form suitable to be recorded.

"Plat committee" means a committee authorized in the Plan Commission rules that has authority to approve or deny primary plats, secondary plats, and requests for vacation of plats or parts of plats.

"Plat, primary" means the primary plat, pursuant to the Indiana Code § 36-7-4-700 Series for primary plats, is the plat and plans upon which the approval of a proposed subdivision is based.

"Plat, secondary" means the secondary plat, pursuant to Indiana Code § 36-7-4-700 Series for secondary plats, is the plat document in recordable form. A secondary plat shall substantially conform to the preceding primary plat, or section thereof.

"Police, fire, or rescue station" means a center operated by a government agency, for the protection of citizens and property from, and for providing public responses to, crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles. This use does not include a "jail or detention facility."

"Porch" means a roofed structure that is not more than fifty percent enclosed (except for removable screens, or screen doors), on at least two sides, that projects from the exterior wall of a building. If a porch extends from the front of a building or from any side of the building that faces a street, that side of the porch must be open, and the side(s) that faces the street must not be more than fifty percent enclosed (except for removable screens, or screen doors).

"Preliminary plan, PUD" means a drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Unit Development are to be met.

"Premises." See "property."

"Preschool." See "school, public or private."

"Preservation area" means sites with environmental resources intended to be preserved in their natural state.

"Primary school." See "school, public or private."

"Principally above ground" means, for purposes of floodplain regulations, at least fifty-one percent of the actual cash value of the structure, less land value, is above ground.

"Property" means a lot, parcel, tract, or plot of land and the improvements thereon.

"Proposal" means any new construction, including accessory structures of at least eight hundred forty square feet, or any building addition larger than ten percent of the gross floor area of a structure.

"Public improvements" means the erection, construction, alteration, operation, or maintenance of facilities serving the public interest that may include but are not limited to storm drainage facilities, streets, highways, parkways, sidewalks, pedestrian-ways, transportation corridors, trees, lawns, landscaping, parking areas, lot improvements, or utilities.

"Public place" means any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

"Public safety and nuisance" mean for purposes of floodplain regulations, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Public way" means any street, alley, channel, tunnel, bridge, easement, right-of-way, or other way that is dedicated or granted for public use.

"PUD district ordinance" means an ordinance adopted by the Common Council, the purpose of which is to designate a parcel of real property as a Planned Unit Development zoning district; to specify uses or a range of uses permitted in the Planned Unit Development zoning district; to specify development requirements in the Planned Unit Development zoning district; to specify the plan documentation and supporting documentation that may be required; to specify any limitation applicable to the Planned Unit Development zoning district; and to meet the requirements of Indiana Code § 36-7-4-1500 et seq.

"Quarry" means a lot of land or part thereof used for the purpose of extracting stone, sand, gravel, fill, or topsoil for sale.

"Quarry adaptive reuse" means redevelopment of a quarry whose operation is no longer feasible into another less intensive use upon completion of environmental mitigation.

"Real estate sales or model home" mean a dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development within the City. Before occupancy by a family, a model home may be used as a temporary sales office for the development in which it is located.

"Recreation, indoor" means facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, and similar indoor activities taking place inside an enclosed building. This definition shall not include gambling devices, adult motion picture theaters, adult entertainment businesses, or any other devices prohibited by law.

"Recreation, outdoor" means commercial entertainment, recreation or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, bungee jumping, amusement parks, golf courses, golf driving ranges, drive-in theaters, and other similar uses. This does not include any activities offered by the public sector in a park or playground.

"Recreational equipment" means play apparatuses such as basketball courts, batting cages, swing sets, slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses, basketball goals attached to primary or accessory structures, motorized vehicles, trailers, or storage sheds.

"Recreational vehicle" means for purposes of floodplain regulations, a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

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

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

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

"Regulatory flood elevation" means the water-surface elevation of the base flood or the one-hundred-year flood as defined by the Federal Emergency Management Agency.

"Repetitive loss" means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded twenty-five percent of the market value of the structure before the damage occurred.

"Rescue station." See "police/fire/rescue station."

"Residential care home." See "group home/residential care home."

"Rest home." See "nursing or convalescent home."

"Restaurant" means an establishment that sells food or beverages in a ready-to-consume state, in individual servings~~,~~ that, unless specified elsewhere in this UDO, the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located~~, and that may include carry-out service~~. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops. A restaurant may also include carry-out, delivery, and/or drive-through services, as permitted in this UDO.

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"Retail sales" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales listed separately in Table 03-1.

"Retail sales, small" means a facility or establishment with up to five thousand square feet of gross floor area.

"Retail sales, medium" means a facility or establishment with between five thousand one and ten thousand square feet of gross floor area.

"Retail sales, large" means a facility or establishment with between ten thousand one and sixty thousand square feet of gross floor area.

"Retail sales, big box" means a facility or establishment with more than sixty thousand square feet of gross floor area.

"Retention facilities" means facilities dedicated to the permanent on-site maintenance of stormwater.

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

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

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

"Road." See "street."

"Rules of procedure" means the rules which govern how a decision-making body conducts meetings and reaches its conclusions.

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

"Sand production." See "gravel, cement, or sand production."

"School, college or university" means an institution other than a "school, trade or business" that provides full-time or part-time education beyond high school.

"School, public or private" means a public or private institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under the Indiana School Laws, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This use does not include "school, trade or business," or "school, college or university."

"School, trade or business" means a private or public educational facility with a curriculum that is not comparable to that taught in the public schools through the high school level and focused upon skills required in business, trades, or the arts.

"Searchlight" means a powerful light equipped with a reflector to produce a bright beam intended to draw attention.

"Seasonal sales" means any business or use (primary or accessory) that may include but not be limited to retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses. This definition does not include "farm produce sales."

"Secondary school." See "school, public or private."

"Section 1316" means for purposes of floodplain regulations, that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Sediment" means solid mineral or organic material that, in suspension, is being transported, or has been moved from its original site by air, water, gravity or ice and has been deposited at another location.

"Setback" means the required distance between any structure or parking area and the lot lines of the lot or parcel on which they are located.

"Setback, B-line trail" means the line that defines the minimum distance that any area used for structures or vehicle parking spaces shall be separated from the B-line trail right-of-way.

"Setback, front" means the line that defines the depth of the required front yard measured from the front property line to a regulated structure. The front setback shall be measured from the proposed right-of-way as indicated on the transportation plan except that the front setback adjacent to a street classified as neighborhood residential in the transportation plan shall be measured from the existing right-of-way. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zoning district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.

"Setback, front smallest" means the smallest existing front setback of the primary residential structures abutting and along the same block face as the subject property. For corner lots, the smallest front setback of the abutting primary residential structures on both block faces may be used to determine the average front setback.

"Setback, parking" means the line that defines the minimum distance that any area used for vehicle parking spaces shall be separated from the street right-of-way. The parking setback shall be parallel with the street right-of-way line.

"Setback, rear" means the line that defines the width or depth of the required rear yard. The rear setback line shall be parallel with the property line.

"Setback, side" means the line that defines the width or depth of the required side yard. The side setback line shall be parallel with the property line.

"Sexually oriented business" means any establishment, whether conducted permanently or intermittently, that primarily engages in the business of offering a service or product, for sale, display, exhibition, or viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This includes but is not limited to adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, adult video arcades, bathhouses, and lingerie modeling studios.

"Sheet flow area" means, for the purposes of floodplain regulations, see "area of shallow flooding".

"Shrub" means a woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

"Sidewalk" means a hard-surface pathway within the street right-of-way that is designated for the exclusive use of pedestrian traffic.

"Sign" means any display or device placed on a property in any fashion that can be seen from a public place or a public right-of-way that is designed, intended, or used to convey any identification, message or information other than an address number.

"Sign, awning" means a wall sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

"Sign, freestanding" means a sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports; and not attached to or dependent for support from any building.

"Sign height" means the vertical distance measured from either the ground at the base of the sign or from the crown of an adjacent street to the highest point of the sign or sign structure, whichever is greater.

"Sign, lawful nonconforming" means any sign lawfully existing at the time of the enactment of any provision of this UDO, or any amendment thereto, with which the sign does not comply.

"Sign, multi-tenant" means an identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

"Sign, permanent" means a sign attached to a building or structure and that is made of materials intended for long-term use.

"Sign, portable" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels.

"Sign, projecting" means a sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

"Sign, public" means a sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest.

"Sign, sandwich board" means a movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

"Sign, temporary" means any sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs that are intended to be displayed for a limited period of time.

"Sign, tenant panel" means individual panels on a multi-tenant sign advertising one specific business within the center.

"Sign, wall" means a sign attached to and/or integral with the exterior wall of a building or architectural feature ~~structure with the exposed face of the sign in a plane parallel to the plane of the exterior wall and~~ that does not project more than twelve inches from the exterior wall surface.

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"Sign, window" means any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window frame so as to be seen from persons outside the building.

"Single room occupancy" means a residential building where individuals rent individual bedrooms and share common facilities such as kitchen, bathrooms, and common area that is occupied by a group of persons, for periods of thirty days or longer, that do not meet the definition of "family," where the use does not meet the definition of "bed and breakfast," "fraternity or sorority house," "student housing or dormitory," "supportive housing," "residential care facility," or "hotel or motel."

"Site, lawful nonconforming" means a site used and/or developed such that the site does not conform with one or more development standards contained in this UDO, but where such nonconformity and such use and/or development lawfully existed upon the effective date of the provisions of this UDO with which the site does not conform.

"Site plan" means a map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings and other structures, circulation, grading, trees, and landscaping, sufficient for the review required in this UDO. A "site plan" shall serve as the development plan regulated by the Indiana Code § 36-7-4-1400 Series.

"Solar collector, ground or building mounted" means a system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

"Solid waste disposal facility" means, for the purposes of floodplain regulation, any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

"Special event" means a temporary use on public or private property that is not excluded from regulation by this UDO and is not listed as a separate temporary use by this UDO. This use includes but is not limited to fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

"Special exception" means a process under the Bloomington Zoning Ordinance effective 1973—1995 whereas a use that is so designated may be approved by the board of zoning appeals if it meets special conditions.

"Special flood hazard area (SFHA)" means, for the purposes of floodplain regulation, synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the City subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, AH, AO, A1 30, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

"Special flood hazard area (SFHA) zones" means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as zone A, zone AE, zones A1-A30, zone AO, zone AH, zone AR and zone A99 on a FIRM. The definitions are presented below:

"Zone A" means areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

"Zone AE and A1-A30" means areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of zones A1-A30.)

"Zone AH" means areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AO" means areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

"Zone AR" means areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

"Zone A99" means areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

"Specified anatomical areas" means any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

"Specified sexual activities" means any of the following:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of or simulation of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

(4) Flagellation or torture in the context of a sexual relationship;

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

(6) Erotic touching, fondling or other such contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth subsections (1) through (6) above.

"Stadium" means a permanent facility for the staging of amateur and/or professional sporting events, concerts, or similar activities consisting of an open-air or enclosed arena/stadium and related support facilities.

"Staff" means the Planning and Transportation Director and all employees of the Planning and Transportation Department of the City under the supervision of the Planning and Transportation Director, and subject to the authority of the Planning and Transportation Director.

~~"Standardized business" means any type of commercial establishment located in the Courthouse Square Downtown Character Overlay or University Village Downtown Character Overlay, that are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design. This use does not include "office" uses located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage that is visible to a street.~~

"Start of construction" means for purposes of floodplain regulations, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State" means the State of Indiana.

"Stone processing" means manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses.

"Storage, outdoor" means the storage of any material outside of an enclosed building for a period greater than twenty-four hours, including but not limited to storage of items awaiting processing or repair. This use does not include "vehicle sales or rental" or accessory "outdoor retail and display" uses.

"Storage, self-service" means a building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

"Story" means the portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the next floor above or the roof, ignoring atriums and other features that extend vertically more than fifteen feet. For single-family, duplex, triplex, and fourplex uses, any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

"Stream, intermittent" means a stream that flows during certain times of the year when smaller upstream waters are flowing and when groundwater provides enough water for stream flow. Runoff from rainfall or other precipitation supplements the flow of an intermittent stream, also called a seasonal stream. During dry periods, such streams my not have flowing surface water, but they do have a discernable stream bed. Larger seasonal streams are more common in dry areas. An artificial drainageway (made by humans) is not an intermittent stream.

"Stream, perennial" means a year-round stream that typically has water flowing in it year-round. Most of the water comes from smaller upstream waters or groundwater while runoff from rainfall or other precipitation is supplemental.

"Street" means a public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that has been constructed to public street standards.

"Street lighting plan" means a site plan showing the location and type of streetlights to be installed including type of fixture and bulb type.

"Street, stub" means a street intended to be extended in conjunction with the subdivision and development of adjacent unplatted land.

"Structural alterations" means any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders; or any change in the footprint or increase in the size of living space. Structural alterations also include substantial roofing and siding work when repairs are made to the structure beneath.

"Structure."

"Structure (generally)" means in all other contexts, anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items.

"Structure (floodplain regulations)" means for purposes of floodplain regulations, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than one hundred eighty consecutive days.

"Structure, accessory."

"Structure, accessory (generally)." See "building or structure, accessory."

"Structure, accessory (floodplain regulations)" means for purposes of floodplain regulations, a structure with a floor area four hundred square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

(1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.

(2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

(3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:

a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;

b. Structures used by the public, such as a place of employment or entertainment; and

c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

"Structure, historic" means for purposes of floodplain regulations, any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

"Student housing or dormitory" means a multiple-family dwelling designed primarily as housing for~~, or likely to be occupied by, unmarried~~ undergraduate or post-graduate students, including but not limited to:

(1) Multiple-family dwellings that contain any living units with four or more bedrooms; or

(2) Multiple-family dwellings with more than ten dwelling units where more than thirty-three percent of the living units contain three bedrooms; or

(3) Residential buildings that do not meet the definition of a "single room occupancy" or "hotel or motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven; or~~.~~

(4) Multiple-family dwellings with more than 50 percent of living units marketed and intended to be leased as partially or fully furnished; or

(5) Multiple-family dwellings where individual rooms are advertised and leased by the room; or

(6) Multiple-family dwellings with more than 50 dwelling units where more than 50 percent of living units are studio units.

~~For purposes of determining whether a multiple-family dwelling meets this definition, the City may consider the degree to which the facility is occupied by undergraduate or post-graduate students and the degree to which occupancy is marketed to undergraduate or post-graduate students.~~ This use does not include a "fraternity or sorority."

"Subdivision" means the division of a parent tract or other piece of land into at least two smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use, or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.

"Substantial damage" means for purposes of floodplain regulations, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial demolition" means the moving or razing of a building including the removal or enclosure of fifty percent or more of the structure.

"Substantial improvement" means for purposes of floodplain regulations, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term

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does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

"Substantial removal," as used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places.

"Supermarket." See "grocery or supermarket."

"Supportive housing" means a dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the Federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this UDO. This use does not include an "opioid rehabilitation home, small" or "opioid rehabilitation home, large," but includes and is not limited to:

(1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require twenty-four-hour medical or nursing care.

(2) A temporary or permanent shelter for persons experiencing temporary homelessness. For persons experiencing homelessness, there is no requirement that the persons live in a single housekeeping unit or that the shelter provide care exclusively to persons requiring medical, correctional, or other mandated supervision or a protective environment.

(3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

"Supportive housing, small" means a facility designed for and occupied by no more than seven residents living together.

"Supportive housing, large" means a facility designed for and occupied by eight or more residents living together.

"Suspension" means for purposes of floodplain regulations, the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

"Swimming pool" means a self-contained body of water at least eighteen inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level and shall be considered an accessory structure/use.

"Synagogue." See "place of worship."

"Tavern." See "bar or dance club."

"Thoroughfare plan." See "Transportation Plan."

"Tobacco sales." See "liquor or tobacco sales."

"Tract." See "lot."

"Tract, parent" means a unit, or contiguous units, of land under single ownership that is being proposed for subdivision.

"Trade school." See "school, trade or business."

"Trailer." See "dwelling, mobile home" and "dwelling, manufactured home."

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

"Transportation terminal" means any premises for the transient housing or parking of motor driven trucks or buses and the loading and unloading of passengers or materials.

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

"Tree, heritage" means a tree that is unique and important to the community because of its species, age, size, location, or historic significance.

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

~~"Tree, ornamental" means a small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.~~

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

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

"Tree protection zone (TPZ)" means a zone of protected space surrounding a tree or group of trees extending from the topmost branch or leader downward to thirty-six inches below the surrounding ground surface level and includes the critical root zone.

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

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

"Unified Development Ordinance (UDO)" means this entire document as approved and with any subsequent amendments. The Unified Development Ordinance includes both the zoning ordinance, authorized by the Indiana Code § 36-7-4-600 Series and the subdivision control ordinance, authorized by the Indiana Code § 36-7-4-700 Series.

"University." See "school, college or university."

"Urban agriculture, noncommercial" means the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

"Use" means the purposes for which land, a building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

"Use, abandonment of" means the relinquishment of property or a cessation of the use of property for a continuous period of twelve months by the owner.

"Use, accessory" means an activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this UDO; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.

"Use, change in" includes, for any portion of a building (excluding individual tenant space in a single building multi-tenant center), structure, or lot:

(1) Any change from a residential use to a nonresidential use;

(2) Any change from a nonresidential use to multifamily use;

(3) Any change from one residential land use to another;

(4) Any increase in the number of dwelling units;

(5) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;

(6) Any use which requires a Conditional Use Approval;

(7) Any change from a single-tenant to a multi-tenant center or building;

(8) Any use that differs from the previous use of a building or land, as determined by subheadings in Table 03-1 (Allowed Use Table), or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use; and

(9) Any establishment of a new use after a previous use has been abandoned, as defined by this UDO.

"Use, conditional." See "Conditional Use."

"Use, establishment of" means the initiation of a new use on a property or the initiation of a use on a property where the previous use has been discontinued; or, reestablishment of a prior conforming use that has been discontinued for a period of twelve months or more.

"Use, individual nonresidential" means a use and building that is located either on an outlot or not part of a larger commercial building that contains more than one business.

"Use, lawful nonconforming" means any use of land or structure that does not conform with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the use does not conform.

"Use, permitted" means a use that may be lawfully established in a particular zoning district provided it conforms to all applicable requirements, regulations and standards.

"Use, temporary" means any use that is established only for a fixed period of time, which must be discontinued upon the expiration of the time limit provided in this UDO, and that does not involve the construction or alteration of any permanent structure as distinguished from the same uses when permitted in full compliance with all applicable zoning, site plan, construction, and permit requirements. Temporary uses shall include uses conducted from tents, trailers, and other temporary structures not erected under the state and City permit processes for permanent buildings. The term "temporary use" shall not include events sponsored by the public on park, right-of-way, or other public lands.

"Utility substation and transmission facility" means an assemblage of equipment for purposes other than energy generation or use, through which electric energy in bulk is passed for the purposes of switching or

modifying its characteristics to meet the needs of the general public; provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

"Variance, development standards" means a specific approval to deviate from the development standards (such as height, bulk, area) that this UDO otherwise prescribes, granted pursuant to Indiana Code § 36-7-4-918.5.

"Variance, floodplain" means for purposes of floodplain regulations, a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

"Vehicle." See "motor vehicle."

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

"Vehicle fleet operations, small" means a facility or establishment designed to accommodate up to twenty-five vehicles.

"Vehicle fleet operations, large" means a facility or establishment designed to accommodate more than twenty-five vehicles.

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

"Vehicle impound storage" means a lot or part of a lot used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. This use does not include "salvage or scrap yard," except where separately permitted.

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

"Vehicle repair, major" means an establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting. This use does not include "vehicle fuel station" or "vehicle wash."

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

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

"Vehicle wash" means a facility for washing, cleaning, drying and waxing of passenger vehicles, recreational vehicles, or other light duty equipment. A car wash may be self-service or full service.

"Veterinary clinic" means an establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include a "kennel," and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.

"Violation" means for purposes of floodplain regulations, the failure of a structure or other development to be fully compliant with the ordinance.

"Vision clearance triangle" means an area of unobstructed vision at street intersections between two and one-half and nine feet above the gutter line and within a triangular area at the street corner, which area is bounded by the street property lines of the corner lot. The vision clearance triangle leg length shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets published by the American Association of State Highway Transportation Officials (AASHTO).

"Walled and roofed" means, for the purposes of floodplain regulations, a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

"Watercourse" means for purposes of floodplain regulations, a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Wetland" means those areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances, do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this definition, a wetland must have one or more of the following attributes:

(1) At least periodically, the land supports hydrophytes;

(2) The substrate is predominately undrained hydric soil;

(3) The substrate is nonsoil and is saturated with water or covered by shallow water at least some time during the year.

"Wetland, jurisdictional" means any wetland under the jurisdiction of the state or federal government.

"Wind energy system, large" means a facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than one hundred KW.

"Wind energy system, small" means a facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, that is mounted to the ground or a rooftop, and that has a rated capacity of one hundred KW or less.

"Window, display." See "display window."

"Window frame" means the fixed frame of a window, consisting of two jambs, a head, and a sill.

"Window lintel" means a horizontal structure member, such as a beam made of steel, stone or wood, over the window that carries the weight of the wall above.

"Window sill" means the horizontal bottom member of a window frame. The sill can be made of brick, stone, wood, etc.

"Wooded area" means a contiguous, vegetated area featuring a dense, closed canopy of trees whose branches interlock to provide nearly continuous shade.

"Workforce housing" means residential housing units that serve individuals, households, or families with annual incomes less than one hundred twenty percent of the area median income. These housing units would be covered under Section 20.04.110(c)(2) (Eligibility) for tier 1 affordable housing.

"X zone" means for purposes of floodplain regulations, the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation

by the flood with a 0.2 percent chance of being equaled or exceeded (the five-hundred-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

"Yard" means a space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this UDO.

"Yard, front" means the horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

"Yard, rear" means the horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line.

"Yard, side" means the horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

"Zone" means for purposes of floodplain regulations, a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

"Zone A." See definition for "A zone."

"Zone B, C, and X" means for purposes of floodplain regulations, areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of zones B and C.)

"Zoning district, base" means a zoning district as shown on the Official Zoning Map that is used as a starting point for the regulations of a Planned Unit Development district ordinance.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-21, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-05, § 2(Att. A), 4-19-2023; Ord. No. 2025-14, § II(Att. A), 5-21-2025; Ord. No. 2025-29, § II(Att. A), 8-6-2025; Ord. No. 2025-41, § II(Att. A), 11-19-2025)

Chapter 20.02 ZONING DISTRICTS

20.02.010 Zoning districts established.

(a) Summary Table of Zoning Districts. The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03 (Use Regulations) and Chapter 20.04 (Development Standards and Incentives).

