

CITY OF BLOOMINGTON



PLAN COMMISSION

June 13, 2022 5:30 p.m.
Council Chambers, Room #115
Hybrid Zoom Link:

<https://bloomington.zoom.us/j/81794675472?pwd=c0lBRGw0bW5zbnpGRnRrUWhhdmdnZz09>

Meeting ID: 817 9467 5472 Passcode: 252430

**CITY OF BLOOMINGTON
PLAN COMMISSION (Hybrid Meeting)
June 13, 2022 at 5:30 p.m.**

❖City Council Chambers – Room #115

❖Virtual Link:

<https://bloomington.zoom.us/j/81794675472?pwd=c0lBRGw0bW5zbnpGRnRrUWhhdm dnZz09>

Meeting ID: 817 9467 5472 Passcode: 252430

Petition Map: <https://arcg.is/14baD40>

ROLL CALL

MINUTES TO BE APPROVED: May 16, 2022

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Resolution for Zoning Commitment Termination

RS-23-22 Resolution for Redevelopment Commission Resolution Re: New Economic Development Area for Meridiam

PETITIONS CONTINUED TO: July 11, 2022

PUD/DP-24-21 Robert V Shaw

N Prow Road: 3500 block of N Hackberry Street
Request: Petitioner requests Final Plan and Preliminary Plat amendment for Ridgefield PUD and Subdivision Section V.
Case Manager: Jackie Scanlan

SP-06-22 Strauser Construction Co., Inc.

3000 & 3070 S Walnut St.
Request: Major site plan approval to construct a 9 building self service Storage facility with 10 new vehicle parking spaces.
Case Manager: Karina Pazos

SP-19-22 People's State Bank

202 W 17th Street
Request: Major site plan approval to allow construction of a 34,200 gross-square-foot commercial building with a bank drive-through and associated parking in the Mixed-Use Corridor (MC) zoning district.
Case Manager: Gabriel Holbrow

PETITIONS:

ZO-10-22 UDO Technical Text Amendments -Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Returned from Council.
Case Manager: Jackie Scanlan

ZO-11-22 UDO Chapter 3, Use Regulations, Amendments - Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally

****Next Meeting July 11, 2022**

Last Updated: 6/10/2022

Auxiliary aids for people with disabilities are available upon request with adequate notice.

Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

are not substantive. Returned from Council.

Case Manager: Jackie Scanlan

ZO-12-22 **UDO Chapter 4, Development Standards & Incentives, Amendments** - Technical corrections for text amendments that add, remove or edit text to clarify existing standards and generally are not substantive. Returned from Council.

Case Manager: Jackie Scanlan

DP-20-22 **Trinitas Ventures**

1550 N Arlington Park Drive

Request: Primary plat approval of a 50 lot subdivision for 40.75 acres including 45 single family lots and 4 multifamily lots within a Planned Unit Development.

Requesting a waiver of the required second hearing and delegation of secondary plat approval to staff.

Case Manager: Eric Greulich

****Next Meeting July 11, 2022**

Last Updated: 6/10/2022

Auxiliary aids for people with disabilities are available upon request with adequate notice.

Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.

Interdepartmental Memo

To: Members of the Plan Commission
From: Eric Greulich, Senior Zoning Planner
Subject: Termination of Zoning Commitment for Plato's Court
Date: June 13, 2022

The Planning and Transportation Department issued a Building Permit (C17-611) to allow for the conversion and addition of additional dwelling units and bedrooms in the Knights Landing Apartment complex. As part of this approval, the petitioner transferred development rights for an adjacent property to this site to allow for the conversion. The Department prepared a zoning commitment for the property owner to record solidifying this transfer of development rights and it was recorded under Instrument Number 2017016888.

Since that time, the Unified Development Ordinance has changed in terms of how development is regulated and the number of dwelling units or bedrooms per site is no longer regulated. Therefore the previous zoning commitment is not necessary and the petitioner would like to remove the commitment to clean up the title for the site.

The Department recognizes the change in regulations and agrees that the Zoning Commitment is no longer necessary and can be terminated.



116 W. 6th St., Suite 200
P.O. Box 2639
Bloomington, Indiana 47402-2639
TEL: 812.332.6556
FAX: 812.331.4511
angela@carminparker.com

June 3, 2022

Via Email: greulice@bloomington.in.gov

City of Bloomington Plan Commission
Attn: Eric Greulich, Senior Zoning Planner
City of Bloomington
401 N. Morton Street
Bloomington, IN 47404

RE: Plan Commission Meeting – June 13, 2022 at 5:30 p.m.
Zoning Commitment (Platos Court II LLC (Grantor) and Platos
Court LLC (Grantee) Recorded 12/4/2017 –Instrument # 2017016888
Our File No.: 25367-1

Dear Eric:

I attach with this letter a Zoning Commitment dated November 30, 2017 and recorded December 4, 2017 regarding the utilization of Dwelling Unit Equivalents (DUEs’), as defined by the prior Uniform Development Ordinance (UDO), by one parcel in favor of development of a neighboring parcel by a common owner. As understood, the concept of DUEs was eliminated from the planning code in its current form, rendering the commitment in the document that the owner may not cause the two parcels “to exceed the total DUE requirements” for the two parcels now unmeasurable and obsolete. The continued presence of the zoning commitment on the record in light of the current UDO creates confusion and would no longer have applicability under current development standards. After conferring with City Attorney Michael Rouker on this question, he suggested, and we concur, that seeking approval of termination and rescission of the commitment on the record was the most prudent way to handle this situation and clear up any title issues with regard to it. The Plan Commission, according to the terms of the commitment (paragraph 9), have the authority to modify or terminate the commitment.