Table 02-1. Summary Table of Zoning Districts

Prior District Name	District Name
Residential	
RE—Residential Estate	R1—Residential Large Lot [New]
RS—Residential Single-Family	R2—Residential Medium Lot
RC—Residential Core	R3—Residential Small Lot
—	R4—Residential Urban [New]
RM—Residential Multifamily	RM—Residential Multifamily
RH—Residential High-Density Multifamily	RH—Residential High-Density Multifamily
MH—Manufactured/Mobile Home Park	RMH—Manufactured/Mobile Home Park
Mixed-Use	
—	MS—Mixed-Use Student Housing
CL—Commercial Limited	MN—Mixed-Use Neighborhood-Scale
CG—Commercial General	MM—Mixed-Use Medium-Scale
CA—Commercial Arterial	MC—Mixed-Use Corridor
BP—Business Park	ME—Mixed-Use Employment
IN—Institutional	MI—Mixed-Use Institutional
CD—Commercial Downtown	MD—Mixed-Use Downtown
MD—Medical	MH—Mixed-Use Healthcare
Nonresidential	
IG—Industrial General	EM—Employment
QY—Quarry	
—	PO—Parks and Open Space [New]
Planned Development District	
PUD—Planned Unit Development	PUD—Planned Unit Development
Overlay Zoning Districts	
CSO—Courthouse Square	DCO—Downtown Character Overlay
DCO—Downtown Core Overlay	
UVO—University Village Overlay	
DEO—Downtown Edges Overlay	
DGO—Downtown Gateway Overlay	
STPO—Showers Technology Park Overlay	
—	TRO—Transform Redevelopment Overlay [New]

(b) Base Zoning Districts.

(1) Sections 20.02.020 through 20.02.040 use a common structure to describe the purpose for each base zoning district, an illustrative image, a summary of dimensional standards, and any district-specific standards.

(2) Each of the Residential, Mixed-Use, and nonresidential base zoning districts listed in Table 02-1 authorizes the land uses listed for that base district in Chapter 20.03, Use Regulations, subject to the development standards applicable to that type of development in Chapter 20.04, Development Standards and Incentives, the subdivision standards in Chapter 20.05 (Subdivision Standards) and the requirements for development approval in Chapter 20.06 (Administration and Procedures).

(3) The materials shown in Sections 20.02.020 through 20.02.040 are summaries of basic provisions applicable to the base zoning districts. In the event of an inconsistency between the provisions of Sections 20.02.020 through 20.02.040 and the provisions in Chapters 20.03, 20.04, 20.05, 20.06, or 20.07, the provisions of Chapters 20.03, 20.04, 20.05, 20.06, or 20.07, as applicable, shall apply.

(4) On the Official Zoning Map a standard zoning district shall be labeled using the two- or three-character abbreviation shown in Table 02-1.

(c) Planned Unit Development Districts.

(1) Planned Unit Development districts are separate base zoning districts negotiated with the Planning and Transportation Department and the Plan Commission and approved by City Council pursuant to those procedures shown in Chapter 20.06 (Administration and Procedures).

(2) On the Official Zoning Map an approved Planned Unit Development zoning district shall be labeled "PUD."

(d) Overlay Zoning Districts.

(1) The Overlay zoning districts shown in Table 02-1 supplement, but do not replace, the base zoning district regulations in the areas where the Overlay zoning districts are applied.

(2) An Overlay zoning district may add restrictions on the use of property in the underlying base zoning district or may remove restrictions on the use of property in the underlying zoning district, or both.

(3) In the event of an inconsistency between the Overlay zoning district regulations and the base zoning district regulations, the Overlay zoning district regulations shall apply.

(4) The Official Zoning Map designates where Overlay zoning districts apply.

(e) Official Zoning Map Revisions.

(1) Only persons authorized by the Planning and Transportation Director may revise the Official Zoning Map when amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.

(2) During the time it takes for the formal electronic version of the Official Zoning Map to be reprinted for public display, hand-drawn lines and text on an authorized printed copy of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the Official Zoning Map but shall not have the effect of amending the Official Zoning Map.

(f) Standards. Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

(1) Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.

(2) Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or City corporate boundary lines shall be construed as following or paralleling such lines.

(3) Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

(4) Where a zoning district boundary divides a lot or parcel, or follows or crosses property that is not subdivided, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the Official Zoning Map by the Planning and Transportation Director.

(5) Whenever any street, alley, public right-of-way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

(6) Any disputes as to the exact zoning district boundaries shall be determined by the Planning and Transportation Director. The Planning and Transportation Director may refuse to make a determination when he or she cannot definitely determine the location of a zoning district boundary. In such cases, the Planning and Transportation Director shall refer the interpretation to the Plan Commission. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the UDO. All zoning district boundary determinations made pursuant to this section may be appealed to the Board of Zoning Appeals.

(g) Overlay District Applicability. The overlay district boundaries on the Official Zoning Map shall be interpreted as follows:

(1) An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.

(2) A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in Section 20.02.060 (Overlay Districts).

(3) A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

(Amd. of 1-14-2020; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-36, § 2(Att. A), 1-30-2023; Ord. No. 23-04, § 2(Att. A), 4-19-2023)

20.02.020 Residential zoning districts.

(a) Reserved.

(b) R1: Residential Large Lot.

(1) Purpose. The R1 district is intended to accommodate single family residential development on relatively large lots plus a limited number of related civic uses while ensuring compatibility with surrounding patterns of development. This district may also serve as a transition between estate development and medium-lot development.

Figure 3: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-2 ~~3~~. R1 District Dimensional Standards

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

Notes:

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

[2] Or equal to the setback of the primary structure, whichever is greater.

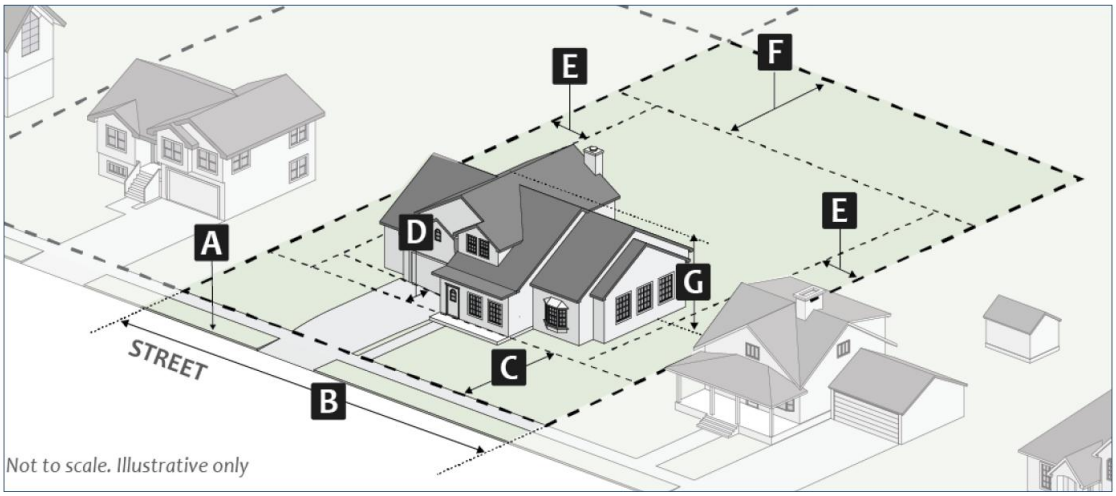

Figure 4: R1 District Dimensional Standards

(c) R2: Residential Medium Lot.

(1) Purpose. The R2 district is intended to accommodate residential development on medium-sized lots in single-family neighborhoods, plus a limited number of related civic uses, while ensuring compatibility with surrounding patterns of development. This district may be used as a transition between large-lot residential development and small-lot residential development.

Figure 5: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-3 4. R2 District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)		
A	Lot area	7,200 square feet (0.165 acres) [1]
B	Lot width	60 feet [1]

Building Setbacks (minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less
D	Attached front-loading garage or carport	25 feet [2]
E	Side	First floor: 8 feet [1] [3] Each story above the ground floor: 10 feet [1] [3] [4]
F	Rear	25 feet [1] [4]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

Notes:

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

[2] Or equal to the setback of the primary structure, whichever is greater.

[3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to two feet.

[4] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.

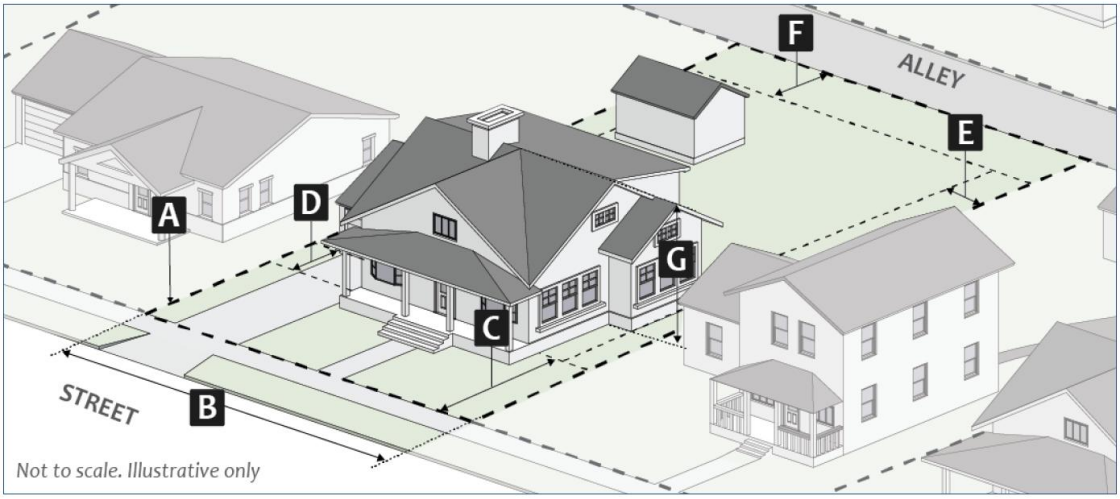

Figure 6: R2 District Dimensional Standards

(d) R3: Residential Small Lot.

(1) Purpose. The R3 district is intended to protect and enhance established residential neighborhoods by increasing the viability of owner-occupied and affordable dwelling units through small-lot subdivisions,

accessory dwelling units, and property improvements compatible with surrounding development patterns. The conversion of existing housing stock to more intense land uses is discouraged. This district may be used as a transition between medium-lot residential development and neighborhood-scale residential, commercial, and institutional development.

Figure 7: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-~~4~~ ~~5~~. R3 District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres) [1]
B	Lot width	50 feet [1]
Building Setbacks (minimum)		
C	Front build-to line	15 feet or the median front setback of abutting residential structures, whichever is less
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	First floor: 6 feet [1] [2] [3] Each story above the ground floor: ten feet [1] [2] [3]
E	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Notes:

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

[2] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to two feet.

[3] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.

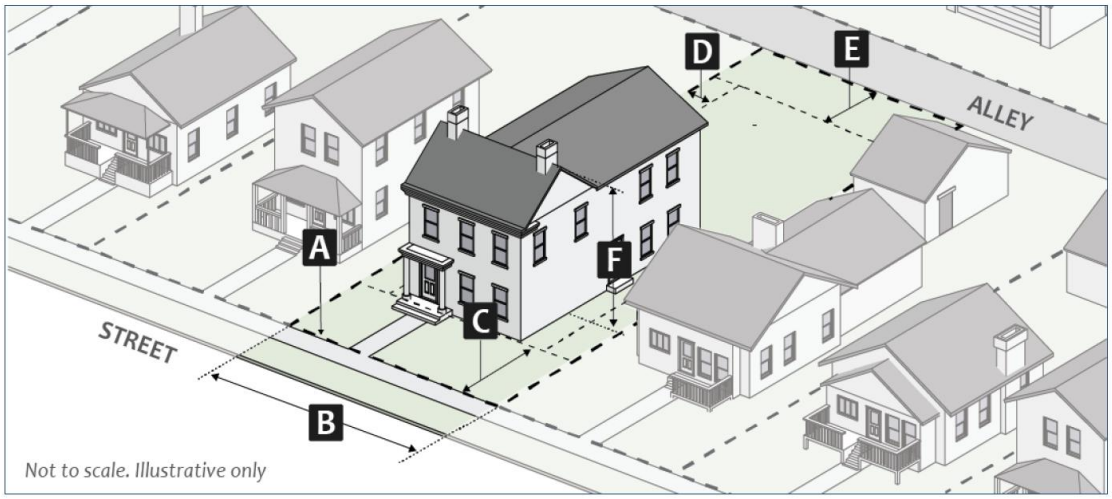

Figure 8: R3 Dimensional Standards

(e) R4: Residential Urban.

(1) Purpose. The R4 district is intended to accommodate residential uses on small urban scale lots that offer a diverse mix of housing opportunities consistent with the Comprehensive Plan and other adopted plans. Properties in the R4 district typically have access to many public services that are accessible to pedestrians, cyclists, and vehicles. This district may be used as a transition between small-lot residential development and urban-scale residential, commercial, and institutional development.

Figure 9: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-5 ~~6~~. R4 District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)		
A	Lot area	4,000 square feet (0.092 acres) [1]
B	Lot width	35 feet [1]
Building Setbacks (minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	5 feet [1] [2]
E	Rear	25 feet [1] [2]
Other Standards		
	Impervious surface coverage (maximum)	50%
F	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

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

[2] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.

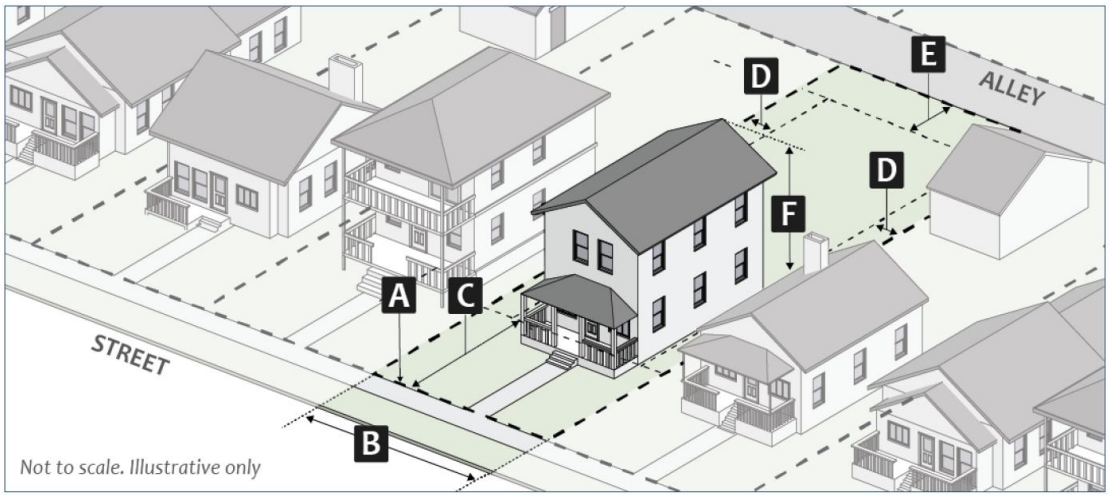

Figure 10: R4 Dimensional Standards

(f) RM: Residential Multifamily.

(1) Purpose. The RM district is intended to accommodate medium scale residential development, plus related civic and residential-supportive uses, at a scale that is larger than neighborhood-scale but

smaller than urban-scale to ensure an adequate mix of housing types throughout the community. This district may be used as a transition between urban neighborhoods and more intense residential, commercial, and institutional development.

Figure 11: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-6 ~~7~~. RM District Dimensional Standards

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

Notes:

[1] Or equal to the setback of the primary structure, whichever is greater.

[2] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

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

[4] The front building setback shall be determined by the standards of the base zoning district.

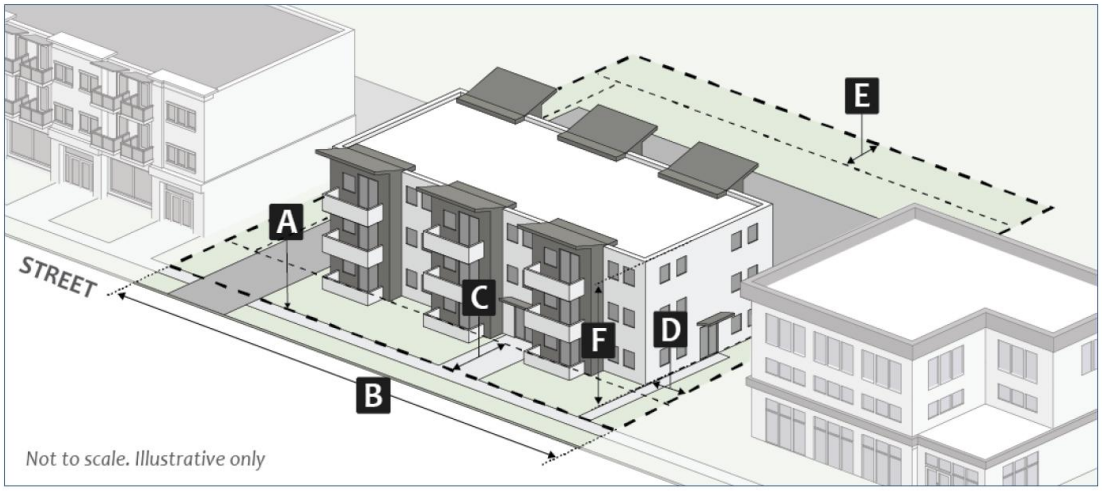

Figure 12: RM Dimensional Standards

(g) RH: Residential High-Density Multifamily.

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

Figure 13: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-7 ~~8~~. RH District Dimensional Standards

		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling [4]
Lot Dimensions (minimum, only for lots created after the effective date)			
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	15 feet [2]	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
F	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

[1] Or equal to the setback of the primary structure, whichever is greater.

[2] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

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

[4] The front building setback shall be determined by the standards of the base zoning district.

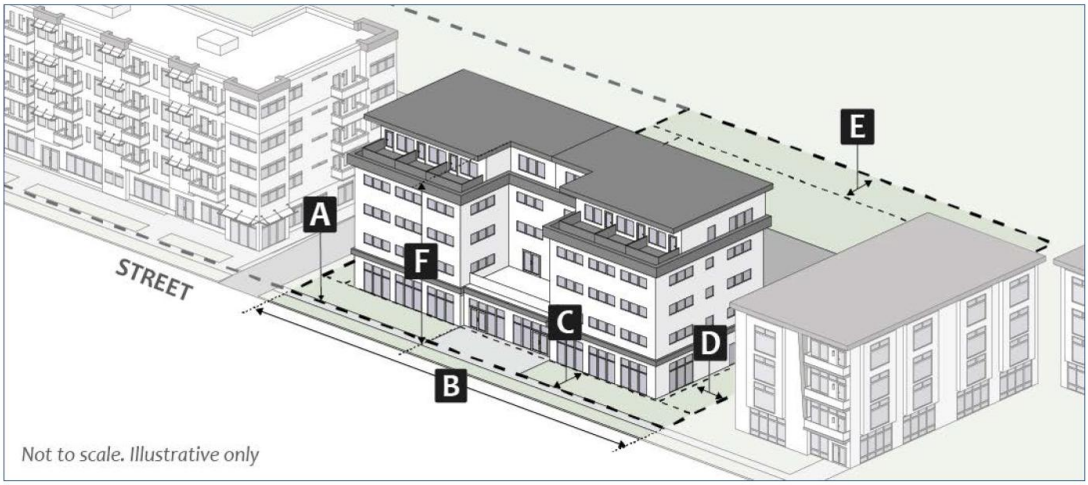

Figure 14: RH Dimensional Standards

(h) RMH: Manufactured/Mobile Home Park.

(1) Purpose. The RMH district is intended to accommodate for manufactured housing developments with shared amenities in order to promote and preserve housing opportunities.

Figure 15: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-8 ~~9~~. RMH District Dimensional Standards

		Entire Development	Dwelling Site	
Lot Dimensions (minimum, only for lots created after the effective date)				
A	Lot area	43,560 square feet (1.0 acres)	3,000 square feet	
B	Lot width	200 feet	C	40 feet
Setbacks for Development as a Whole (minimum)				

D	Front	25 feet	E	10 feet
F	Side	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet	
G	Rear	20 feet		
Other Standards				
	Impervious surface coverage (maximum)	None	65%	
	Primary structure height (maximum)	None	H	20 feet
	Accessory structure height (maximum)	None	20 feet	

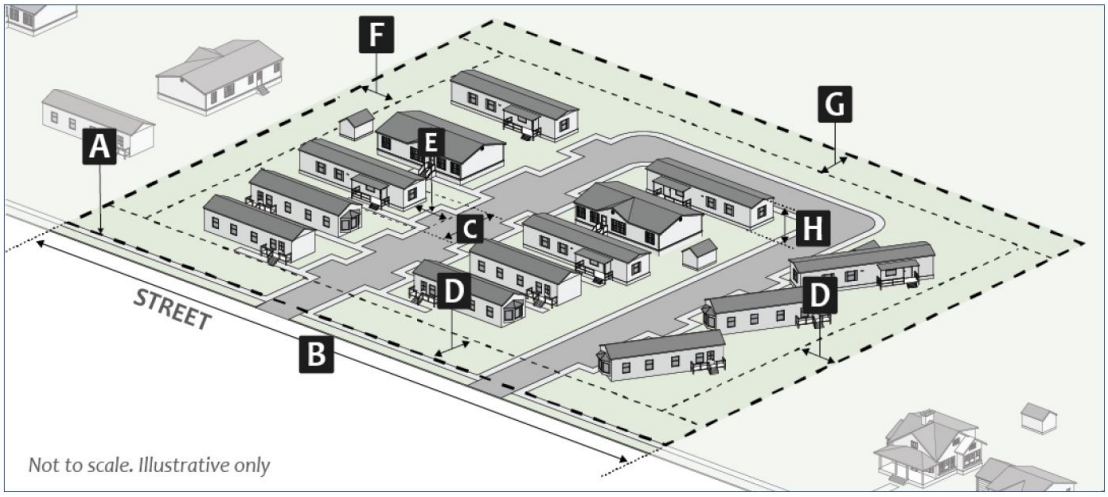

Figure 16: RMH Dimensional Standards

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § 2(Att. A), 5-18-2022; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.02.030 Mixed-use zoning districts.

(a) MS: Mixed-Use Student Housing.

(1) Purpose. The MS district is intended to accommodate an adequate supply and mix of housing opportunities for students in areas adjacent or within easy walking distance to campus and along nearby commercial corridors and with easy access to campus-serving public transit and to university-provided parking, such as the area located directly west, southwest, and northwest of Memorial

Stadium. The district is intended to have a high percentage of student-oriented housing units, including larger developments that might not be permitted in other districts, but not totally exclusive of other types of residential housing units. This district should not be located in close proximity to the MD district but may also provide MS related commercial and retail-supportive uses.

Figure 17: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-9 ~~10~~. MS District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)			**Single-Family Duplex, Triplex, or Fourplex Dwelling**
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (minimum)			
C	Front	15 feet	R4 district standards apply
D	Side	15 feet [1]	
E	Rear	15 feet [1]	
Other Standards			
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	70%	
	Landscape area (minimum)	30%	
G	Primary structure height (maximum) [2]	6 stories, not to exceed 75 feet [1] [2]	
	Accessory structure height (maximum)	20 feet	

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

[3] The front building setback shall be determined by the standards of the base zoning district.

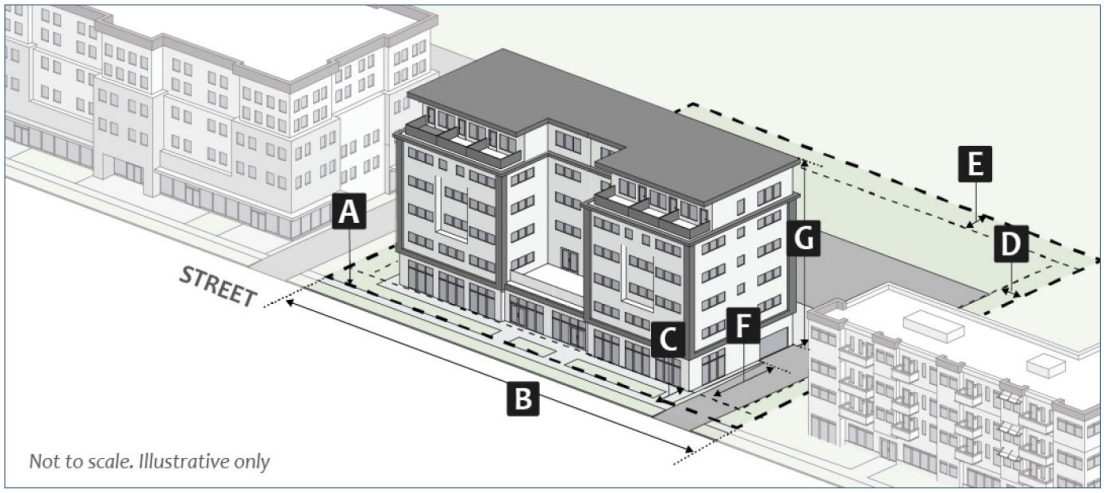

Figure 18: MS Dimensional Standards

(b) MN: Mixed-Use Neighborhood Scale.

(1) Purpose. The MN district is intended to promote a mix of neighborhood-scale residential, commercial, and institutional uses with pedestrian-oriented design and multi-modal transportation availability, in order to promote context sensitive neighborhood-serving development at nodes and corridors near low- and medium-density residential neighborhoods.

Figure 19: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-10 ~~11~~. MN District Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

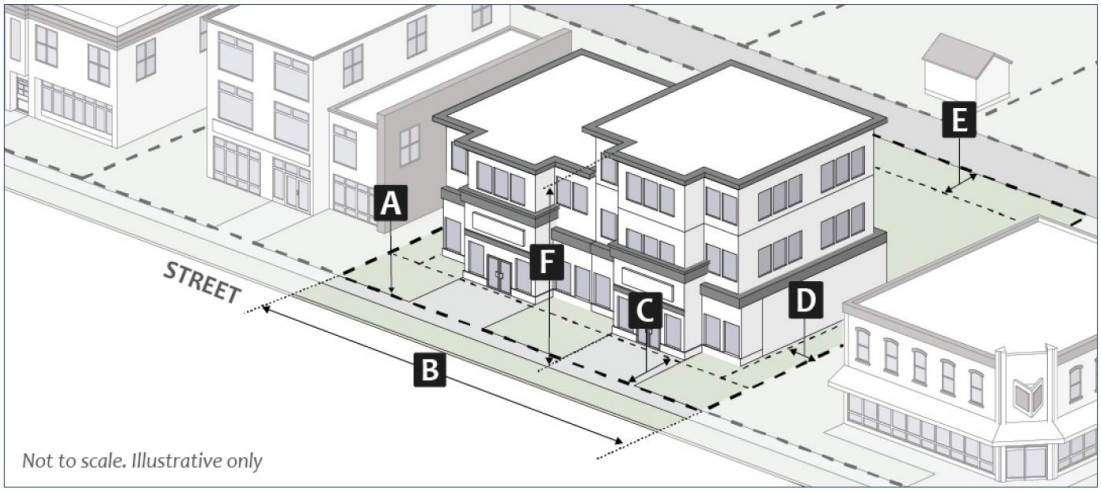

Figure 20: MN Dimensional Standards

(c) MM: Mixed-Use Medium Scale.

(1) Purpose. The MM district is intended to accommodate medium-scaled projects with a mix of housing and storefront retail, professional office, civic and/or residential uses at a scale that is larger than neighborhood-scale but smaller than destination commercial uses or high-density residential development.

Figure 21: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-11 ~~12~~. MM District Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

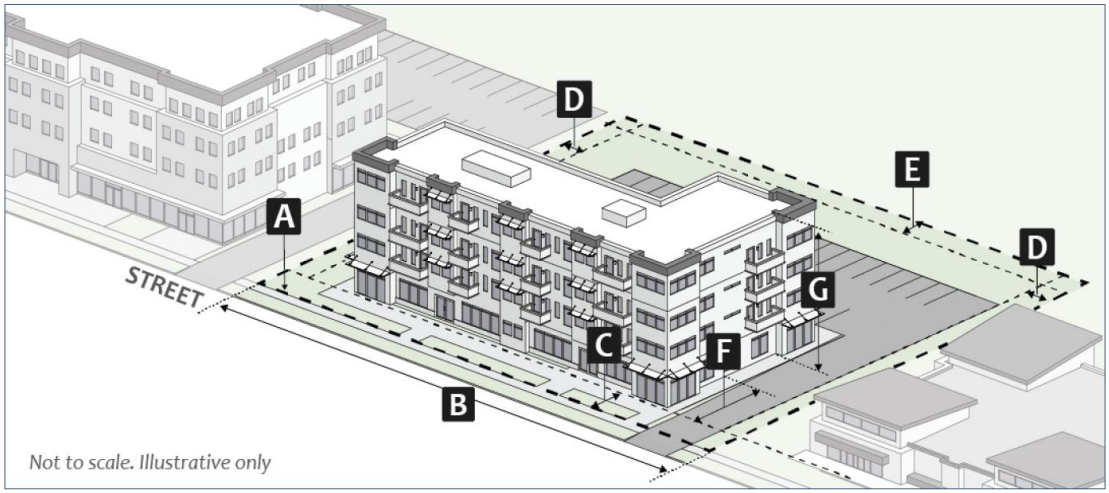

Figure 22: MM Dimensional Standards

(d) MC: Mixed-Use Corridor.

(1) Purpose. The MC district is intended to accommodate medium-scaled developments with a mix of storefront retail, professional office, and/or residential dwelling units along arterial and collector corridors at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.

Figure 23: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-12 ~~13~~. MC District Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

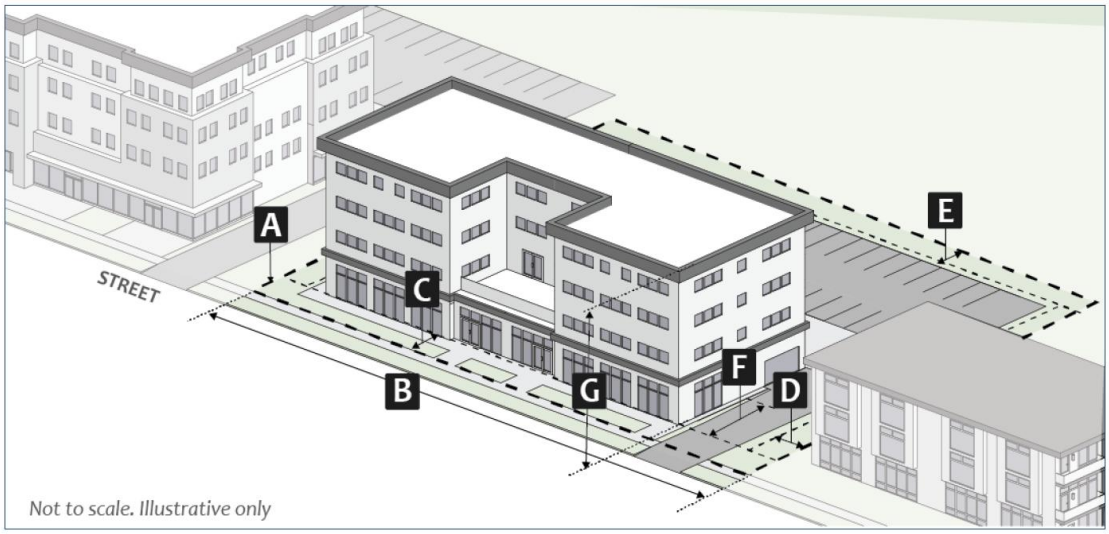

Figure 24: MC Dimensional Standards

(e) ME: Mixed-Use Employment.

(1) Purpose. The ME district is intended to provide a mixture of office-related uses and medium-scale multifamily residential uses that provide significant employment opportunities for the community and the surrounding region.

Figure 25: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-13 ~~14~~. ME District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (minimum)		
C	Front	15 feet
D	Side	10 feet [1]
E	Rear	10 feet [1]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
G	Primary structure height (maximum)	5 stories, not to exceed 63 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

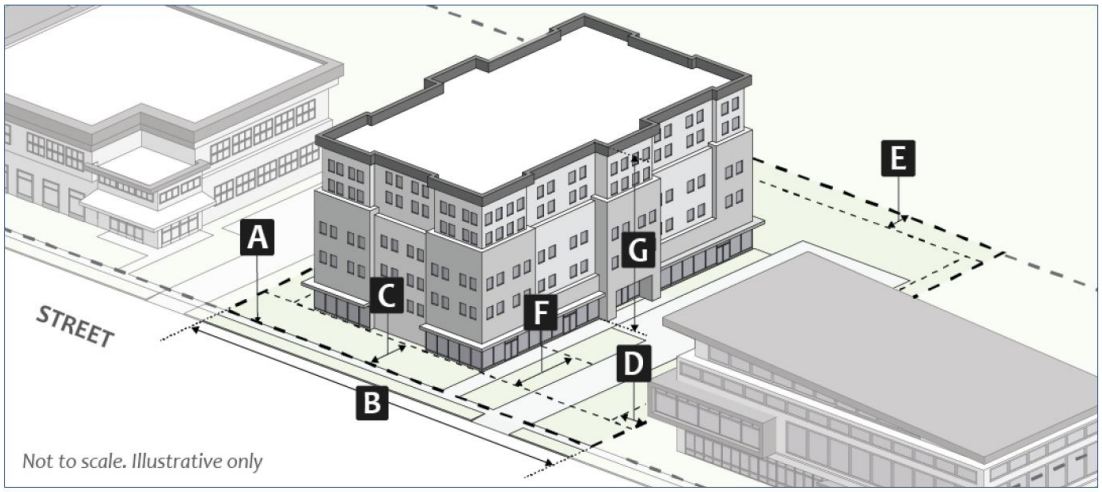

Figure 26: ME Dimensional Standards

(f) MI: Mixed-Use Institutional.

(1) Purpose. The MI district is intended to provide regulations for properties that serve as community institutions, including but not limited to parks, schools, cemeteries, golf courses, religious institutions, nonprofit gathering places, and similar uses, regardless of public or private ownership.

Figure 27: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-14 ~~15~~. MI District Dimensional Standards

Lot Dimensions (minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (minimum)		
C	Front	15 feet
D	Side	10 feet [1]
	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
F	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

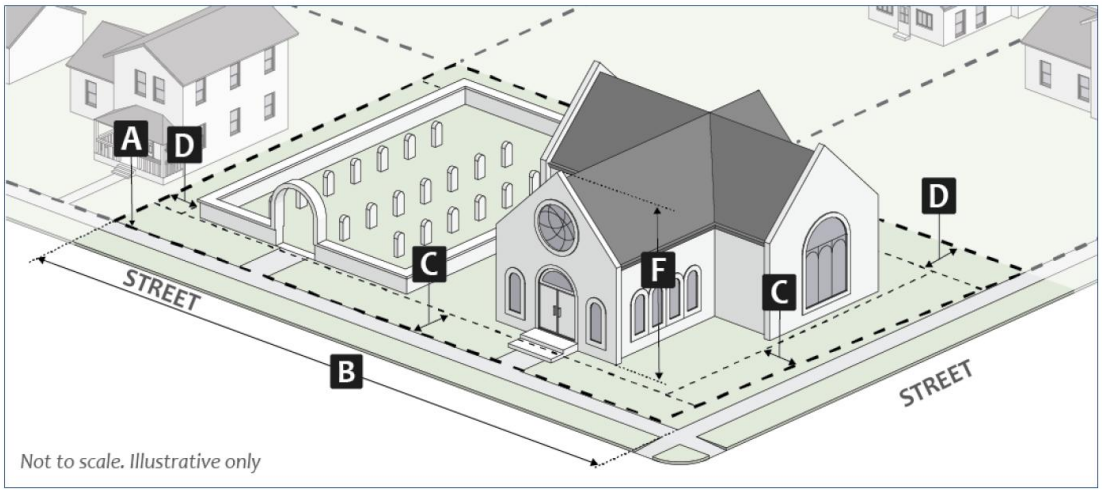

Figure 28: MI Dimensional Standards

(g) MD: Mixed-Use Downtown.

(1) Purpose. The MD district is intended to protect and enhance the character of the central business district, to guide new development and redevelopment activities in the downtown area, and to promote a mix of moderate- to high-density development with active street edges. The zoning district is divided into six different Downtown Character Overlays and permitted size and scale of buildings

vary among those Downtown Character Overlays to ensure that projects are compatible in mass and scale with historic structures in the surrounding areas.

(2) Other Applicable UDO Sections. All development shall comply with all other applicable regulations in this UDO including, without limitation, the Downtown Character Overlay regulations in Section 20.02.060(a), the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04.

(3) Dimensional Standards. Dimensional standards for the Downtown Character Overlays are shown in Section 20.02.030(g)(4) through 20.02.030(g)(9) below.

(4) MD-CS: Mixed-Use Downtown—Courthouse Square Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown Courthouse Square (MD-CS) Character Area is intended to maintain the historic character of downtown by providing a diverse mix of traditional commercial retail uses at the street level to capitalize on, maintain and enhance the pedestrian activity, and to visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings.

Figure 29: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-15 ~~16~~. MD-CS Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 5 feet
B	Building facade at build-to range (minimum)	90%
	Front (maximum)	None
	Side (minimum)	None [1]
	Rear (minimum)	None [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Side and rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)
	Impervious surface coverage (maximum)	100%

C	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary structure height (minimum)	25 feet
	Accessory structure height (maximum)	25 feet

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

Figure 30: MD-CS Downtown Character Overlay Dimensional Standards

(5) MD-DC: Mixed-Use Downtown—Downtown Core Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown Core (MD-DC) Character Area is intended to draw upon the design traditions exhibited by historic commercial buildings by providing individual, detailed storefront modules that are visually interesting to pedestrians, and to promote infill and redevelopment of sites using residential densities and building heights that are higher in comparison to other character areas within the downtown.

Figure 31: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-16 ~~17~~. MD-DC Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

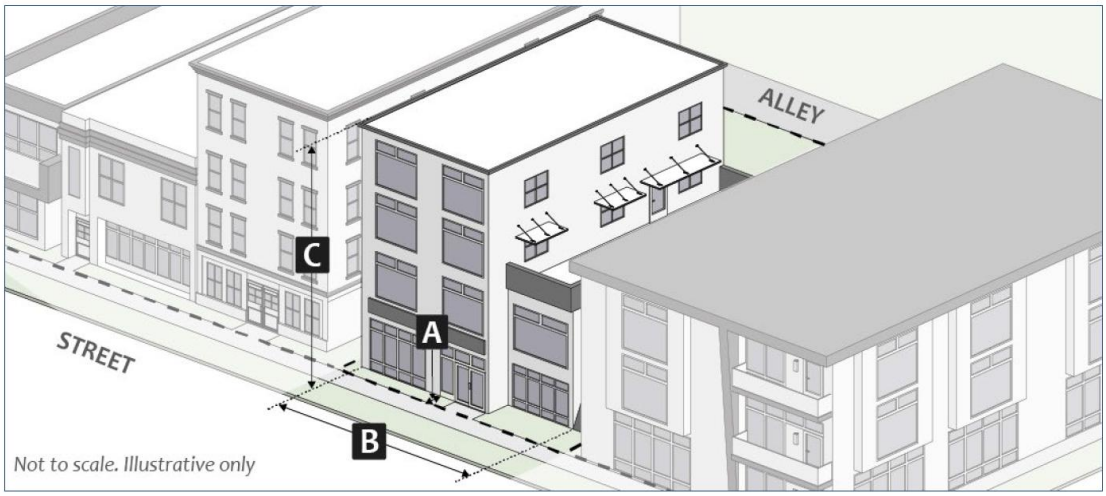

Figure 32: MD-DC Downtown Character Overlay Dimensional Standards

(6) MD-UV: Mixed-Use Downtown—University Village Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown University Village (MD-UV) Character Area is intended to serve as a dynamic and key transitional activity center that connects the Courthouse Square with Indiana University, to promote infill and redevelopment of sites using moderate residential densities for the University Village Area and higher residential densities along the Kirkwood Corridor (Washington Street to Indiana Avenue) and to protect and maintain the unique character of the converted residential structures along Restaurant Row (4th Street between Lincoln Street and Dunn Street).

Figure 33: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-17 ~~18~~. MD-UV Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

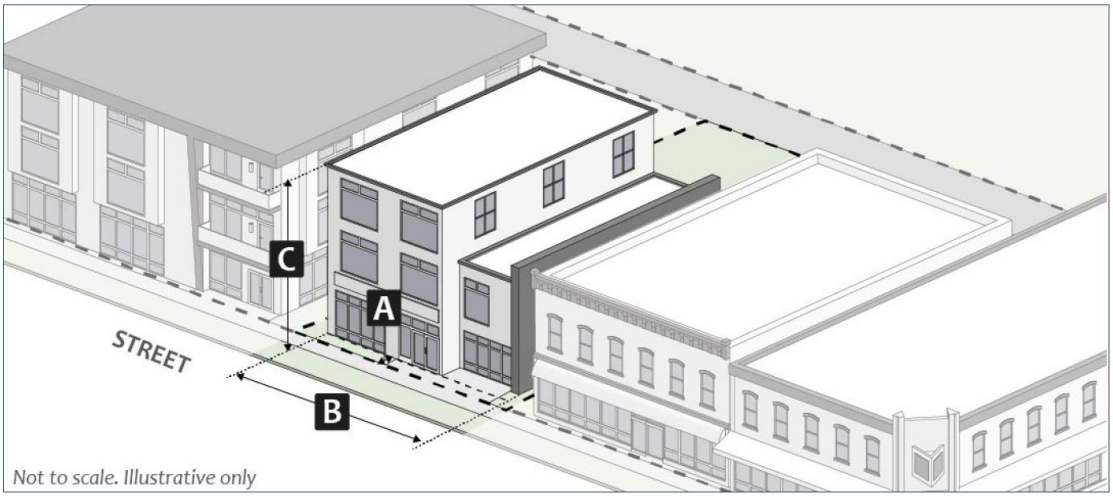

Figure 34: MD-UV Downtown Character Overlay Dimensional Standards

(7) MD-DE: Mixed-Use Downtown—Downtown Edges Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown Edges (MD-DE) Character Area is intended to guide both new development and redevelopment activities to ensure that new development is compatible in mass and scale with historic structures in the Downtown Edges Character Area, and to create a transitional zone between downtown commercial and core residential development where design reflects a mix of traditional commercial storefronts and residential development configurations.

Figure 35: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-18 ~~19~~. MD-DE Dimensional Standards

Building Setbacks

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

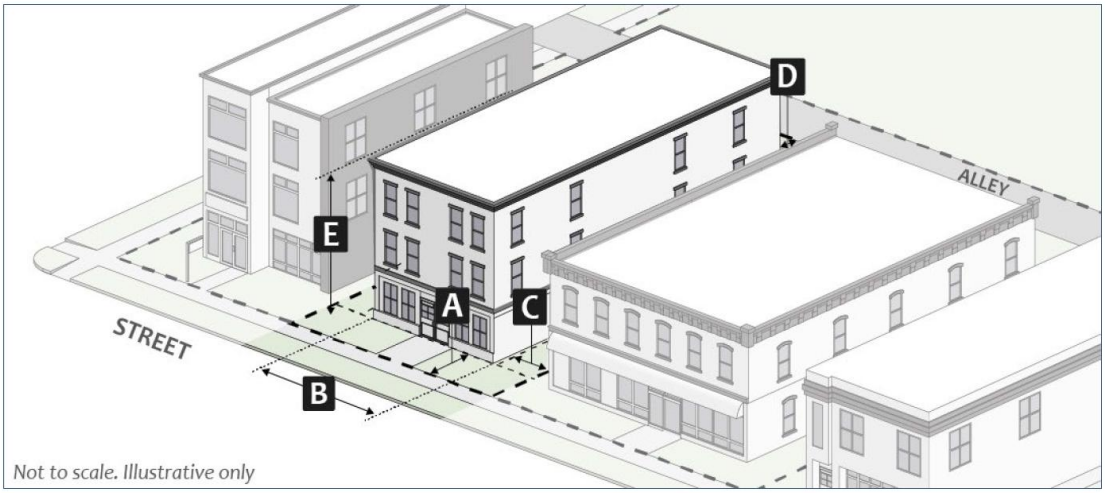

Figure 36: MD-DE Downtown Character Overlay Dimensional Standards

(8) MD-DG: Mixed-Use Downtown—Downtown Gateway Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown Gateway (MD-DG) Character Area is intended to draw upon architectural detailing and thoughtful site planning to reflect the vital transitional nature of the

district to the overall arrival and departure sequence to the downtown area and to create active mixed-use developments that link to adjacent neighborhoods and the downtown circulation network.

Figure 37: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-19 ~~20~~. MD-DG Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

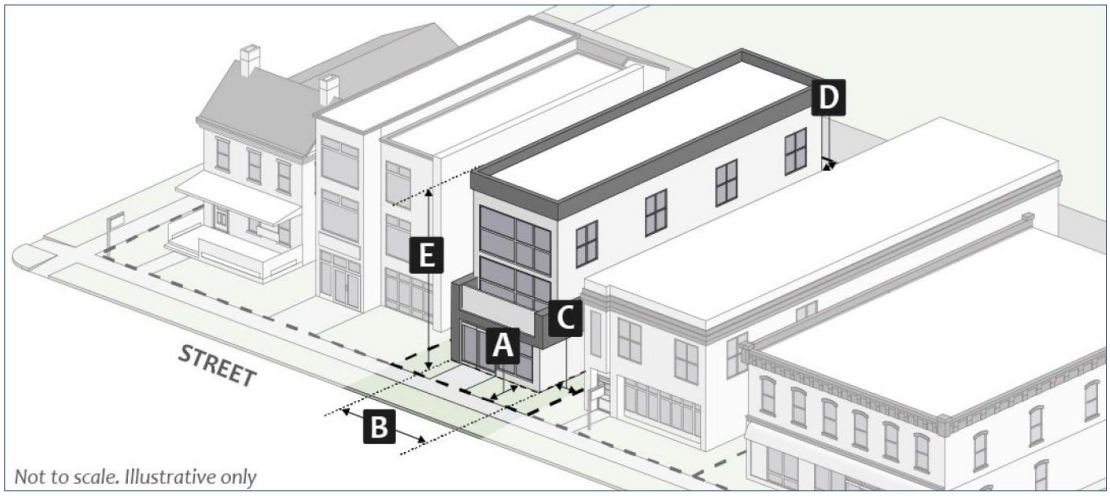

Figure 38: MD-DG Downtown Character Overlay Dimensional Standards

(9) MD-ST: Showers Technology Downtown Character Overlay.

(A) Purpose. The Mixed-Use Downtown—Showers Technology Character Area is intended to draw upon architectural detailing and thoughtful site planning to complement the mass and scale of existing historic structures, draw upon neo-traditional design concepts to extend the street grid and to create publicly accessible open space, integrate development that is strategically planned to promote mixed-use development focused on light industrial, manufacturing, and office uses where live/work, young professional, single-family, empty nester and retiree housing markets are targeted.

Figure 39: Illustrative Scale and Character

(B) Dimensional Standards. The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-20 ~~21~~. MD-ST Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

[4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

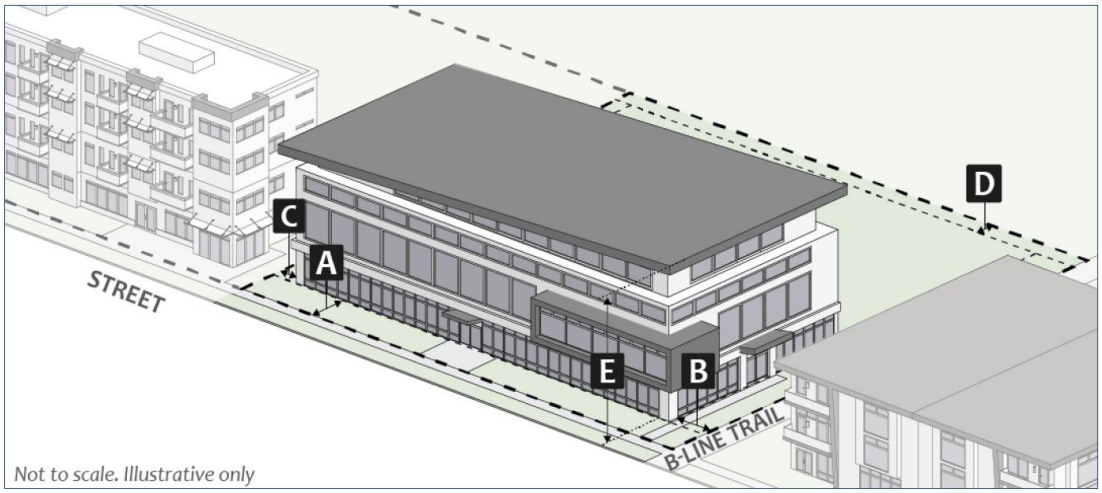

Figure 40: MD-ST Downtown Character Overlay Dimensional Standards

(h) MH: Mixed-Use Healthcare.

(1) Purpose. The MH district is intended to allow for the continued viability of medical related uses surrounding the current hospital site during the transition of the hospital from this zoning district to its new site in northeast Bloomington, and to control redevelopment of land surrounding the old hospital site while planning for redevelopment of the area is underway.

Figure 41: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-21 ~~22~~. MH District Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be twelve feet.

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

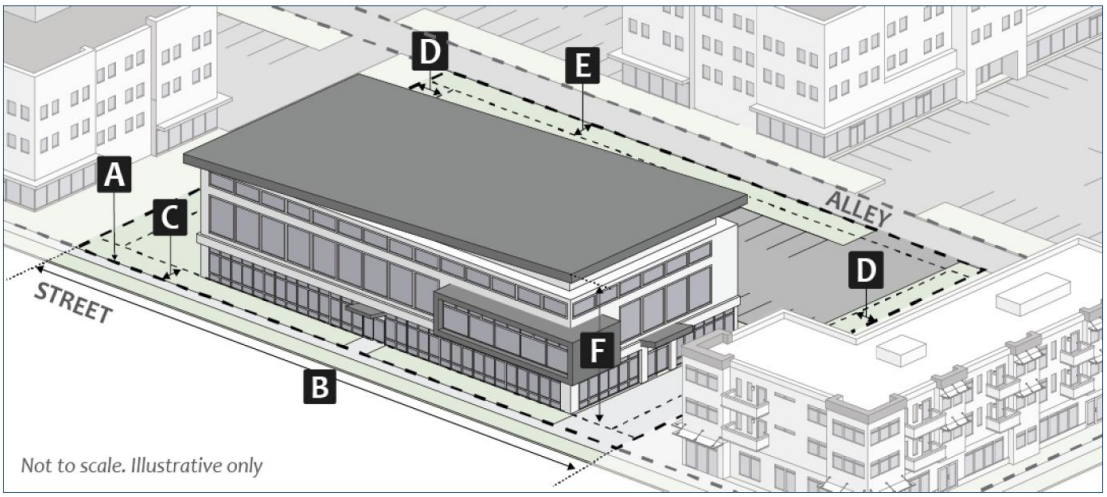

Figure 42: MH Dimensional Standards

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § 2(Att. A, B), 5-18-2022; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

20.02.040 Nonresidential zoning districts.

(a) EM: Employment.

(1) Purpose. The EM district is intended to accommodate existing and future employment uses that provide basic employment needs for Bloomington and the surrounding region, while ensuring that the site design, uses, and development scale are consistent with adjacent development.

Figure 43: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-22 ~~23~~. EM District Dimensional Standards

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

Notes:

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

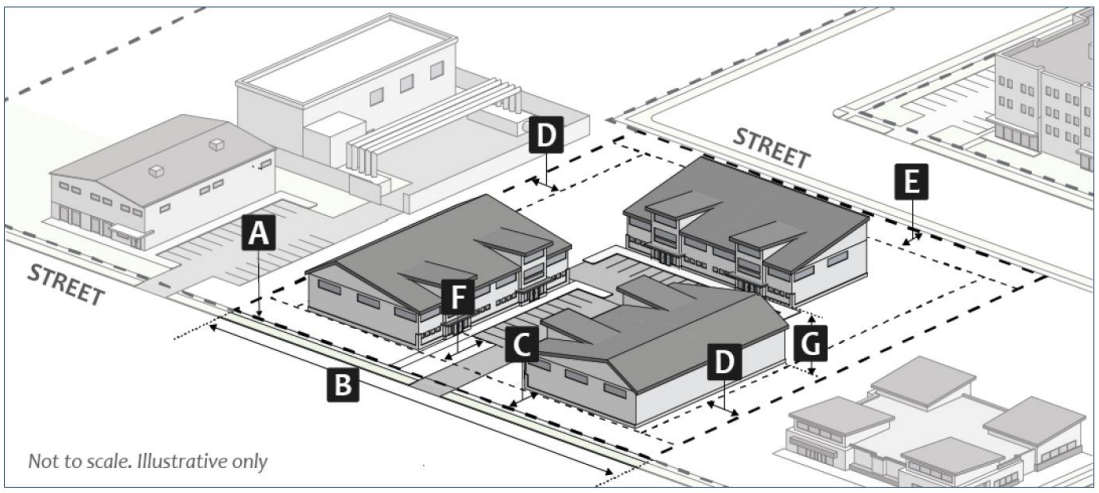

Figure 44: EM Dimensional Standards

(b) PO: Parks and Open Space.

(1) Purpose. The PO district is intended to accommodate and protect City-owned parks and open spaces and to limit structures and land uses to those compatible with the City's management plans for such properties.

Figure 45: Illustrative Scale and Character

(2) Dimensional Standards. The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

Table 02-23 ~~24~~. PO District Dimensional Standards

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

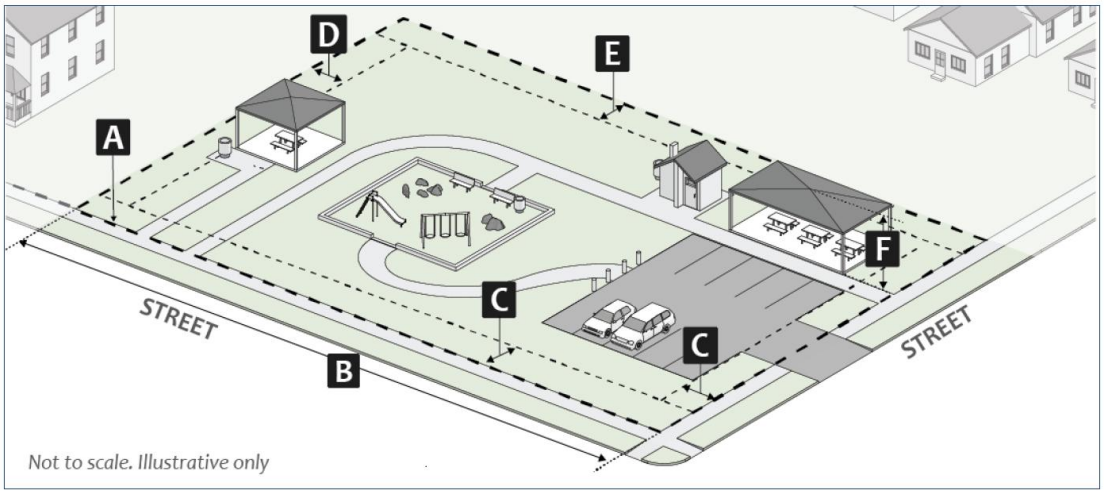

Figure 46: PO Dimensional Standards

(3) Additional PO District Standards.

(A) All land uses, structures, and development in the PO district shall comply with all other provisions of this UDO unless specifically exempted in this UDO or through subsection (B) below.

(B) In the event of a conflict between the provisions of this UDO and the provisions of an adopted City management plan, rule, or regulation applicable to that park or open space land or facility, the provisions of this UDO shall apply.

(Amd. of 1-14-2020; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 2024-03, § II(Att. A), 4-10-2024)

20.02.050 Planned Unit Development (PUD) district.

(a) Purpose. The purpose of the Planned Unit Development (PUD) district is to encourage new and imaginative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the residents of the City and to create distinct developments with unique urban design, mixed uses, enhanced ecosystems services, and substantial additional benefit to the City that would not otherwise be required by this UDO. The PUD district is also intended to accommodate innovative development layouts that preserve the natural, environmental and scenic features of the site or address challenges presented by specific site conditions.

(b) Qualifying Standards. A petition for rezoning into a Planned Unit Development (PUD) district shall only be considered if the petition meets the following criteria, as determined by the Planning and Transportation Director:

(1) The proposed PUD zoning district includes a minimum of five acres of land;

(2) The land included in the proposed PUD zoning district is not within the Mixed-Use Downtown (MD) zoning district;

(3) Where residential dwelling units are proposed, a minimum of fifteen percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than one hundred twenty percent of the HUD AMI for Monroe County, Indiana and the development will be subject to the applicable standards established in Section 20.04.110(c) (Affordable Housing), unless the City otherwise adjusts or releases this requirement.;

(4) The proposed PUD could not be developed using conventional zoning districts or standards established in this UDO;

(5) The land included in the proposed PUD is under single ownership or control. Single control of property under multiple ownership may be considered when the petition includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PUD is approved; and

(6) The proposed PUD zoning district embraces the following highly-valued design features:

(A) Protection of specific natural, environmental, or scenic resources or green spaces; and/or

(B) Retaining natural landforms throughout the development; and/or

(C) Low impact development design features throughout the development; and/or

(D) Solar orientation of building forms and other passive energy-efficient design strategies throughout the development.

(7) The proposed PUD zoning district embraces several highly-valued design features, as determined by the Planning and Transportation Director, including but not limited to:

(A) No block perimeter greater than one thousand four hundred feet in the development;

(B) Centralized gathering and recreation spaces of an appropriate size for the entire development, or designed to serve an area larger than the entire development;

(C) Internally and externally connected park, trail, and open space system;

(D) Community-level renewable energy production.

(c) Permitted Uses.

(1) The permitted uses in a PUD district ordinance are subject to the approval of the Plan Commission and Common Council.

(2) The permitted uses shall be determined based on consistency with the Comprehensive Plan, the existing zoning district designation of the area being rezoned to a PUD district, the land uses contiguous to the area being rezoned to a PUD district, and the development standards and design standards of the UDO.

(3) If the terms of the PUD approved by Common Council do not clearly address the availability of specific uses in all or part of the development, then the uses and Use-Specific Standards that would otherwise be applicable to development of the same character and scale if it were zoned into one of the base zoning districts in Sections 20.02.020 through 20.02.040, as determined by the Planning and Transportation Director, shall apply.

(d) Development Standards.

(1) The development standards in a PUD district ordinance are subject to the approval of the Plan Commission and Common Council.

(2) The development standards shall be determined based on consistency with the Comprehensive Plan, the existing zoning district designation of the area being rezoned to a PUD, and the development and design standards of the UDO.

(3) If the terms of the PUD approved by Common Council do not state that the development standards or subdivision standards differ from those listed in Chapter 20.04 (Development Standards and Incentives) or Chapter 20.05 (Subdivision Standards), then the standards in those Chapters that would

otherwise be applicable to development of the same type and scale if it were not zoned PUD, as determined by the Planning and Transportation Director, shall apply.

(e) Review and Approval Procedures. Procedures and criteria for review and approval of a PUD district are in Section 20.06.070(c) (Rezoning to Planned Unit Development (PUD)).

(Amd. of 1-14-2020)

20.02.060 Overlay districts.

(a) DCO: Downtown Character Overlay District. The following standards apply within the Downtown Character Overlays located in the Mixed-Use Downtown MD zoning district and are intended to implement the Downtown Vision and Infill Strategy Plan. In case of a conflict between the standards in this Section 20.02.060(a) and the standards in the underlying MD zoning district, the provisions in this section shall apply.

(1) West Kirkwood Corridor.

(A) The construction of new buildings on lots between Kirkwood Avenue and its adjacent alleys to the north and south, between Rogers Street and Adams Street, as more specifically mapped in the plan for West Kirkwood, shall comply with the architectural standards outlined in the plan for West Kirkwood.

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

(2) Required Building Entrances.

(A) At least one pedestrian entrance shall be provided for any primary building facade facing a public street.

(B) At least one pedestrian entrance shall be provided per one hundred feet of building frontage along the B-line trail.

(C) Required pedestrian entrances shall incorporate a landscaped plaza area that provides three or more of the following plaza amenities:

i. Benches (minimum of two);

ii. Bike racks;

iii. Public art or water feature;

iv. Drinking fountain;

v. Trash receptacles;

vi. Landscaped areas or planters; or

vii. Enhanced exterior light fixtures, such as wall sconces or light coves.

(D) At least one pedestrian entrance to each primary building shall be constructed at an elevation that is within three feet of the adjacent sidewalk elevation.

(E) Pedestrian entrances on facades located within zero to five feet of the front property line shall be recessed a minimum of four feet into the front building facade.

(3) Orientation of Entrances.

(A) Any facade of a primary building facing a public street shall be considered a primary facade.

(B) The primary pedestrian entrance shall not be located on a building facade adjacent to an alley.

(C) For structures located within the Kirkwood Corridor, the primary pedestrian entrance shall be oriented to Kirkwood Avenue.

(D) For structures located within Restaurant Row, the primary pedestrian entrance shall be oriented to 4th Street.

(4) Primary Building Roof Design.

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

Table 02-24 ~~25~~. Primary Building Roof Design

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

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

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

(5) Upper Floor Facade Stepbacks. All primary buildings shall comply with the following standards for upper floor stepbacks:

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

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

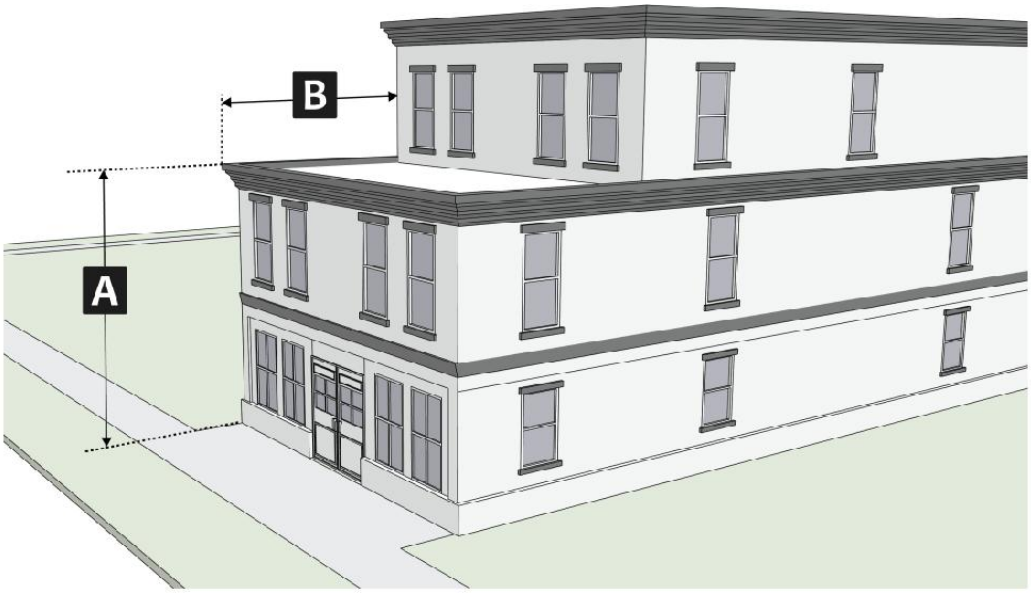

Figure 47: Upper Floor Facade Stepbacks

(6) Windows and Doors on Primary Facades. All primary facades of a primary building shall meet the window and door design standards shown in the following table:

Table 02-25 ~~26~~. Windows and Doors on Primary Facades

Downtown Character Overlays	Window and Door Areas and Design Required
First Floor (Building Base) Facade Facing a Street	
Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area:	
CS	70% Large display windows shall be used along all first-floor facades facing a street and shall incorporate transom windows and window bases/kickplates. A frieze or sign band shall be incorporated above first floor display windows.
DC	60%
UV	General: 50% Kirkwood Corridor: 60%
DE, DG, ST	40%
First Floor (Building Base) Facing the B-Line Trail	
Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area:	
All	60%
Upper Floors (Building Middle) Facing a Street	
Each floor above the first floor shall comply with the following requirements for transparent glass or facade openings:	

CS, DC, DE, DG	Minimum 20%; Maximum 70% Window frame heights shall be at least 1.5 times the window frame width. Window frames shall incorporate windowsills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the facade on which it is located. Windows in the CS Downtown Character Overlays shall have the appearance of double-hung windows punched into the wall surface.
UV, ST	Minimum 20%; Maximum n/a Windows in the UV Character Area shall have the appearance of double-hung windows.

(7) Primary Pedestrian Entrances. All primary facades of a primary building shall incorporate the levels of window and door areas, and shall meet the window and door design standards shown in the following table:

Table 02-26 ~~27~~. Primary Pedestrian Entrances

Downtown Character Overlays	Primary Pedestrian Entrance Design Standards
CS and DC	The entrance shall be recessed a minimum of four feet from the building facade. The entrance shall incorporate a prominent building address, building name and enhanced exterior entryway lighting. The entrance shall incorporate at least one of the following features: 1. A canopy or awning; 2. Pilasters or a facade module projecting from the wall plane; 3. A raised corniced entryway parapet; or 4. Public art display of a size that is clearly visible to pedestrians using the adjoining sidewalk.
UV, DE, DG, and ST	The entrance shall incorporate at least two of the following architectural design features: 1. An entry door recessed at least four feet from the sidewalk edge; 2. A plaza space with ornamental paving and integral landscape planters; 3. A canopy or awning; 4. A portico; 5. A buttress and arched entry; 6. Pilasters or a facade module projecting from the exterior wall plane; 7. A prominent building address, building name and enhanced exterior entryway lighting; 8. A public art display of a size that is clearly visible to pedestrians using the adjoining sidewalk; 9. A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable; 10. Rusticated masonry; 11. A landscaped patio area with outdoor seating for at least eight persons; or 12. A front porch.

(8) Facade Articulation. The following standards apply to all street facing and non-street facing facades of primary buildings:

(A) Belt Courses. In the CS and DC Downtown Character Overlays:

i. Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

ii. Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

(B) Other Articulation Required. Each facade of a primary building facing a street or the B-Line Trail shall be articulated through recessing, banding, articulation of exterior materials, or change of materials, by incorporating patterns that:

i. Are offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module; and

ii. Vary or repeat based on the maximum facade module lengths shown in the table below.

Table 02-27 ~~28~~. Primary Building Articulation

Downtown Character Overlays	Lengths of Facade Articulation Modules	
	Maximum	Minimum
CS, UV	50 feet	20 feet
DC, DG	65 feet	20 feet
DE	45 feet	20 feet
ST	100 feet	none

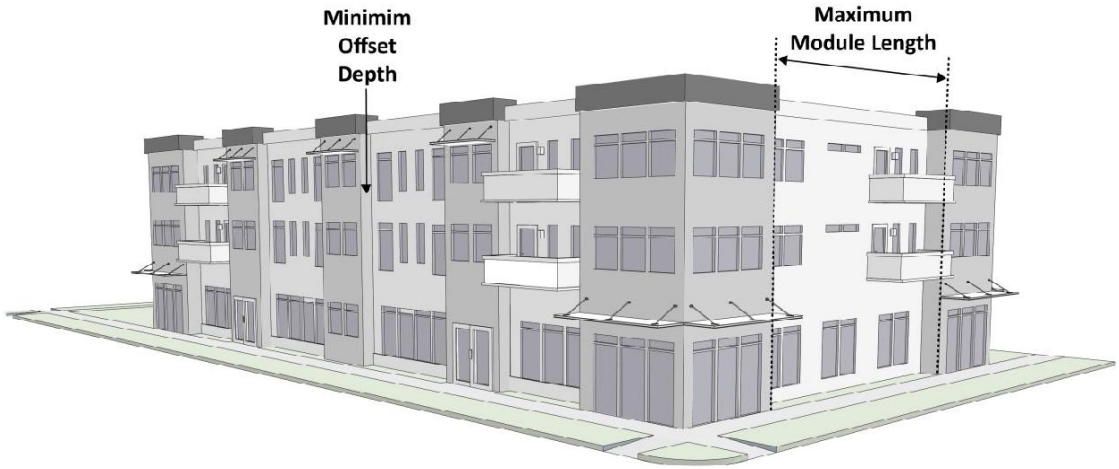

Figure 48: Primary Building Articulation

(9) Facade Materials. All street and non-street facing facades of a primary building shall comply with the materials requirements shown in the following table:

Table 02-28 ~~29~~. Facade Materials

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

Notes:

[1] All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.

[2] May only be used as a secondary facade material on floors above the first floor.

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

(A) Site plan: Guidelines 3.1 and 3.2.

(B) Architectural character: Guidelines 3.3 and 3.4.

(C) Mass, scale and form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9.

(D) Exterior building materials: Guidelines 3.10, 3.11 and 3.12.

(E) Upper story windows: Guidelines 3.13 and 3.14.

(F) Entries: Guidelines 3.15 and 3.16.

(G) Pedestrian interest: Guidelines 3.17, 3.18 and 3.19.

(H) Mechanical equipment and service utilities: Guidelines 3.20, 3.21, 3.22 and 3.23.

(I) Parking structures: Guidelines 3.24 and 3.25.

(J) Lighting: Guidelines 3.26, 3.27 and 3.28.

(b) TRO: Transform Redevelopment Overlay.

(1) Purpose. The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition. Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

(2) Applicability. The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to Section 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

(3) Other Applicable UDO Sections. The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

(4) Dimensional Standards. The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

Table 02-~~29~~ ~~30~~: TRO District Dimensional Standards

Lot Dimensions (Only for lots created after the effective date)			
A	Lot area (minimum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres)	
B	Lot width (minimum)	35 feet	
	Lot width (maximum)	Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet	
Building Setbacks			Single-Family, Duplex, Triplex, or Fourplex Dwelling
C	Build-to range	Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet	R4 district standards apply [2]
	Building facade build-to percentage (minimum)	Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50%	
D	Side (minimum)	0 feet [1]	
E	Rear (minimum)	Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1]	
Other Standards			
	Maximum impervious surface coverage increase	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [3] Residential Zoning Districts: 15% percentage points [3]	
	Minimum landscape area decrease	Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [3] Residential Zoning Districts: 15% percentage points [3]	

	Primary structure height (minimum)	2 stories, not less than 20 feet	No minimum
Notes: [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards) [2] In such cases a front setback is established [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)			

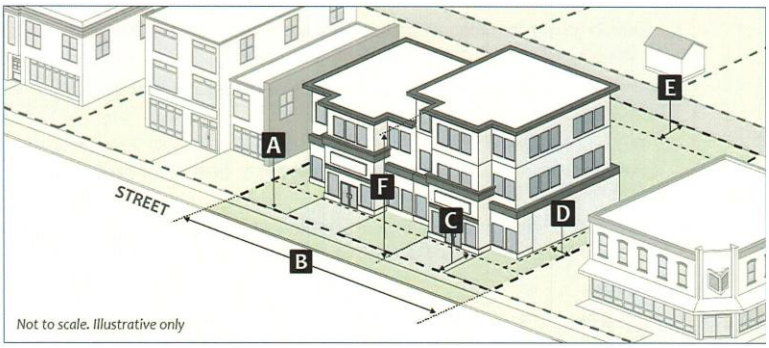

Figure 47: TRO Dimensional Standards

(5) Allowed Use Table Modifications.

(A) Excluded Uses. The following uses are prohibited within the TRO: Fraternity or sorority house; Opioid rehabilitation home, small; Crematory; Mortuary; Methadone treatment facility; Kennel; Country club; Sexually oriented business; Check cashing; Building supply store; Firearm sales; Pawn shop; Liquor or tobacco sales; Retail sales, big box; Vehicle fuel station; Student housing or dormitory.

(B) Permitted Uses. The following uses are permitted within the TRO: Dwelling, single-family (attached)*; Dwelling, duplex*; Dwelling, triplex*; Dwelling, fourplex*; Dwelling, multifamily**; Dwelling, live/work*; Restaurant**.

* = base zoning district use-specific standards apply

** = overlay use-specific standards apply only

(6) Use-Specific Standards. The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

(A) Dwelling, Multifamily.

(i) For structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail, each dwelling unit located on the ground floor shall be located at least twenty feet behind each building facade facing a public street, or the B-Line Trail.

(ii) Ground floor dwelling units with a front building wall facing a street shall be raised two to five feet above the sidewalk level.

(iii) Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least five feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.

(iv) Any portions within the ground floor of a structure used for vehicular parking shall be located at least twenty feet behind the building facade facing a public street.

(B) Restaurant.

(i) In the RM and RH zoning districts, the restaurant shall contain no more than five thousand gross square feet of floor area.

(7) Access and Connectivity.

(A) Driveways and Access

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

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

(8) Parking and Loading.

(A) Minimum Vehicle Parking Requirement. Minimum vehicle parking requirements shall not apply to developments in the TRO.

(B) Maximum Vehicle Parking Allowance:

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

(ii) All Other Uses. The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by fifty percent in the TRO.

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

(9) Site and Building Design.

(A) Street Lighting Plans Generally:

(i) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.

(ii) Pedestrian scaled street lighting shall not exceed fifteen feet in height. Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.

(B) Building Design.

(i) Exceptions.

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).

2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this Section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

(ii) Materials. All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials:

1. Primary Exterior Finish Materials:

a. Masonry;

b. Brick;

c. Natural Stone;

d. Transparent Glass;

e. Cementitious siding;

f. Precast concrete;

g. Metal (except corrugated); or

h. Wood.

2. Secondary Exterior Finish Materials:

a. Stucco, plaster, or similar systems (excluding EIFS);

b. Split-faced block; or

c. Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. Prohibited Exterior Finish Materials:

a. EIFS;

b. Vinyl; and

c. Highly reflective materials.

(iii) Primary Pedestrian Entry.

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.

a. Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.

b. Pedestrian entrances located within zero to five feet of the front property line shall be recessed a minimum of four feet into the front building facade.

2. Pedestrian entries shall incorporate at least one of the following architectural design features:

a. A portico;

b. A buttress and arched entry;

c. Pilasters or a facade module projecting from the exterior wall plane;

d. A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;

e. Rusticated masonry;

f. A front porch; or

g. Other architectural designs as approved by the staff.

(iv) Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.

2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than two hundred fifty square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:

a. A plaza space with ornamental paving and integral landscape planters;

b. A landscaped patio area with outdoor seating for at least eight persons;

c. A landscaped garden area; or

d. Other landscaped areas as approved by the staff.

(v) Exterior Facades.

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

a. A minimum of twenty percent of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and

2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:

a. A minimum of sixty percent of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and

b. A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least five feet is required along at least sixty percent of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and

3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

a. A minimum of twenty percent of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and

b. A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least five feet is required along at least twenty percent of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

(vi) Building Size Maximum.

1. Building Floor Plate. The maximum building floor plate for a structure in the TRO shall be five thousand square feet per building, pursuant to the measurement standards in Section 20.040.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.40.110(d) has been earned, the maximum building floor plate shall be ten thousand square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be fifteen thousand square feet per building.

2. Building Height. The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

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

i. The building shall contain six or more dwelling units; and

ii. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

b. Tier 1 Projects. Projects that meet the Tier 1 affordability standards may increase the primary structure height by two floors of building height, not to exceed twenty-four 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).

c. 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 twenty-four 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).

d. Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed forty-eight 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).

e. Sustainable Development Bonus.

i. 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 twelve feet.

ii. 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 twelve feet. The additional floor of building height granted under this subsection shall be limited to fifty percent of the building footprint area of primary structure, and that additional floor shall be set back at least ten feet further than the lower floors of the building.

(10) Landscaping, Buffering, and Fences.

(A) Buffer Yards. Developments within the TRO are not required to provide buffer yards.

(B) Landscaping.

(i) Interior Plantings. The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following:

1. A minimum of one large canopy tree per five hundred square feet. Open areas less than ten feet in width may substitute small/medium canopy ~~ornamental~~ trees for required large canopy trees.

a. Tree location should maximize visibility between windows and the street.

2. A minimum of eight shrubs per five hundred square feet. One small/medium canopy/~~ornamental~~ tree may be substituted for every four shrubs; however, a substitution shall not exceed fifty percent of the required shrubs.

3. Shrubs and ~~ornamental~~ trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

ii. Parking Lot Perimeter Plantings. See Section 20.04.080(h)(1).

iii. Parking Lot Landscape Bumpouts, Islands, and Endcaps. See Section 20.04080(h)(2).

(11) Subdivision Standards. All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

(A) Development Standards.

Table 02-30 ~~31~~: IS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Lots served by alleys (minimum percentage)	100% [1]
Block length (maximum)	400 feet
Right-of-Way Standards	
On-street parking [1]	Per Transportation Plan guidance [2]
Tree plot width (minimum)	Per Transportation Plan, or 7 feet, whichever is greater

Sidewalk/multiuse path width (minimum)	Per Transportation Plan, or 8 feet, whichever is greater

Notes:

[1] Required to meet Transportation Plan guidance.

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(0) (On-street Parking Standards for Private Streets).

(B) Lots.

(i) Design.

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(12) Departures.

(A) Purpose. Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

(B) Applicability.

(i) Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.

(ii) Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

(C) Limitations on Departures.

(i) The departure procedure shall not apply to any proposed modification or deviation that results in:

1. A change in permitted uses or mix of uses;

2. A deviation from building or fire codes;

3. A deviation from engineering standards;

4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or

5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(D) Departure Review Process.

(i) Petition Submittal and Handling. A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall

be considered a separate departure request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

(ii) Review and Decision.

1. The Plan Commission shall review and decide the departure petition based on the following criteria:

a. The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;

b. Provides adequate public services and facilities;

c. Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;

d. Is of a technical nature and is required to provide for an exceptional architectural design which will:

i. Significantly enhance the visual appeal of the building;

ii. Significantly enhance the perceived quality of the building facades visible from public streets; and

iii. Strengthen the public-private interaction at the street level.

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-16, § II (Att. A), 4-21-2021; Ord. No. 22-08, § 2(Att. A), 5-18-2022; Ord. No. 22-36, § 2(Att. A, B), 1-30-2023; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

Chapter 20.03 USE REGULATIONS

20.03.010 General.

(a) Organization of the Table. In the Allowed Use Table, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.

(b) Allowed Use Table.

(1) A "P" in a cell of the Allowed Use Table indicates that the use is permitted by-right in that zoning district, subject to compliance with the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(2) A "C" in a cell of the Allowed Use Table indicates that the use is permitted only after the petitioner obtains Conditional Use Approval pursuant to Section 20.06.050(b) (Conditional Use Permit), and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(3) An "A" in a cell of the Allowed Use Table indicates that the use is permitted as an accessory use only in support of a permitted use on the site, and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(4) A "CA" in a cell of the Allowed Use Table indicates that the use is permitted only as an accessory use and only after the petitioner obtains Conditional Use Approval pursuant to Section 20.06.050(b) (Conditional Use Permit), and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(5) A "T" in a cell of the Allowed Use Table indicates that the use is permitted as a temporary use, subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(6) An "*" in a cell indicates that a Use-Specific Standard cross-referenced in the right-hand column of the table applies to the use in that zoning district.

(7) A blank cell in the Allowed Use Table indicates that the use is not allowed in that zoning district.

(c) Multiple Uses.

(1) A lot or parcel in a Residential zoning district may include only one principal use, but may also include any Accessory, Conditional Accessory, or Temporary uses as shown in the Allowed Use Table, provided that a Conditional Use Approval is obtained for any Conditional Accessory Use, and that all Use-Specific Standards applicable to each use are met.

(2) A lot or parcel in a Mixed-Use or Nonresidential zoning district may include multiple principal uses, including a combination of residential and non-residential uses, provided that each use is either a Permitted Use or a Conditional Use in that zoning district, that a Conditional Use Approval is obtained for any Conditional Use, and that all Use-Specific Standards applicable to each use are met.

(d) Unlisted Uses. When a proposed land use is not explicitly listed in Table 03-1, Allowed Use Table, the Planning and Transportation Director shall make a determination pursuant to Section 20.06.080(c) (Administrative Interpretation).

(e) Additional Use Standards in the Downtown Character Overlays.

(1) Nonresidential Ground Floor Standards. A minimum of fifty percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 49 shall be occupied by nonresidential primary uses listed in Table 03-1 as Permitted or Conditional in the MD zoning district, as those Permitted or Conditional Uses are modified by those prohibited uses listed in subsection (2) below. Enclosed parking garages shall not be counted toward the required nonresidential use.

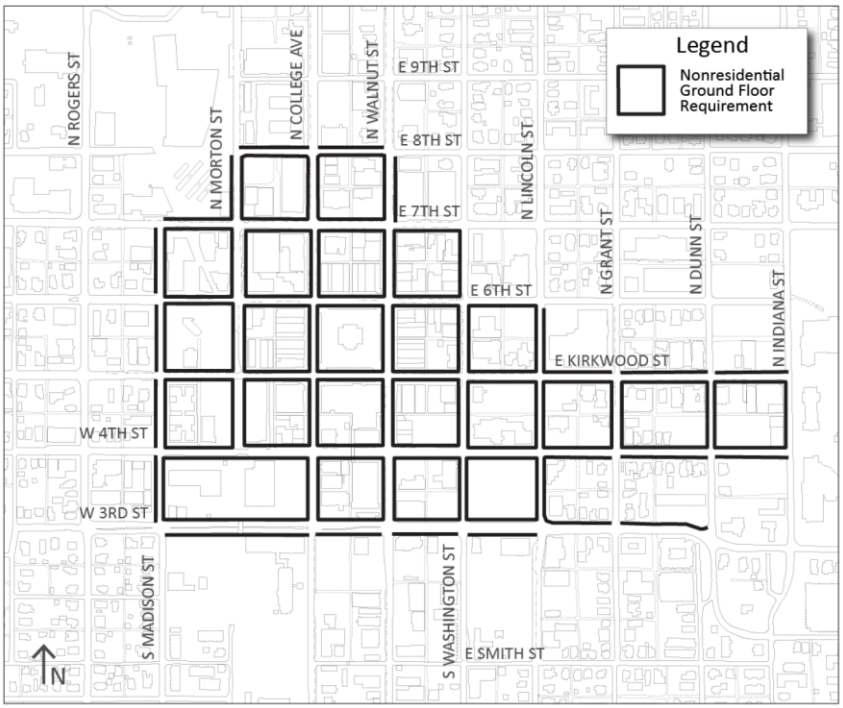

Figure 49: Downtown Nonresidential Ground Floor Requirement

(2) ~~Standardized Businesses. In the MD-CS and MD-UV Character Areas a standardized business shall require Conditional Use permit review in accordance with Section 20.06.050(b) (Conditional Use Permit), and shall comply with the following standards:~~

~~(A) The proposed standardized business shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to:~~

~~i. Architecture;~~

~~ii. Scale;~~

~~iii. Facade; and~~

~~iv. Signage.~~

~~(B) If the use is proposed for a site that contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade.~~

~~(C) Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered.~~

(2~~3~~) Allowed Use Table Modifications. The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 03-1 (Allowed Use Table) are modified as follows.

(A) Courthouse Square Character Area. The following uses are prohibited in the Courthouse Square Character Area: Assisted Living Facility, vehicle fuel station, and medical clinic.

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

(C) University Village Character Area.

i. The following use is prohibited in the University Village Character Area: Vehicle fuel station.

ii. The following uses are prohibited in the Restaurant Row area: Assisted living facility; financial institution; personal services (except in spaces of seven hundred 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; transportation terminal; utility substation and transmission facility; and veterinary clinic.

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

(f) Historic Adaptive Re-Use. Any adaptive re-use, protection, or restoration of a historic resource for a land use not specifically permitted in the zoning district pursuant to Table 03-1, Allowed Use Table, shall be subject to Conditional Use review pursuant to Section 20.06.050(b)(3)(E)iii (Historic Adaptive Re-Use).

(g) Quarry Adaptive Re-Use. Any adaptive re-use of a former quarry site not specifically permitted in the zoning district pursuant to Table 03-1, Allowed Use Table, shall be subject to Conditional Use review pursuant to Section 20.06.050(b)(3)(E)iv (Quarry Adaptive Re-Use).

(h) Required Licenses, Permits, and Operational Rules.

(1) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this UDO.

(2) All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Bloomington Municipal Code, and regulations of the Indiana Department of Health and Human Services, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this UDO.

(Amd. of 1-14-2020; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2025-29, § II(Att. A), 8-6-2025)

20.03.020 Allowed Use Table.

Commented [1]: Deleted Allowed Use Table due to accessibility issues. There are no proposed changes to the Allowed Use Table with the 2026 UDO Amendments.

20.03.030 Use-Specific Standards.

(a) Generally.

(1) The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 03-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific Standards cannot be modified through the Conditional Use Approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

(2) Any of the uses listed as Household Living Uses in Table 03-1 (Allowed Use Table) may be organized as cooperative housing, but shall be a permitted use or a Conditional Use only in those zoning districts where another household living use with the same layout and number of units would be allowed as a permitted use or Conditional Use, and shall be subject to those Use-Specific Standards applicable to such Household Living Use with the same layout and number of units. For example, a cooperative housing facility that meets the definition of "dwelling, multifamily" in terms of layout and number of units is a permitted use available only in those zoning districts where a "dwelling, multifamily" is a permitted use in Table 03-1 (Allowed Use Table), and is a Conditional Use available only in those zoning districts where a "dwelling, multifamily," is listed as a Conditional Use in Table 03-1 (Allowed Use Table), and is subject to those Use-Specific Standards applicable to a "dwelling, multifamily" in Section 20.03.030(b)(5).

(b) Residential Uses.

(1) Dwelling, Single-Family (Detached).

(A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.

(B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.

(C) Occupancy of a single-family detached dwelling unit is subject to the definition of "family" in Chapter 20.07 (Definitions).

(2) Dwelling, Single-Family (Attached).

(A) Access.

i. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.

ii. Each dwelling shall have direct access to a street or alley.

(B) Design. In the R2 and R3 zoning districts, the maximum number of dwelling units allowed in one single-family attached structure shall be two, and each individual dwelling unit shall be located on a separate lot.

(C) Occupancy. Occupancy of single-family attached dwelling units is subject to the definition of "Family" in Chapter 20.07 (Definitions).

(3) Dwelling, Duplex.

(A) Generally.

i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at application.

(B) Occupancy. Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of "Family" in Chapter 20.07 (Definitions).

(C) Design. In the R1, R2, R3, and R4 zoning districts the following shall apply:

i. Each unit in a newly constructed duplex dwelling shall have a separate exterior entrance facing a public or private street. Duplex dwellings created through renovation or expansion of existing structures shall have at least one exterior entrance facing a public or private street.

ii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located:

1. Roof pitch;

2. Front porch width and depth;

3. Front building setback; and

4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

iii. No duplex dwelling structure shall contain more than six bedrooms total.

(D) Approval. In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a one hundred fifty foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of two years after the date of the Conditional Use approval. For purposes of this section, the one hundred fifty feet shall be measured from the property lines of the parcel receiving approval.

(E) Maximum Number. In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of fifteen duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

(4) Dwelling, Triplex and Fourplex.

(A) Generally.

i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at the time of Conditional Use application.

(B) Occupancy. Occupancy of each unit in a triplex and fourplex dwelling is subject to the definition of "Family" in Chapter 20.07 (Definitions).

(C) Design.

i. Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.

ii. The following design elements of the triplex or fourplex dwelling shall be similar in general size, shape, and design with the majority of existing structures on the same block face on which it is located:

1. Roof pitch;

2. Front porch width and depth;

3. Front building setback; and

4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

iii. In the R4 zoning district, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than twelve bedrooms total.

(5) Dwelling, Multifamily.

(A) Ground Floor Parking. Any portions within the ground floor of a structure used for vehicular parking and drive aisles directly accessing parking spaces shall be located at least twenty feet behind the building facade facing a public street, except that drive aisles are excluded for development sites of one-half acre or less. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

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

(C) Building Floor Plate. Buildings with more than twenty dwelling units cannot have a floor plate larger than ten thousand square feet. Buildings that utilize either the affordable housing or sustainable incentive shall be allowed a maximum of fifteen thousand square feet per qualified building. Buildings that utilize both the affordable housing and sustainable incentives shall be allowed a maximum of thirty thousand square feet per qualified building.

(D) Ground Floor Units.

i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.

ii. In the MD zoning district, each dwelling unit located on the ground floor within twenty feet of the front property line shall be constructed with the first floor elevated a minimum of three feet above adjacent sidewalk grade. Any dwelling unit located at least twenty feet from the front property line does not have to meet the three-foot elevation requirement.

(6) Dwelling, Live/Work.

(A) The residential unit shall be located above or behind the nonresidential areas of the structure.

(B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.

(C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.

(D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed fifty percent of the gross floor area of the unit.

(E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding ten square feet in total area.

(F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

(7) Dwelling, Cottage Development.

(A) Ownership. Individual cottage lots or portions of the project may not be subdivided for sale.

(B) Bulk and Density Standards.

Table 03-2. Cottage Development Bulk and Density Standards

Zoning District	Maximum Density (dwelling units/acre)	Minimum Project Size	Maximum Project Size
R1	3	1 acre	2 acres
R2	5		
R3	6		
R4	11		
RM	15	1 acre	5 acres
RH	20		
RMH	20		
MN	15		

(C) Setbacks.

i. Parking Lot. Minimum of thirty feet from the right-of-way.

ii. Minimum Dwelling Separation. Minimum of ten feet between dwelling units.

iii. Building Setbacks. All other setbacks for the project site (not individual units) shall comply with those applicable in the underlying zoning district.

iv. R3 Zoning District. Cottage developments within the R3 zoning district shall include a minimum of one dwelling unit that is built at the build-to-line.

(D) Central Open Space. Each cottage development shall include at least one centrally located open space area of at least four hundred square feet per dwelling unit. Parking areas cannot be counted toward this open space requirement.

(E) Parking and Access.

i. Parking shall be designed to limit curb cuts and most efficiently park vehicles.

ii. Parking may take place on a shared, paved parking lot or in shared driveways.

iii. Shared driveways may access individual garages.

iv. Project perimeter sidewalks may be required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.

(F) Landscaping and Buffering.

i. All cottage developments shall install a bufferyard type 1 along rear and side lot lines per Section 20.04.080 (Landscaping, Buffering, and Fences).

ii. Parking lot landscaping shall be provided per the requirements of Section 20.04.060 (Parking and Loading).

(G) Architecture.

i. All structures shall meet the design standards applicable to single-family homes in the zoning district where the property is located.

ii. Dwelling units shall have a maximum one to three width to depth ratio for the first floor.

iii. Each unit shall have a maximum cumulative area of one thousand two hundred square feet

(8) Dwelling, Mobile Home. All mobile homes shall be installed on a permanent foundation and have perimeter skirting.

(9) Manufactured Home Park.

(A) Entrance and Drive. Manufactured or mobile home parks with twenty or more dwelling sites shall comply with the following standards.

i. At least two access points for ingress to and egress from the park shall be provided.

ii. Individual dwelling sites shall only have driveways providing access to interior streets.

iii. Each new driveway apron onto a street shall be surfaced with concrete.

iv. Enlargement or modification of any existing driveway shall require the driveway apron to be surfaced with concrete.

(B) Parking.

i. Location. Required parking shall be located on each dwelling site.

ii. Surface Material.

1. Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, brick pavers, or a similar durable surface approved by the Planning and Transportation Director.

2. Crushed stone, stone, rock, dirt, sand, or grass shall not be permitted as a parking surface.

(C) Accessory Structures.

i. Generally. Management offices, sales offices, storage, laundry, and other structures customarily accessory to manufactured home parks or mobile home parks are permitted, provided that:

1. The accessory structure is located, designed, and intended to serve only the needs of the park; and

2. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.

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

iii. Maximum Cumulative Area. The total area of all accessory structures, including the area of detached or attached garages or carports, shall not exceed ten percent of the dwelling site.

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

(10) Reserved.

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

(A) Group homes for the exclusive use of citizens protected by the provisions of the Federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, may be established in any Residential zoning district or portion of a Mixed-Use zoning district or PD district that permits residential dwellings, provided that they meet the definition of "small" and "large" facilities in Chapter 20.07 (Definitions) and are located in zoning districts where facilities of that size are allowed pursuant to Table 03-1, and subject to the licensing requirements of the state and the City of Bloomington.

(B) In the MN and R4 zoning districts, group homes shall not be designed for or occupied by more than twenty residents living together.

(C) No group care home shall be located within three hundred feet of any other group care home.

(D) No Opioid Rehabilitation Home shall be located within three hundred feet of any other Opioid Rehabilitation Home.

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

(12) Single Room Occupancy.

(A) The maximum number of bedrooms allowed per SRO for this use are limited to the following for each zoning district:

(i) R1—R4. A maximum of three bedrooms are allowed.

(ii) All other districts shall not have a maximum number of bedrooms.

(B) No bedroom occupied by a person shall be rented for a period of less than thirty consecutive days.

(C) A maximum of two adults per bedroom are allowed.

(D) Within the R1, R2, R3, and R4 zoning districts a one hundred fifty foot buffer shall be created around the approved single room occupancy (SRO). No newly created or expanded (through addition or habitable space) SRO shall be allowed in said buffer in the R1, R2, R3, or R4 zoning districts for a period of two years after the date of the conditional use approval. For purposes of this section, the one hundred fifty feet shall be measured from the property lines of the parcel receiving approval.

(E) The property owner (or HAND registered agent) shall have no notices of violation on file in the planning and transportation department for the prior three years of application for conditional use approval.

(F) Within the R1, R2, R3, and R4 districts the following design elements of the SRO shall be similar in general shape, size, and design with the majority of existing structures on the same block face on which it is located:

(i) Roof pitch;

(ii) Front porch width and depth;

(iii) Front building setback; and

(iv) Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).

(G) Within the R1, R2, R3, and R4 districts the owner of the property must live within the dwelling unit.

(13) Student Housing or Dormitory.

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

(B) Location.

i. By at least nine hundred feet, as measured between the closest points on the two lots containing the student housing or dormitory uses; and

ii. By at least nine hundred feet, as measured between the closest points of two or more residential or mixed-use structures within one lot containing the student housing or dormitory use.

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

(C) Building Floor Plate.

i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be two thousand square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be three thousand square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be five thousand square feet per building.

ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be three thousand square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be five thousand square feet per building pursuant to the measurement standards in Section 20.04.020(g), if both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be ten thousand square feet per building.

iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for student housing or dormitory use shall be five thousand square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plan for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be eight thousand square feet per building pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plate of a student housing or dormitory use shall be twenty thousand square feet per building.

iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be ten thousand square feet per building, pursuant to the measurement standards in Section 20.04.020(9) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use shall be 14,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(9). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor shall be 40,000 square feet per building.

(D) Building Height.

i. In the RH zoning district, the maximum building height for a student housing or dormitory use shall be three stories, not to exceed forty feet, except as necessary to accommodate additional height earned through the affordable housing incentive in Section 20.04.110(c) (Affordable Housing).

ii. In the MD-DC Character Area, the maximum building height for a student housing or dormitory use shall not exceed forty feet.

iii. In the MD-CS, MD-UV, MD-DE, MD-DG, and MD-ST Downtown Character Overlays, the maximum building height for a student housing or dormitory use shall not exceed thirty feet.

(c) Public, Institutional, and Civic Uses.

(1) Art Gallery, Museum, or Library. In the R4 zoning district, art galleries, museums, and libraries shall be limited to seven thousand square feet gross floor area.

(2) Community Center. In the RM and RH zoning districts, community centers shall be a Permitted use when created through renovation of an existing building. If a community center requires new construction or a major addition to an existing structure (greater than thirty-three percent of the existing gross floor area), then the use shall be subject to a Conditional Use Approval.

(3) Day Care Center, Adult or Child.

(A) When located in a Residential zoning district, an adult or child day care center shall not be located closer than five hundred feet to any other adult or child day care center.

(B) When a license is required by the state, proof of licensing shall be presented with the petition for the Conditional Use Approval. Day care centers exempt from state licensing requirements shall provide proof of exemption.

(C) The operation of the facility shall not include overnight occupancy by the clients.

(D) A level 3 buffer pursuant to Section 20.04.080(g)(3) (Buffer Yard Types), shall be established along the property line(s) separating a day-care center and any single-family detached, duplex, triplex, or fourplex dwellings.

(4) Jail or Detention Facility.

(A) Adequate access shall be provided to a street classified as a collector or arterial per the Transportation Plan.

(B) The design and intensity of the use, site, and structure shall be compatible with the surrounding area.

(C) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

(5) Urban Agriculture, Noncommercial.

(A) Structures.

i. Greenhouses and hoop houses are limited to a maximum height of fifteen feet, shall be located at least ten feet from any lot line and may not cover more than twenty-five percent of the property.

ii. Cold frames are limited to a maximum height of four feet and shall be located at least ten feet from any lot line.

iii. Agricultural stands are limited to a maximum height of twelve feet and shall be located at least ten feet from any abutting lot with an occupied residential use.

Fences intended exclusively to protect food garden plots from animals shall not be more than twelve feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(B) Operational Standards.

i. Retail sales shall be prohibited on the noncommercial urban agriculture site, except for the sale of produce grown on that site. Such sales shall be in compliance with Section 20.03.030(h)(4) (Farm Produce Sales).

ii. The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in the urban agricultural use.

iii. Compost piles shall not exceed six feet in height. Refuse and compost area shall be enclosed at ground level to be rodent-resistant.

iv. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

(C) Soil Quality. Food products may be sold if grown in soil native to the site if the applicant can provide documentation to the City that the following standards are satisfied:

i. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the Indiana Department of Environmental Management; and either:

1. Proof through maps, deeds, prior permits or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or

2. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the Indiana Department of Environmental Management.

ii. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.

iii. As an alternative to meeting the standards in subsection (i) or (ii) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

(6) School, Public or Private.

(A) Each public or private high school shall be located on a site with direct access to an arterial or collector street.

(B) Each public or private elementary or middle school located on a site adjacent to an arterial or collector street shall provide an automobile pick-up/drop-off area adequate to protect student safety with access from either a collector or local street, and shall provide a direct pedestrian connection to at least one local street adjacent to the site.

(7) Methadone Treatment Facility or Opioid Rehabilitation Facility.

(A) Each clinic or facility shall be at least one thousand feet from the nearest property line of a lot containing a primary use that falls under the Household Living Category, Group Living Category, a Place of Worship, or a Public or Private School.

(B) Each clinic or facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled services.

(d) Commercial Uses.

(1) Crops and Pasturage.

(A) Generally.

i. Except in the R1 zoning district, this use shall be accessory to a principal use on the same lot or parcel.

ii. Land with a slope in excess of fifteen percent shall not be considered in determining the total pasture size and shall not be used for pasture purposes.

iii. All outside pens, exercise areas, and pastures shall be fenced.

(B) Location.

i. Structures containing large or medium livestock or any structures containing livestock waste (except chicken coops) shall meet the following minimum setbacks:

1. Front setback: seventy-five feet;

2. Side setback: fifty feet;

3. Rear setback: seventy-five feet.

ii. Structures containing small livestock shall meet the following minimum setbacks:

1. Front setback: thirty-five feet;

2. Side setback: fifteen feet;

3. Rear Setback: twenty-five feet.

(C) Number of Livestock.

i. Domesticated livestock are permitted in accordance with the requirements indicated in Table 03-3 below, unless otherwise prohibited or limited by this UDO or other regulation.

ii. The maximum number of livestock per acre shall be cumulative between the categories of domesticated animals.

Table 03-3. Number of Animals Allowed

Animal Type	Pasture Size Area Required (minimum)	Livestock per Acre (maximum)
Large Livestock	1 acre of pasturage	1 per acre of pasturage
Medium Livestock	0.5 acre of pasturage	1 per 0.5 acre of pasturage
Small Livestock	Lot size equals district minimum	2 per minimum area required

(2) Kennel.

(A) The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

(B) Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within two hundred feet of any adjacent residential district or use, except where the adjoining property is owned or occupied by the operator of the kennel.

(C) The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:

i. Minimum depth underground: twelve inches.

ii. Height: eight feet from grade.

iii. Minimum gauge of chain-link fence: eleven.

iv. Minimum fence setback: twenty feet from any adjoining property line.

v. Where a kennel operation abuts a residential land use, a minimum of one evergreen shrub with a mature height of at least ten feet shall be planted no more than six feet on center along the entire length of the shared property line.

(D) Prior to establishment, the property owner, or the kennel operator if the operator is not the property owner, shall provide proof of all necessary licenses to the Planning and Transportation Director.

(E) A plan for management of animal wastes shall be submitted with the Conditional Use petition.

(3) Orchard or Tree Farm, Commercial. Commercial orchards and/or tree farms shall be limited to twenty-five percent of the lot area when allowed as an accessory use.

(4) Pet Grooming and Veterinarian Clinic. If a pet grooming or veterinarian clinic has a kennel associated with it, then it shall comply with Section 20.03.030(d)(2) (Kennel) and the following standards:

(A) In the MN, MM, and MD zoning districts, outdoor kennel facilities are not permitted.

(B) In the MC zoning district, outdoor kennels shall require a Conditional Use permit pursuant to Section 20.06.050(b) (Conditional Use Permit).

(5) Amenity Center. In the R1, R2, R3, and R4 zoning districts, an amenity center shall not be established on a lot or parcel larger than one acre. The amenity center shall not exceed five thousand square feet of gross floor area.

(6) Recreation, Indoor. In the R3, R4, RM, and RH zoning districts, indoor recreation facilities shall be permitted when created through the renovation of an existing building. If a recreation center requires new construction or a major addition to an existing structure (greater than thirty-three percent of the existing gross floor area), then the use shall be subject to a Conditional Use Approval.

(7) Sexually Oriented Business.

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

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

i. Place of worship;

ii. School, public or private (preschool, K-12);

iii. Day care center, adult or child;

iv. Park (including publicly owned multiuse trails);

v. Library;

vi. Homeless shelter;

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

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

ix. Another sexually oriented business.

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

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

(8) Bed and Breakfast.

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

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

(C) The business owner or manager of the bed and breakfast establishment shall be required to reside on the property or on an adjacent property.

(D) Each guest stay shall be limited to a maximum of thirty consecutive days.

(E) The exterior design of any exterior modification of the structure or premises shall include facade articulation, and numbers and locations of windows and building entrances on the primary building facade, that are similar to those in the surrounding area and neighborhood.

(9) Brewpub, Distillery, or Winery.

(A) In the MN zoning district, brewpubs, distilleries, or wineries shall not manufacture more than five thousand barrels of beverage (all beverages combined) annually.

(B) In the MM, MD, and MC zoning districts, brewpubs, distilleries, or wineries shall not manufacture more than twenty thousand barrels of beverage (all beverages combined) annually.

(C) Brewpubs, distilleries, or wineries shall maintain copies of all reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) and shall be able to demonstrate, upon request of the City, that they have not exceeded the annual beverage production limit in any twelve-month period.

(D) In the MN, MM, and MC zoning districts, brewpubs, distilleries, or wineries shall maintain at least fifteen percent of the gross floor area of the facility or five hundred square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.

(E) In the MD zoning district, brewpubs, distilleries, or wineries shall maintain at least fifty percent of the gross floor area of the facility for public use as a tavern, restaurant, or tasting area.

(F) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that:

i. The location and flow of shipping traffic does not impact access by other users; and

ii. The proposed shipping routes are designed to accommodate the weight of the delivery vehicles.

(10) Restaurant

(A) In the RM and RH zoning districts, the restaurant shall contain no more than two thousand five hundred gross square feet of floor area. Such smaller establishments typically include but are not limited to cafes, coffee shops, delis, and small restaurants. In the ME zoning district the restaurant shall contain no more than five thousand gross square feet of floor area.

(B) In the RM and RH zoning districts, structures containing this use shall be similar in appearance to the surrounding buildings with respect to architectural style, roof pitch, color and materials.

(C) Any restaurant located within a multi-tenant center and with a gross floor area of less than or equal to 1,250 square feet may operate without an established seating area provided that carryout, walk-up and/or other similar grab-and-go, onsite sales services are utilized. Delivery-only, ghost kitchen, or similar concepts are not permitted as the primary means of service.

(11) Artist Studio or Workshop. In the R1, R2, R3, and R4 zoning districts:

(A) The artist studio shall be accessory to a residential use.

(B) No retail activity shall be permitted in association with the artist studio.

(C) No display of art pieces for public viewing, such as within a gallery, shall be permitted.

(D) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

(12) Office. In the MH zoning district, only office uses performing services related to the medical or health care industries are permitted.

(13) Equipment Sales and Rental.

(A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.

(B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.

(C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station.

(A) All activities other than vehicle fueling shall be conducted within a completely enclosed building.

(B) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(C) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(D) All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials.

(E) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.

(F) At least fifty percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(15) Vehicle Fleet Operations.

(A) In the MM and MN zoning districts, only vehicle fleet operations that do not include the exclusive use of autonomous vehicle services are permitted.

(B) Vehicle fleet operations that include autonomous vehicle services shall not be located on a property within three hundred feet (measured from the nearest property line of the vehicle fleet operations using a straight line, without regard to intervening structures or the public right-of-way) of any of the following:

i. School, Public or Private (preschool, K-12);

ii. Day care center, adult or child;

iii. Park (including publicly owned multiuse trails);

iv. R1, R2, R3, R4, or RHM zoning district, including any portions of a Planned Unit Development designated for single family residential use; and

v. RM or RH zoning district, including any portion of a Planned Unit Development designated for multifamily residential use.

(C) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(D) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(E) All structures, including fuel canopies, shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials.

(F) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from the public streets.

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

(17) Vehicle Parking Garage.

(A) In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Downtown Character Overlays, a freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require Conditional Use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(B) In all districts, if exterior facades of a parking structure are not covered with residential or commercial spaces, then the following design elements shall all be included:

i. Exterior facades shall utilize a punched-out window design with a minimum of two feet solid space between openings and defined lentils and sills that utilize different finishing material then adjacent facade.

ii. The building shall be designed so that the presence of parked vehicles is not visible.

iii. A minimum of one pedestrian entrance with required entrance detailing is required per street frontage.

iv. A minimum of twenty-five percent of each facade facing a public street shall incorporate public art, planter boxes, or similar elements.

(18) Vehicle Repair, Major or Minor.

(A) All major overhaul, body and fender work, upholstering and welding, and spray painting shall be conducted within a completely enclosed building.

(B) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(C) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(19) Vehicle Wash. Where a car wash facility is located adjacent to a Residential zoning district, the following restrictions shall apply:

(A) The hours of operation for automated car wash facilities shall be limited to between seven a.m. and ten p.m.

(B) Automated audio warnings (e.g., beepers), instructions and other audio recordings associated with the car wash facility are not permitted.

(e) Employment Uses.

(1) Storage, Outdoor.

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

(B) Prohibited Storage Materials. In all zoning districts, except for the MI zoning district, waste or scrap materials, and pallets is prohibited.

(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 six a.m. and ten 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 one thousand five hundred square feet or twenty percent 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 twenty dwelling units on the property.

(3) Gravel, Cement, or Sand Production, or Quarry. Each facility shall be screened with a solid fence or wall between eight and ten feet in height and shall provide at least one tree and three shrubs per ten linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(f) Utilities and Communication.

(1) Communication Facility.

(A) Purpose. These standards are intended to provide sensible and reasonable development standards that comply with the requirements of state and federal law for public and private telecommunication service and to:

i. Maximize the use of any communication facilities in order to reduce the total number of facilities needed to serve the communications needs of the area;

ii. Minimize the adverse, undesirable visual effects of communication facilities; and

iii. Provide for the reasonable location of communication facilities in the City.

(B) Compliance with State Law.

i. Eligible Petitioners. All communication facilities shall comply with the standards of Indiana Code § 8-1-32.3-19.

ii. New Communication Facilities. Petitions for new communication facilities shall comply with the standards of Indiana Code § 8-1-32.3-20.

iii. Modifications to Existing Communication Facilities. Modifications of existing antennas, communication towers and communication equipment shall comply with Indiana Code § 8-1-32.3-21.

(C) Co-Location. If co-location is not possible, a sworn statement shall be submitted documenting why co-location on an existing communication tower cannot meet the petitioner's requirements. Such statement must demonstrate that co-location of communication facilities on an existing communication tower is not a viable option because co-location:

i. Would not result in the same communication service, functionality, coverage, and capacity;

ii. Is technically infeasible; or

iii. Is an economic burden to the petitioner.

(D) Construction Requirements. All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

i. All applicable provisions of this UDO and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.

ii. All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.

iii. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.

iv. All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

v. All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

vi. All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

vii. An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all co-location sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.

viii. All communication towers shall be of monopole design.

ix. Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the petitioner's engineering certification for the communication tower.

x. Only lighting that is for safety or security reasons or required by the FAA or other federal or state authority, shall be permitted. All lighting shall meet requirements of Section 20.04.090 (Outdoor Lighting), except where state or federal requirements provide otherwise.

xi. Communication towers shall not exceed a height equal to one hundred ninety-nine feet from the base of the structure at ground level to the top of the highest point, including appurtenances.

(E) Design. Each tower and antenna shall be masked, colored, or enclosed to appear visually similar to the surface on which it is mounted, or to minimize visual differences in color and texture when viewed against its background from public streets and open spaces, to reduce negative visual impact.

(F) Screening. The outermost perimeter or security fence of a communication facility shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per ten linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(G) Abandoned Towers. Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the City may remove the tower and bill the owner for the costs of removal and cleanup of the site.

(H) Noncommercial Antennas. Noncommercial antennas for individual, private use, including but not limited to, amateur radio antennas, shall be permitted as an accessory use in all residential districts, subject to the following standards:

i. Height. The height of a noncommercial antenna shall not exceed seventy-five feet, measured from the ground, whether the antenna is mounted on the roof or on the ground.

ii. Setbacks. No such antenna shall be located within a front setback and shall be set back at least five feet from any side or rear property line.

(I) Additional Standards for the MD Zoning District. Communication facilities shall be strictly limited to antennas or other communication equipment accessory to the primary use of the building. No free-standing communication facilities are allowed.

i. All antennas or other communication equipment shall be no taller than ten feet above the height of the building to which they are affixed.

ii. All communication facilities shall be mounted on a building of at least two stories in height.

iii. Communication facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, materials, and/or architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

(2) Solar Collector, Ground- or Building-Mounted.

(A) Accessory solar collectors shall only be located behind the front yard setback or on rooftops.

(B) In the R1, R2, R3, and R4 zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum of thirty-six inches. For all other zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum of five feet.

(3) Utility Substation and Transmission Facility. Utility substations and transmission facilities (not including sewer or water boost or lifting stations) shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per ten linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(4) Wind Energy System, Large. The maximum height of a primary use large wind energy system shall not exceed two hundred feet, and each wind energy generating tower shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

(5) Wind Energy System Small.

(A) In Residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by ten feet.

(B) In Mixed-Use zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by twenty feet.

(C) In Nonresidential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by forty feet.

(D) Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

(g) Accessory Uses and Structures. All accessory uses shown in Table 03-1 shall comply with the following standards.

(1) Generally. Accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to site plan requirements, all necessary permits and approvals, and other applicable requirements.

(A) Compliance Required. Accessory structures shall comply with all dimensional and development standards for the subject zoning district regardless of whether a temporary use permit or certificate of zoning compliance is required.

(B) Exemptions. The installation of flag poles and/or detached structures that serve as covered, short-term class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed.

(C) Prohibitions. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, or motor vehicle shall not be used as an accessory structure in any zoning district.

(D) Timing. Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure or for agricultural purposes.

(E) Number and Size Permitted. The maximum number (per lot or parcel) and maximum footprint (cumulative total per parcel) of enclosed accessory structures permitted is indicated in the table below:

Table 03-4. Number and Size of Enclosed Accessory Structures Permitted

Zoning District	Maximum Number	Maximum Footprint (cumulative total)
R1	2	1,000 square feet or fifty percent of the square footage of the primary structure, whichever is less
R2		840 square feet
R3		580 square feet
R4		400 square feet
RM, RH, RMH	None	840 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint, whichever is greater.
MS, MN, MM, MD, MC, ME, MH		1,000 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint whichever is greater.
MI, EM, PO	None	None
NOTES: [1] Agricultural accessory structures are exempt from the size limitations.		

(F) Location.

i. Unless otherwise authorized in this UDO, accessory structures shall be located no closer than thirty-five feet from the front property line and five feet from side and rear property lines.

ii. Flag poles shall be located no closer than twelve feet from the front property line and one foot from the side and rear property lines.

(G) Design. Accessory structures larger than one hundred twenty square feet shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the principal building(s).

(2) Chicken Flocks. Chicken flocks, as defined in the Bloomington Municipal Code Section 7.01.010, may be kept as an accessory use to a permitted principal use, provided that such use is permitted by and complies with all regulations of Title 7 (animals) of the Bloomington Municipal Code, as amended. The regulations of Title 7 (animals) of the Bloomington Municipal Code are expressly incorporated into this UDO by reference.

(3) Detached Garage Design.

(A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).

(B) Detached garages and carports shall be located a minimum of ten feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) Drive-Through.

(A) In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.

(B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(C) In circumstances where a restaurant does not offer a seating area, a drive-through use shall be prohibited.

(5) Dwelling, Accessory Unit.

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

(B) Generally.

i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.

ii. Not more than one ADU may be located on one lot.

iii. ADUs shall not contain more than two bedrooms.

iv. No more than one family, as defined in Chapter 20.07 (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07 (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date. For purposes of this section, attached ADUs with internal access that were approved under this section shall be considered one dwelling unit.

v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department, if no building permit is processed for the ADU.

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

(D) Standards for Attached ADUs.

i. The maximum square footage of any attached ADU shall be eight hundred forty square feet.

ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.

iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

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

i. The maximum gross floor area of the detached ADU portion of any accessory structure shall be eight hundred forty square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.

ii. The detached ADU shall not exceed twenty-five feet in height.

iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.

iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures). Where one or more of the standards in Section 20.03.030(g) (Accessory Uses and Structures) conflict with these Use-Specific Standards, these Use-Specific Standards shall govern.

v. A detached ADU shall be set back from any side or rear property by at least five feet.

vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

(F) Historic Districts. If located within a historic district, any exterior changes or new construction shall be in compliance with the historic district's Guidelines and any required certificate of appropriateness shall be obtained pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(G) Owner Occupancy.

i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property.

ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.

iii. Any primary dwelling or ADU used as a rental unit shall register with the Department of Housing and Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.

(H) Recorded Documents.

i. Prior to receiving a building permit for an ADU, the petitioner shall record a deed or title restriction with the Monroe County Recorder, in a form acceptable to the City, stating that:

1. The ADU shall not be sold separately from the primary unit; and

2. Either primary dwelling unit or the ADU shall be occupied by the owner(s) of record as their primary residence.

ii. If at any time the City determines that the subject property is in violation of this UDO or in violation of the deed or title restriction, the ADU approval shall be withdrawn. In addition, the City may require that the ADU be removed from the property, which may include but is

not limited to removal of any second kitchen on the property, including all kitchen appliances and cabinets.

(6) Home Occupation.

(A) Exempted Uses.

i. The following uses are permitted and shall not be regulated as home occupations:

1. Childcare home, provided that the childcare home is also the primary residence of the operator.

2. Adult day care home.

3. Group care home, FHAA (small or large).

ii. Activities that create no external visual changes and produce no odors, noise, vibration, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a certificate of zoning compliance or Conditional Use Approval, provided that the following regulations are met:

1. No employees or customers visit or park vehicles on the premises;

2. No signs are displayed; and

3. No deliveries other than those normally associated with residential uses are made to the site.

(B) Certificate of Zoning Compliance. Except as noted in subsection (A)ii. above, no person shall conduct a home occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval. In Residential zoning districts, a Conditional Use approval shall be required for home occupations prior to the issuance of a certificate of zoning compliance.

(D) Site Plan Review.

i. Residential Districts. A Home Occupation in a Residential zoning district shall be treated as a single-family dwelling unit for purposes of site plan review.

ii. Mixed-Use Districts.

1. A Home Occupation in a Mixed-Use zoning district that meets all of the standards of this Section 20.03.030(g)(6) shall be treated as a single-family dwelling unit for purposes of site plan review.

2. A Home Occupation that does not meet the standards of this section shall be treated as a commercial use and subject to site plan review.

(E) Operator Residency Required. The operator of the Home Occupation shall reside in the dwelling unit.

(F) Maximum Number of Nonresident Employees. Any Home Occupation shall be permitted a maximum of one employee who does not reside in the dwelling unit.

(G) Maximum Floor Area

i. For Home Occupations located within a primary structure no more than fifty percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation.

ii. If there is more than one Home Occupation being conducted within a dwelling unit then all Home Occupations within the dwelling unit shall cumulatively use no more than fifty percent of the dwelling unit.

iii. Area used for storage of material or products used in the Home Occupation shall be included in this calculation.

iv. For Home Occupations located within an accessory structure no more than eight hundred forty square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less maybe be used in connection with the Home Occupation.

v. Exempted Uses are excluded from square footage limitations in Section 20.03.030(g)(6)(A).

(H) Multiple Home Occupations.

i. More than one Home Occupation may be permitted within an individual dwelling unit.

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

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

(J) Outdoor Display and Storage. Outdoor display of goods, materials, supplies, or equipment is prohibited.

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

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

(M) Hours of Operation. Customer visits in association with the Home Occupation shall not occur before eight a.m. or after eight p.m.

(N) Commercially Licensed Vehicles. No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any Home Occupation.

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

(7) Outdoor Retail and Display.

(A) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers, and such areas shall be limited to fifteen percent of the gross floor area of the principal structure.

(B) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(C) In those zoning districts where Table 03-1 indicates that this is a temporary use:

i. The temporary retail activity or outdoor display shall be associated with an approved retail primary use on the property;

ii. The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property;

iii. A temporary use permit shall be required and good for a maximum of forty-five consecutive days;

iv. A temporary use permit shall only be issued to the operator of the associated permanent retail use; and

v. No property shall be issued more than one such temporary use permit in a calendar year.

(8) Outdoor Trash and Recyclables Receptacles.

(A) Outdoor trash and recyclables receptacles, dumpsters, compactors and similar containers shall be placed on a paved slab.

(B) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be effectively screened on all sides pursuant to Section 20.04.080(m) (Screening).

(C) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(9) Swimming Pools.

(A) Swimming pools are subject to the Indiana Administrative Code (675 IAC 14-4.4-38: Swimming Pool Code), the standards of this UDO, and the standards of the Bloomington Municipal Code (Section 14.36.160).

(B) Pool and pool equipment shall be located no closer than thirty-five feet to the front property line and five feet from side and rear property lines.

(h) Temporary Uses. All temporary uses shown in Table 03-1 (Allowed Use Table), shall comply with the following standards.

(1) Generally.

(A) Permit Required. All temporary uses and temporary structures larger than one hundred forty-four square feet shall require a Temporary Use Permit pursuant to Section 20.06.050(k) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 03-1: Allowed Use Table, shall be prohibited.

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

(C) Public Rights-of-way. Temporary uses shall be arranged so that vehicles do not block a public right-of-way.

(D) Signs. Temporary uses shall be permitted to display one banner sign with an area of up to sixteen square feet without the need to obtain sign permits, subject to regulations on permitted locations and maximum height of signs of the same type in the zoning district where the temporary use is located. Temporary banner signs shall be located on a structure (not freestanding).

(2) Book Buyback. The temporary buyback of higher education books shall require a temporary use permit. Such permit shall be valid for a maximum of two periods of seven consecutive days or one period of fifteen consecutive days. No property shall be issued permits totaling more than fifteen days in a calendar year.

(3) Construction Support Activities. Contractor's offices, equipment storage, and portable lavatories are permitted on or adjacent to construction sites on property owned or controlled by the owner of the property on which the construction is taking place, subject to the following conditions:

(A) The use shall only occur between fifteen days before and fifteen days after the construction activity. All temporary facilities shall be removed within fifteen days after completion of construction;

(B) The structures shall not contain sleeping or cooking facilities; and

(C) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

(D) Temporary signage is allowed to be mounted to construction fencing.

(4) Farm Produce Sales. A temporary use permit is not required to operate a farm produce sales use, but such use shall comply with the standards of this UDO, in addition to the following standards:

(A) Temporary tents, structures, or stands used for the sale of farm produce shall not exceed one hundred fifty square feet;

(B) Farm produce sales operations shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the principal use in this UDO;

(C) Farm produce sales shall not operate on the same lot for more than one hundred eighty days in a calendar year; and

(D) The Bloomington Community Farmers' Market and any other farmers' market approved by the City shall be exempt from this requirement.

(5) Real Estate Sales or Model Home. Real estate sales or model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from fifteen days before homes are offered for sale until fifteen days after all homes or home sites within the development are sold.

(6) Seasonal Sales.

(A) Fireworks sales shall be permitted only at locations within the MC zoning district.

(B) A temporary use permit shall be required and shall be valid for a maximum of thirty consecutive days.

(C) No property shall be issued more than three temporary use permits in a calendar year.

(D) The temporary use shall be located on a lot that fronts on a collector or arterial street.

(E) The temporary use shall be located at least fifty feet from any residential district.

(7) Special Event.

(A) A temporary use permit is required for a special event and is permitted for fifteen days. No property shall be issued more than one special event permit per calendar year.

(Amd. of 1-14-2020; Ord. No. 20-07, § I(Att. B), 4-15-2020; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 21-17, § II(Atts. A, B), 4-21-2021; Ord. No. 21-23, § II(Atts. A, B), 6-14-2021; Ord. No. 20-08, § 2(Att. A), 5-18-2022; Ord. No. 22-09, § II(Att. A, B), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-05, § 2(Att. A), 4-19-2023; Ord. No. 23-10, § 2(Att. A), 6-21-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2025-13, § II(Att. A), 5-21-2025; Ord. No. 2025-25, § II(Att. A), 8-6-2025; Ord. No. 2025-27, § II(Att. A), 8-6-2025; Ord. No. 2025-41, § II(Att. A), 11-19-2025)

Chapter 20.05 SUBDIVISION STANDARDS

20.05.010 Purpose.

This Chapter 20.05 (Subdivision Standards) establishes the minimum standards for the design and improvement of land subdivisions to:

(a) Facilitate the orderly growth and harmonious development of the City to accomplish the goals of the Comprehensive Plan and to protect and promote public health, safety, and welfare;

(b) Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

(c) Protect the natural environment by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, native vegetation, and trees and to control erosion and minimize runoff;

(d) Provide safe ingress and egress for vehicular, bicycle, pedestrian, and all other types of traffic;

(e) Ensure safe and efficient traffic circulation through coordinated and connected street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

(f) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

(g) Provide for adequate sites for recreation areas, access to trail networks, and other public purposes;

(h) Protect or enhance real property values;

(i) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties, and responsibilities of subdividers and developers with respect to land development;

(j) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably;

(k) Encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious surface area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards; and

(l) Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

(Amd. of 1-14-2020)

20.05.020 Applicability.

This Chapter 20.05 (Subdivision Standards) shall apply to all subdivisions and land divisions located wholly or partially within the City. Portions of the regulations, as designated below, shall also apply to major site plans.

(Amd. of 1-14-2020)

20.05.030 Subdivision types.

All subdivisions shall be designed according to one of the subdivision types specified in this Chapter 20.05 (Subdivision Standards). A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the Plan Commission.

(a) Infill Subdivision (IS).

(1) Purpose. The infill subdivision is intended to be used as follows:

(A) Allow for subdivision containing a small number of lots and no new public street or rights-of-way;

(B) Allow for residential development layouts that are consistent with adjoining developments in developed neighborhoods; and

(C) Facilitate development on existing parcels not characterized by significant environmental constraints.

(2) Development Standards.

Table 05-1. IS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Parent tract size (maximum)	3 acres
Applicable base zoning districts	All base zoning districts
Open space required (minimum)	Not required
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	Not required
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [1]	Not required
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/multiuse path width (minimum)	Per Transportation Plan

Notes:

[1] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(b) Conservation Subdivision (CS).

(1) Purpose. The conservation subdivision is intended to be used as follows:

(A) Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;

(B) Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;

(C) Allow very limited development for those parcels containing environmental features such as mature tree stands, karst geology, steep slopes, and water resources;

(D) Fulfill the policy recommendations included in the environment element of the Comprehensive Plan; and

(E) Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk network, as well as the placement of individual building lots.

(2) Development Standards.

Table 05-2. CS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	5 acres
Applicable base zoning districts	All base zoning districts
Open space required (minimum) [1]	50%
Lots served by alleys (minimum percentage)	Not permitted
Block length (maximum)	1,760 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	R1 zone: not required R2 zone: not required
Tree plot width (minimum)	5 feet [3]
Sidewalk/multiuse path width (minimum)	Per Transportation Plan

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

[3] May be reduced to a two-foot grass separation to allow for preservation of existing quality vegetation.

(c) Traditional Subdivision (TD).

(1) Purpose. The traditional subdivision is intended to be used as follows:

(A) Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;

(B) Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;

(C) Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;

(D) Facilitate development on properties not characterized by environmental features;

(E) Provide a range of development options (including mixed-uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and

(F) Help achieve the goals and policies related to land development in the Comprehensive Plan.

(2) Development Standards.

Table 05-3. TD Subdivision Development Standards

General Standards	
Parent tract size (minimum)	3 acres
Applicable base zoning districts	R2, R3, R4, RM, RH, MS, MN, MM
Open space required (minimum) [1]	5%
Lots served by alleys (minimum percentage)	67%
Block length (maximum)	800 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	Required on at least one side of all streets
Tree plot width (minimum)	Residential areas: Per Transportation Plan, or 7 feet, whichever is greater Mixed-use/nonresidential areas: 0 feet, tree grates required
Sidewalk/multiuse path width (minimum)	Residential areas: Per Transportation Plan, or 5 feet, whichever is greater Mixed-use/nonresidential areas: 8 feet

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(d) Commercial/Employment Subdivision (CI).

(1) Purpose. The commercial/employment subdivision is intended to be used as follows:

(A) Allow for both minor subdivisions containing a small number of lots and no new public streets, as well as major subdivisions consisting of a larger number of lots and new public street extensions;

(B) Permit all nonresidential developments that are compatible with their surroundings;

(C) Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods, as well as nonresidential activity centers; and

(D) Facilitate development on parcels not characterized by significant environmental features.

(2) Development Standards.

Table 05-4. CI Subdivision Development Standards

General Standards	
Parent tract size (minimum)	None
Applicable base zoning districts	MS, MN, MM, MC, ME, MI, MD, MH, and EM
Open space required (minimum) [1]	Not required
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	1,320 feet
Cul-de-sac length (minimum)	200 feet
Cul-de-sac length (maximum)	600 feet
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-Street parking	Not required [2]
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/multiuse path width (minimum)	

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

(Amd. of 1-14-2020; Ord. No. 21-19, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021)

20.05.040 Easements.

(a) Applicability. All proposed plats submitted for approval under the provisions of this Chapter 20.05 (Subdivision Standards) shall comply with the standards in this Section 20.05.040 (Easements).

(b) General Standards.

(1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.

(2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.06 (Administration and Procedures), and shall include a definition consistent with Section 20.05.040(e) (Standards for Specific Easement Types).

(3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.

(4) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), and is further authorized by the City.

(5) Each easement shall allocate sufficient areas for the utilities, infrastructure, amenities, or features that are the subject of the easement, including but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.

(c) Environmental Features. The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements (1) on the secondary

plat or (2) set aside in easements on a deed where no plat is required or proposed but a major site plan is required or proposed, as identified in Section 20.04.030 (Environment).

(1) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).

(2) All karst features and their required buffer zones as defined in Section 20.04.030(f) (Karst Geology).

(3) All required riparian buffer areas as defined in Section 20.04.030(e) (Riparian Buffers).

(4) All areas within regulatory floodways and flood fringes as defined in Section 20.04.040 (Floodplain).

(5) All delineated wetlands and required wetland buffer areas as defined in Section 20.04.030(g) (Wetlands).

(6) All trees required to be preserved by Section 20.04.030(h) (Tree and Forest Preservation).

(d) Maintenance.

(1) For features required to be in an easement, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this UDO or in the development approval.

(2) A grant of authority to the City to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.

(3) A facilities plan shall also be provided in accordance with the administrative manual.

(e) Standards for Specific Easement Types. Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply:

(1) Sanitary Sewer Easement.

(A) Shall allow the City utilities department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City utilities department in conjunction with the primary plat. Upon written permission from the City utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, and light fixtures, shall not be located within sanitary sewer easements.

(D) Grading activity shall be prohibited within sanitary sewer easements without written permission from the City utilities department.

(2) Waterline Easement.

(A) Shall allow the City utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the City utilities department in conjunction with the primary plat. Upon written permission from the City utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the City utilities department.

(3) Drainage Easement.

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

(B) Shall prohibit any alteration or structure within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the City utilities department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the City utilities department to enter upon the easement for the purpose of maintenance, to charge the costs of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

(4) Utility Easement.

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

(B) Prohibits the placement of any unauthorized obstruction within the easement area unless authorized by the City utilities department and the easement holder(s).

(5) Pedestrian Easement.

(A) Grants the general public the right to access the pedestrian easement for purposes of walking, running, bicycling, skating, or using small motorized and non-motorized vehicles approved by the City.

(B) Grants the City the right to construct, alter, repair, maintain, or remove improvements within the easement area.

(C) Prohibits the placement of any obstruction within the pedestrian easement.

(6) Transit Facility Easement.

(A) Grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation.

(B) Grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

(C) Prohibits anyone other than the public transportation authority from placing any structures within the transit facility easement.

(7) Karst Conservancy Easement.

(A) Prohibits any land-disturbing activities, including mowing or the placement of a fence, within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) Grants the City the right to enter the property to inspect the easement and alter or repair the karst feature.

(D) All karst conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one

public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.

(F) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(8) Tree Preservation Easement.

(A) Prohibits the removal of any tree over six inches dbh within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(9) Conservancy Easement.

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

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

(10) Riparian Buffer Easement.

(A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegatativevegatative cover, including mowing, within the easement area except for disturbance as allowed in Section 20.04.030(ef).

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.

(C) All riparian buffer easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one

public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

(D) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

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

(Amd. of 1-14-2020; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-14, § II(Att. A), 5-21-2025)

20.05.050 Subdivision design standards.

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

(b) Applicability. This Section 20.05.050 (Subdivision Design Standards) applies to all site and infrastructure improvements associated with subdivisions. These requirements shall also apply to Planned Unit Developments associated with subdivision approval.

(c) Generally.

(1) In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the Comprehensive Plan.

(2) The proposed development shall also be consistent with the property's zoning classification and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the City of Bloomington.

(3) Existing buildings, structures, parking areas, or improvements that require a setback and are on lots involved in either a subdivision or an exempted adjustment of lot lines listed in 20.06.060(a)(2)(B) do not have to meet setback standards related to existing property lines that do not change. The setback standards of this UDO shall apply for all newly created lot line locations.

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

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

Table 05-5. Subdivision Development Standards

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

Open space required (minimum) [1]	Not required	50%	5%	None
Block length (maximum)	Not required	1,760 feet	800 feet	1,320 feet
Cul-de-sac length (minimum)	Not permitted	Not permitted	Not permitted	200 feet
Cul-de-sac length (maximum)	Not permitted	Not permitted	Not permitted	600 feet
Transportation facilities	Required to meet Transportation Plan guidance			
On-street parking [2]	Not required	RE zone: not permitted R1 zone: not required R2 zone: not required	Required on at least one side of all streets	Not required
Lots served by alleys (minimum percentage)	Not required	Not permitted	67%	Not required
Tree plot width (minimum)	Per Transportation Plan	5 feet [3]	Residential areas: 7 feet Mixed-use/nonresidential areas: 0 feet, tree grates required	Per Transportation Plan
Sidewalk/multiuse path width (minimum)		Per Transportation Plan	Residential areas: 5 feet Mixed-use/nonresidential areas: 8 feet	

Notes:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in Section 20.04.060(o) (On-Street Parking Standards for Private Streets).

[3] May be reduced to a two-foot grass separation to allow for preservation of existing quality vegetation.

(e) Lots.

(1) Generally.

(A) The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts.

(B) Residential lots shall have side lot lines that are within fifteen degrees of a right angle to the street and right-of-way.

(C) Except as permitted by this UDO, lots shall not be permitted to be through lots.

(2) Intersection Radii.

(A) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty feet in radius, or by chords of such arcs.

(B) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than twenty-five feet, or by chords of such arcs.

(C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than ten feet, or by the chord of such arcs.

(3) Design.

(A) Commercial developments (e.g., multi-tenant centers, commercial areas, and office parks) shall be designed as a single project no matter how many lots are created. All areas of the parent tract shall be shown as they are intended to be laid out and used.

(B) All lots shall be designed with a depth-to-width ratio not to exceed four to one.

(C) The minimum lot width of all lots shall be measured at the required front building setback line.

(D) All new single-family, duplex, triplex, and fourplex residential lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(E) The Plan Commission may modify lot and setback standards in order to create a common area development plat. This approval is subject to the following standards:

i. A petitioner shall request a common area development designation with the primary plat;

ii. All individual units shall be placed on an individual lot;

iii. All units shall have individual utility service;

iv. Lot lines shall not extend more than ten feet from any structure; and

v. All areas outside of individual lots shall be placed within common area.

(F) The Plan Commission may approve alternative setback standards in order to create a zero-lot line development plat, subject to the following standards:

i. The petitioner shall request a zero-lot line development designation with the primary plat;

ii. All individual units shall be placed on an individual lot; and

iii. All units shall have individual utility service.

(f) Monuments and Markers.

(1) Installation of Monuments and Markers. All monument and marker improvements shall be installed per 865 IAC 1-12-18.

(2) Centerline Monuments. Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

(3) Reporting. Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit from the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

(g) Open Space.

(1) Generally.

(A) All residential developments shall have a percentage of the land set aside for open space.

(B) Subdivisions shall provide the minimum required open space per Table 05-5 (Subdivision Development Standards).

(2) Common Areas. In addition to easements required by Subsection 20.05.040: Easements, the following environmental features shall be placed within Common Areas on the plat:

(A) Karst Features: All karst features and their required buffer zones that have a total area of one-half acre or greater.

(B) Riparian Buffers: All riparian buffers defined as Streamside or Intermediate Zone.

(C) Floodways: All areas within regulatory floodways.

(D) Wetlands: All delineated wetlands and required wetland buffer areas.

(E) Forested Areas: All contiguous areas of tree cover totaling one acre or greater that are required to be preserved.

(3) Site Features that Qualify as Open Space. The following features count toward the minimum open space requirements as described:

(A) Conservation Areas. Any required preservation/conservation area shall count toward open space requirements.

(B) Man-Made Water Features. Any man-made water feature (including retention facilities) shall count toward minimum open space if it supports aquatic life and provides native habitat as follows:

i. Surface Area. A surface area at normal pool elevation of at least thirty-two thousand six hundred seventy square feet (0.75 acres); and

ii. Perimeter Access.

1. A buffer area around the full circumference of the water feature of at least fifty feet from the top of bank shall be available as open space.

2. This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than twenty percent lawn grass) species including prairie grasses and/or tree planting.

(C) Dry Detention Facilities. Man-made stormwater detention facilities (dry) shall count toward the minimum open space if they meet the following standards:

i. Area. The facility shall have at least ten thousand eight hundred ninety square feet of flat bottom (0.25 acres).

ii. Depth. The man-made depth of the detention facility shall not exceed four feet from top of bank.

iii. Slope. The man-made slopes within the detention facility shall not exceed a four to one ratio.

iv. Perimeter Access.

1. A buffer area around the full circumference of the facility of at least twenty-five feet from the top of bank shall be available as open space.

2. This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.

(D) Regulated Floodplain. The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(E) Other. Other common areas set aside to meet open space requirements.

(h) Storm Water.

(1) Applicability. All proposed subdivisions submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Drainage Plan. All subdivision requests shall include the submittal of a drainage plan to the City Utilities Department, and are subject to the requirements of Title 13 (Stormwater) of the Bloomington Municipal Code.

(3) Common Area. Engineered and built drainage improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to City Utilities Department standards.

(4) Easements. Features and improvements shall be located within easements where required, in accordance with the Administrative Manual and this UDO.

(i) Flood Damage Mitigation. All subdivision proposals shall:

(1) Be consistent with the need to minimize flood damage.

(2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) Have adequate drainage provided to reduce exposure to flood hazards.

(j) Streets and Rights-of-Way.

(1) Applicability. All developments submitted for subdivision approval shall allocate adequate areas for new streets in conformity with this UDO and Transportation Plan.

(2) Private Streets.

(A) Unless approved by the Plan Commission and the Board of Public Works, private streets are not permitted. All proposed streets shall have right-of-way dedicated as indicated on the Transportation Plan.

(B) All private streets shall be constructed to the public street standards established in this UDO and other applicable City standards.

(3) Dedication of Right-of-Way. In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Transportation Plan, the petitioner shall dedicate additional right-of-way width as fee simple right-of-way width along either one or both sides of such streets in order to bring them up to standards.

(4) Construction and Installation Standards for Streets.

(A) All street improvements are to be designed, constructed and installed per the City Planning and Transportation Department standards and specifications.

(B) Any new development that includes the construction of a new or widened public street shall be required to install underground telecommunications conduit to extend the City's fiber optic

network, known as the Bloomington Digital Underground (BDU). Conduit installation shall be in accordance with BDU specifications and permit requirements of the City of Bloomington. This requirement shall not apply if the Planning and Transportation Director determines that the installation of underground telecommunications conduit is not necessary after review by the City's director of information and technology services.

(5) Street Design.

(A) General Street Layout. Streets shall be laid out on the parent tract:

i. In an orderly and logical manner;

ii. To provide connectivity to adjacent parcels;

iii. To provide pedestrian and vehicular safety; and

iv. To provide reasonably direct access to the primary circulation system.

(B) Topographical Consideration. Streets shall be adjusted to the contour of the land so as to minimize cutting and filling activity on natural terrain.

(C) Design Speed. The maximum design speed for streets shall be in accordance with AASHTO and City Planning and Transportation Department requirements.

(D) Connectivity. All developments shall provide stub streets to connect to adjacent properties.

i. Where the development abuts undeveloped land, the final number and location of stub streets shall be determined by the Plan Commission.

ii. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.

(E) Stub Streets. Stub streets shall be constructed at the same time the other streets are built within the development.

i. Temporary turnaround areas that can be surfaced with asphalt, concrete, or permeable pavers, may be required to provide safe turnaround for emergency vehicles. Such areas shall be located within dedicated street rights-of-way and shall be removed when stub streets are further extended.

ii. A permanent public sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

(F) Gated Entrances. Gated entrances are not permitted.

(G) Intersections. All intersections of two streets shall be within fifteen degrees of perpendicular as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted. Local street intersections with centerline offsets of less than one hundred twenty-five feet shall not be permitted.

(H) Right-of-Way Width.

i. The minimum right-of-way width shall be as indicated on the Transportation Plan unless specified otherwise in this UDO.

ii. The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the City Engineer~~traffic and transportation engineer~~ and fire chief, or designee if:

1. The reduction will mitigate environmental impacts; or

2. The reduction will result in alignment with adjacent streets.

(I) Street Width.

i. The minimum street pavement width shall be as indicated on the Transportation Plan. Street width shall be determined by measuring from back of curb to back of curb unless specified otherwise in this UDO.

ii. The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the City Engineer ~~traffic and transportation engineer~~ and fire chief, or designee if:

1. The reduction will mitigate environmental impacts; or

2. The reduction will result in alignment with adjacent streets.

(J) Curb Type. All subdivisions shall use vertical curbs.

(K) Cul-de-sac Length. The maximum cul-de-sac length shall be as indicated in Table 05-5 (Subdivision Development Standards).

(L) Cul-de-sac Terminus. The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the City.

(M) Permanent Dead-End Streets. Dead-end streets are prohibited. Dead-end streets do not include culs-de-sac or stub streets.

(N) Eyebrows. Eyebrow street designs shall not be permitted.

(O) Block Length. The maximum block length shall be as indicated in Table 05-5 (Subdivision Development Standards).

(P) Pavement Thickness. The minimum street pavement thickness shall conform to City of Bloomington standards based on the street's classification in the Transportation Plan.

(6) Alleys. Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of traditional neighborhood subdivisions. In other types of subdivisions, alleys may be utilized where they are compatible with surrounding residential development patterns.

(A) Alleys shall be public with a minimum of twenty feet of right-of-way.

(B) Alleys shall have a minimum of fourteen feet of pavement width.

(C) Alleys are not required to have a curb.

(D) Alley intersections with public streets shall not exceed twenty degrees from perpendicular to said streets.

(E) The minimum corner radius at any alley intersection with a public street shall be ten feet. The corner radius may be reduced upon a determination by the City Planning and Transportation Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

(F) All alleys are to be constructed per standards of the City Planning and Transportation Department.

(7) Arterial Frontages.

(A) Residential. All residential subdivisions shall be designed so that no residential lot directly borders an arterial level street unless those lots use alley access, an access street, or obtain access from a street other than an arterial and provide a buffer to screen the visual impacts of homes along arterial level streets.

i. Alley Access. Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may directly front arterial streets if rear alleys are used for all lots fronting the arterial street.

1. Front setbacks for these lots shall be increased to a minimum of forty feet from the proposed right-of-way indicated on the Transportation Plan.

2. Alleys shall be constructed to standards of Section 20.05.050(j)(6) (Alleys).

ii. Access Street. Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may front arterial level streets if an access street is used.

1. This access street must be separated from the proposed right-of-way indicated on the Transportation Plan by a grass strip of at least twenty feet in width.

2. An access street shall be designed to accommodate two-way traffic.

3. An access street shall be designed to generally run parallel to the arterial level street.

4. Access streets shall be placed within additional right-of-way or an access easement.

5. Access streets shall be paved to a minimum width established in the most recent Transportation Plan for that street type.

6. In addition to the required pedestrian facility along the arterial level street, a sidewalk five feet in width shall be installed adjacent to the residential lots on the access street.

7. Access streets must provide two points of ingress/egress to the arterial street if they give access to ten or more residential lots or if they exceed five hundred feet in length.

8. No more than two ingress/egress points are permitted for an access street.

iii. Buffer. Through lots may be used with the rear of the lots facing the arterial level street if a buffer is established between the residential lots and the arterial level street and such buffer is maintained as common area through a recorded easement.

1. The buffer shall be a minimum of thirty feet in width measured from the proposed right-of-way indicated on the Transportation Plan.

2. The buffer shall include one of the following features:

a. A solid wall or combination of walls a minimum of three feet in height, combined with landscaping sufficient to achieve a nonlinear, dense buffer of evergreen and deciduous trees, that together equal to at least seventy-five percent of the subdivision's lineal frontage along an arterial street.

b. A landscaped berm a minimum of three feet in height and ten feet in width installed in a nonlinear manner. Landscaping within the buffer area shall be equal to one large canopy tree, two small/medium ~~ornamental~~

trees, two evergreen trees and ten large shrubs for every fifty feet of arterial frontage.

3. No feature may interfere with sight requirements for safe ingress and egress.

(B) Mixed-Use/Nonresidential. Shared access along arterial level streets for mixed-use or nonresidential subdivisions shall be used to the maximum extent possible.

i. Ingress/Egress.

1. Developments with fifteen acres or less shall have a maximum of one ingress/egress point onto an arterial level street if a secondary access street is present and a maximum of two ingress/egress points onto an arterial level street if no secondary access street is present.

2. Developments with more than fifteen acres shall have a maximum of three ingress/egress points onto a public street(s).

3. Ingress/egress points onto arterial streets shall be separated by a minimum of two hundred feet from any intersection or another ingress/egress point.

ii. Traffic Lanes. Shared access streets shall be designed to accommodate two-way traffic.

iii. Right-of-Way or Easement. Shared access streets shall be placed within additional right-of-way or permanent access easement.

iv. Pavement Width. Access streets shall be a minimum of twenty feet in width.

v. Sidewalks. Access streets shall have sidewalks adjacent to the lots and be integrated into the overall pedestrian network.

(8) Street Names.

(A) Proposed Street Name.

i. The petitioner shall propose a unique name for each street within the development at the time of primary plat petition.

ii. The names of all new public and private streets are subject to approval by the City Planning and Transportation Department in compliance with emergency-911 street naming procedures and the standards in this section.

(B) Street Name Standards. Within the jurisdiction of this ordinance, the following standards shall apply:

i. Streets that are continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on a validly recorded plat, shall bear the names of such existing streets.

ii. The root street name (e.g., "Maple") shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.

iii. Deviations in suffix names (e.g., "Street," "Court," or "Avenue") shall not constitute a unique name. Therefore, if "Maple Street" exists, the name "Maple Court" shall not be permissible.

iv. Street address numbers for all lots shall be assigned by the City Planning and Transportation Department and shall be identified on the secondary plat.

v. Approved street names shall be identified on the secondary plat.

(C) Authority to Rename a Proposed Street. The Plan Commission, the Board of Public Works, the Planning and Transportation Director, or e-911 coordinator shall have the authority to require a new name to be chosen for any street. If a new name is not proposed by the petitioner, the Board of Public Works shall have the right to rename the street prior to secondary plat approval.

(9) Street Signs.

(A) Applicability. Every street shall have the minimum number of public signs necessary to:

i. Effectively direct or notify drivers, bicyclists, and pedestrians; and

ii. Provide an information system for visitors to efficiently find a certain street, address, or development amenity.

(B) City's Responsibilities. The petitioner shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to speed limit signs, stop signs, yield signs and street name signs. The City's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development. Site specific engineering work necessary to document compliance shall be prepared by a licensed engineer.

(C) Petitioner's Responsibilities.

i. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the City Planning and Transportation Department.

ii. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).

iii. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public signs in (ii) above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

(10) Street Lighting.

(A) Street Lighting Plan. All subdivisions shall be required to have a street lighting plan approved by the City Engineering Department and submitted to the City Board of Public Works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company.

(B) Street Lighting Plan Approval. All certified street lighting plans shall be accepted by the City Board of Public Works prior to secondary plat signing. Street lighting plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all streetlights in accordance with the approved street lighting plan.

(C) Alternative Street Lighting Plans. Requests, including but not limited to the provision of specialized fixtures or use of privately-owned lights, may be considered by the City Board of Public Works as an alternative to conventional street lighting plans.

(k) Utilities.

(1) Sanitary Sewer Standards.

(A) Applicability. All subdivisions proposed to the Plan Commission for approval under the provisions of this UDO shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into the community-wide system as per City utilities department standards and constructed within street rights-of-way or within dedicated sewer easements.

(B) Location. Septic systems shall not be permitted unless adequate sewer system service is not available and such unavailability is verified by the City utilities department.

(2) Water Service Standards

(A) Applicability. All proposed plats submitted to the Plan Commission for approval, under the provisions of this chapter, shall provide for the installation of a complete potable water and fire protection distribution system.

(B) Private/Semipublic Systems. Private or semipublic water supplies and distribution systems shall not be allowed.

(C) Extension of Public Water Supplies. The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the City utilities department and shall be on file with the City utilities department prior to the issuance of secondary plat approval.

(3) Coordination of Sewer/Waterline Installation. It shall be the petitioner's responsibility to coordinate the installation of the sewer and water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed. If such damage occurs, the work shall be stopped, and damages repaired before allowing the work to continue.

(4) Fire Hydrants. Fire hydrants shall be installed along all public streets and shall have a maximum distance between hydrants of six hundred feet, or otherwise approved by the fire chief.

(5) Construction Standards for Utilities. All public utility improvements shall be designed and installed as per City Utilities Department standards. All new utility lines shall be buried.

(l) Universal Design.

(1) In subdivisions or phases of subdivisions approved after April 18, 2020 that contain more than twenty-five lots designed to accommodate single-family detached or single-family attached dwellings, at least twenty percent of the dwelling units shall incorporate at least one entrance at grade level and not requiring any steps up or down or a ramp for entry.

(2) In addition, one of the following additional elements of "universal design" is required:

(A) All interior doorways with at least thirty-two-inch wide openings;

(B) At least one bathroom with thirty-two-inch counter height;

(C) At least one bathroom with wall reinforcements for handrails; and/or

(D) All light switches installed between forty-four and forty-eight inches in height.

(3) For purposes of determining the applicability of the twenty-five lot threshold, this subsection (l), the Planning and Transportation Director may determine that a proposed subdivision or phase of a subdivision is a part of an earlier, adjacent, subdivision or phase of a subdivision in common or related ownership. If that determination is made, the two subdivisions or phases of subdivisions shall be treated as one, and the requirements of subsection (1) above shall apply to twenty percent of all lots in the two combined subdivisions or phases of subdivisions.

(Amd. of 1-14-2020; Ord. No. 21-19, § II (Att. A), 4-21-2021; Ord. No. 22-11, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-05, § 2(Att. A), 4-19-2023; Ord. No. 2024-05, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

Ordinance Certification

In accordance with IC 36-7-4-604, I hereby certify that the attached Ordinance 2026-11 is a true and complete copy of Plan Commission Case Number ZO2026-02-0004 as amended, which was given a favorable recommendation by a vote of 7 Ayes, 1 Nays (Holmes), and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 13, 2026.

Type of Legislation: Zoning Code Amendment

Fiscal Impact Statement:

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

No, the proposed amendments to Title 20, the Unified Development Code, will not have an impact on existing city revenue.

If not, briefly explain why. If yes, briefly explain what the effect of city costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible.

The proposed legislation should not have any fiscal impact, as implementing proposed legislation will not require any additional resources, nor produce any savings, nor create any revenue impact. Approval of case ZO2026-02-0004 amends the Unified Development Ordinance (UDO), with clarifications, revisions, or amendments, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

Date:

Signature of Plan Commission Secretary David Hittle

Received by the Common Council Office on:

Signature of Bloomington City Clerk Nicole Bolden

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
25	17	2	20.02.010 Table 02-3: R2 Notes	[1] See Section 20.04.110 (Incentives) for alternative standards. [2] Or equal to the setback of the primary structure, whichever is greater. [3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.	[1] See Section 20.04.110 (Incentives) for alternative standards. [2] Or equal to the setback of the primary structure, whichever is greater. [3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet. **[4] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.**	Adds a fourth footnote	Table 02-4 in GoogleDoc to be revised to Table 02-3 to match PDF. All table numbering to be updated to match PDF. The IS Subdivision Development Standards table in the PDF to be changed to Table 02-30.	Y
25	17	2	20.02.010 Table 02-3: R2	Each story above the ground floor: 10 feet [1] [3]	Each story above the ground floor: 10 feet [1] [3] **[4]**	Adds footnote 4 to side setback	"	Y
25	17	2	20.02.010 Table 02-3: R2	25 feet [1]	25 feet [1] **[4]**	Adds footnote 4 to rear setback	"	Y
25	17	2	20.02.010 Table 02-3: R2	First Floor: 8 feet [3]	First Floor: 8 feet **[1]** [3]	Adds footnote 1 to first floor side setback	"	Y
27	19	2	20.02.010 Table 02-4: R3	-	First floor: 6 feet **[1]** [2] [3]	Adds footnote 1 to first floor side setback	Table 02-5 in GoogleDoc to be revised to Table 02-04 to match PDF.	Y
29	21	2	20.02.010 Table 02-5: R4 Notes	-	**[1] See Section 20.04.110 (Incentives) for alternative standards.**	Adds new footnote 1	Table 02-6 in GoogleDoc to be revised to Table 02-5 to match PDF.	Y
29	21	2	20.02.010 Table 02-5: R4 Notes	[1] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.	[~~1~~**2**] Side primary building setbacks shall be reduced by two feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by ten feet if adjacent to a platted alley.	Changes footnote 1 to 2	"	Y
29	21	2	20.02.010 Table 02-5: R4	4,000 square feet (0.092 acres)	4,000 square feet (0.092 acres) **[1]**	Adds footnote 1 to lot area	"	Y
29	21	2	20.02.010 Table 02-5: R4	35 feet	35 feet **[1]**	Adds footnote 1 to lot width	"	Y
29	21	2	20.02.010 Table 02-5: R4	5 feet [1]	5 feet [1] **[2]**	Adds footnote 2 to side setback	"	Y
29	21	2	20.02.010 Table 02-5: R4	25 feet [1]	25 feet [1] **[2]**	Adds footnote 2 to rear setback	"	Y
82	74	2	20.02.050(b)(10)(B)(i)(1) | Should be 20.02.060(b)(10)(B)(i)(1)	A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.	A minimum of one **large** canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute **small/medium canopy** ~~ornamental~~ trees for required **large** canopy trees.	Clarifies large canopy tree language and changes ornamental to small/medium canopy		Y
82	74	2	20.02.050(b)(10)(B)(i)(2) | Should be 20.02.060(b)(10)(B)(i)(2)	A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.	A minimum of eight shrubs per 500 square feet. One **small/medium canopy** ~~ornamental~~ tree may be substituted for every four shrubs; however, substitution shall not exceed 50 **percent** of the required shrubs.	Changes ornamental to small/medium canopy tree and adds percent to 50		Y

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82	74	2	20.02.050(b)(10)(B)(i)(3) | Should be 20.02.060(b)(10)(B)(i)(3)	Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Shrubs and ~~ornamental~~ trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.	Removes ornamental		Y
89	81	3	20.03.010(e)(2)	Standardized Businesses In the MD-CS and MD-UV character areas a standardized business shall require conditional use permit review in accordance with Section 20.06.050(b) (Conditional Use Permit), and shall comply with the following standards: The proposed standardized business shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: Architecture; Scale; Facade; and Signage. If the use is proposed for a site that contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered.	~~Standardized Businesses In the MD-CS and MD-UV character areas a standardized business shall require conditional use permit review in accordance with Section 20.06.050 (b) (Conditional Use Permit), and shall comply with the following standards: The proposed standardized business shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: Architecture; Scale; Facade; and Signage. If the use is proposed for a site that contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered.~~	Removes Standardized Business and re-numbers the following		Y
109	101	3	20.03.030(d)(10)	-	**(C) Any restaurant located within a multi-tenant center and with a gross floor area of less than or equal to 1,250 square feet may operate without an established seating area provided that carryout, walk-up and/or other similar grab-and-go, onsite sales services are utilized. Delivery-only, ghost kitchen, or similar concepts are not permitted as the primary means of service.**	Adds a new use specific standard for restaurants		Y
117	109	3	20.03.030(g)(4)	-	**(C) In circumstances where a restaurant does not offer a seating area, a drive-through use shall be prohibited.**	Adds a new standard for drive-throughs		Y
261	253	5	20.05.020	This Chapter 20.05: (Subdivision Standards) shall apply to all subdivisions and land divisions located wholly or partially within the city.	This Chapter 20.05: (Subdivision Standards) shall apply to all subdivisions and land divisions located wholly or partially within the City. **Portions of the regulations, as designated below, shall also apply to major site plans.**	Clarifies that some regulations apply to major site plans.		Y

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268	260	5	20.05.040(c)	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed where no plat is required or proposed, as identified in Section 20.04.030 (Environment).	The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements **(1)** on the secondary plat or **(2)** set aside in easements on a deed where no plat is required or proposed **but a major site plan is required or proposed**, as identified in Section 20.04.030 (Environment).	Adjusting situations for environmental easement recording.		Y
280	272	5	20.05.050(j)(7)(A)(iii)(2)([b])	A landscaped berm a minimum of three feet in height and ten feet in width installed in a nonlinear manner. Landscaping within the buffer area shall be equal to one canopy tree, two ornamental trees, two evergreen trees and ten large shrubs for every fifty feet of arterial frontage.	A landscaped berm a minimum of three feet in height and ten feet in width installed in a nonlinear manner. Landscaping within the buffer area shall be equal to one **large** canopy tree, two **small/medium canopy** ~~ornamental~~ trees, two evergreen trees and ten large shrubs for every fifty feet of arterial frontage.	Specified large canopy tree and changes ornamental tree to small/medium canopy		Y
403	411	7	20.07.010 Common Area	Any portion of a development that is neither part of a lot or tract nor dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and may include such other uses as parking lots and complementary buildings or structures. Maintenance of such areas is not the responsibility of the city and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.	Any portion of a development that is neither part of a lot or tract nor dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and ~~may include such other uses as parking lots and~~ complementary buildings or structures. Maintenance of such areas is not the responsibility of the city and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas. **A common area does not provide relief from other zoning requirements that would normally exist between a property and adjacent properties and/or rights-of-way if the common area did not exist.**	Refines common area definition		Y
415	407	7	20.07.010	-	Decorative Stone - Natural stone that is washed or finished, where the total aggregate utilized is at least 2 inches in size.	Adds definition for decorative stone		Y
447	439	7	20.07.010 Restaurant	An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.	An establishment that sells food or beverages in a ready-to-consume state, in individual servings~~,~~ that, **unless specified elsewhere in this UDO,** the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located.~~, and that may include carry-out service.~~ This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops. **A restaurant may also include carry-out, delivery, and/or drive-through services, as permitted in this UDO.**	Modifies restaurant definition		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
451	443	7	20.07.010 Sign, Wall	A sign attached to and/or integral with the exterior wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the exterior wall and that does not project more than 12 inches from the exterior wall surface.	A sign attached to and/or integral with the exterior wall of a building or **architectural feature** ~~structure with the exposed face of the sign in a plane parallel to the plane of the exterior wall and~~ that does not project more than 12 inches from the exterior wall surface.	Adds architectural feature and removes structure/additional language		Y
454	446	7	20.07.010 Standardized Business	Any type of commercial establishment located in the Courthouse Square Downtown Character Overlay or University Village Downtown Character Overlay, that are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design. This use does not include "Office" uses located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage that is visible to a street,	~~Standardized Business Any type of commercial establishment located in the Courthouse Square Downtown Character Overlay or University Village Downtown Character Overlay, that are required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design. This use does not include "Office" uses located above the ground floor and any commercial businesses located in such a manner as to be devoid of any building frontage that is visible to a street,~~	Removes Standardized Business definition		Y
456	448	7	20.07.010 Student Housing or Dormitory	A multiple-family dwelling designed primarily as housing for, or likely to be occupied by, unmarried undergraduate or post-graduate students, including but not limited to: 1) Multiple-family dwellings that contain any living units with four or more bedrooms; or 2) Multiple-family dwellings with more than 10 dwelling units where more than 33 percent of the living units contain three bedrooms; or 3) Residential buildings that do not meet the definition of a "Residential Rooming House" or "Hotel or Motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven. For purposes of determining whether a multiple-family dwelling meets this definition, the City may consider the degree to which the facility is occupied by undergraduate or post-graduate students and the degree to which occupancy is marketed to undergraduate or post-graduate students. This use does not include a "Fraternity or Sorority."	A multiple-family dwelling designed primarily as housing for~~, or likely to be occupied by, unmarried~~ undergraduate or post-graduate students, including but not limited to: 1) Multiple-family dwellings that contain any living units with four or more bedrooms; or 2) Multiple-family dwellings with more than 10 dwelling units where more than 33 percent of the living units contain three bedrooms; or 3) Residential buildings that do not meet the definition of a "Single Room Occupancy" or "Hotel or Motel," in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven**; or 4) Multiple-family dwellings with more than 50 percent of living units marketed and intended to be leased as partially or fully furnished; or 5) Multiple-family dwellings where individual rooms are advertised and leased by the room; or 6) Multiple-family dwellings with more than 50 dwelling units where more than 50 percent of living units are studio units.** ~~For purposes of determining whether a multiple-family dwelling meets this definition, the City may consider the degree to which the facility is occupied by undergraduate or post-graduate students and the degree to which occupancy is marketed to undergraduate or post-graduate students.~~ This use does not include a "Fraternity or Sorority."	Makes student housing definition more objective		Y

PDF Page#	UDO Page#	Chapter	Citation	Current Language	Proposed Language	Synopsis	Notes	In GoogleDoc
459	451	7	20.07.010 Tree, Interior	A tree used for the interior of a site rather than in the "tree plot" and that is not restricted by its characteristics. These trees include canopy, ornamental and evergreen trees.	A tree used for the interior of a site rather than in the "tree plot" and that is not restricted by its characteristics. These trees include canopy~~, ornamental~~ and evergreen trees.	Removes ornamental tree		Y
459	451	7	20.07.010 Tree, Ornamental	A small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.	~~A small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.~~	Removes definition for ornamental tree		Y