As such, Core SVA Bloomington Plato 2, LLC (successor in title to Grantor Platos Court II, LLC) respectfully requests that a rescission and termination of the zoning commitment be considered and approved by the Plan Commission and included on the Agenda for the Plan Commission Meeting on June 13, 2022. We are happy to appear and answer any questions related to the request and appreciate staff’s consideration and support of this rescission.



June 2, 2022
Page 2

If you need any additional information, please do not hesitate to contact me directly. Thank you.

Very truly yours,

/s/ Angela F. Parker

Angela F. Parker

AFP/msm

Enclosures:

2017 Zoning Commitment

Proposed Termination/Rescission instrument

cc: Michael Rouker, City of Bloomington Attorney

Core SVA Bloomington Plato 2, LLC

436201 / 25367-1



2017016888 MIS \$25.00
12/04/2017 01:53:53P 10 PGS
Eric Schmitz
Monroe County Recorder IN
Recorded as Presented

Masp

Cross reference Instrument Numbers:

ZONING COMMITMENT

THIS ZONING COMMITMENT (this "Commitment") is made as of the ^{30th} day of November, 2017 (the "Effective Date"), by and between Platos Court II LLC, a Delaware limited liability company ("Grantor"), and Platos Court LLC, a Delaware limited liability company ("Grantee").

RECITALS:

A. Grantor is the owner of certain real property located in Monroe County, Indiana, being more particularly described on Exhibit A attached hereto (the "Grantor Parcel"), which property is currently developed as a full-service restaurant.

B. Grantee is the owner of certain real property adjacent to the Grantor Parcel located in Monroe County, Indiana, being more particularly described on Exhibit B attached hereto ("Grantee Parcel", and together with the Grantor Parcel, the "Combined Parcels"), which property is currently developed as an apartment facility (the "Apartment Facility").

C. Grantor and Grantee are currently under common ownership and desire to create a zoning commitment which allocates the Grantor Parcel's Dwelling Unit Equivalents ("DUEs"), as that term is defined by the City of Bloomington's Uniform Development Ordinance ("UDO") in effect as of the Effective Date, to the Grantee Parcel, to allow Grantee to add density to the Apartment Facility and comply with the UDO.

COMMITMENT AND AGREEMENT

NOW, THEREFORE, in consideration of the above premises, the commitments and agreements herein contained, payment by Grantee to Grantor of \$100, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Recitals. The Recitals set forth above are hereby incorporated herein as an integral part hereof.
2. Commitment. Grantor hereby grants to Grantee the right to utilize 26.0 DUEs allocated to the Grantor Parcel under the UDO for the benefit of the Grantee Parcel. Grantor further covenants not to develop the Grantor Parcel in a manner that would cause the Combined Parcels, considered together, to exceed the total DUE requirements for the Combined Parcels. However, nothing herein shall be construed to prohibit Grantor from developing the Grantor Parcel and utilizing DUEs so long as the total DUEs for the Combined Parcels do not exceed the total DUEs permitted for the Combined Parcels under the UDO.
3. Nature of the Commitment. This Commitment shall be appurtenant to and run with the land and shall be binding upon and shall inure to the benefit of the parties hereto and

acknowledge, and deliver in proper form any further instruments, and take such other action as such other party may reasonably require, in order to effectively carry out the intent of this Commitment.

9. Amendment / Termination. This Commitment may be modified or terminated only by action of the City of Bloomington's Plan Commission.

10. Miscellaneous. Each of the undersigned persons executing this Commitment on behalf of each party hereto, respectively, represents and certifies that he/she has been fully empowered, by proper resolution of the applicable governing body, respectively, to execute and deliver this Commitment, and that all necessary company action for the making of such Commitment has been taken and done. This Commitment constitutes the entire agreement between the parties with respect to the rights herein granted and the obligations herein assumed. This document shall be governed by and construed in accordance with the laws of the State of Indiana. Should any one or more of the provisions of this document be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired, unless, as a result, the purpose and intent of this Commitment shall thereby be substantially and essentially impaired. In such event, the parties shall diligently proceed to revise this Commitment in order to memorialize such purpose and intent. This Commitment may be executed in any number of counterparts which, taken together, shall constitute the agreement of the parties.

[The signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have executed this Easement as of the Effective Date.

GRANTOR:

PLATOS COURT II LLC

By: [Signature]
Printed: Margaret Streicker Porres
Its: member

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Before me, a Notary Public in and for said County and State, personally appeared Margaret Streicker Porres, who acknowledged the execution of the foregoing for the uses and purposes expressed therein.

Witness my hand and Notarial Seal this 1ST day of DECEMBER, 2017.

My Commission Expires:

OCTOBER 19, 2019

County of Residence: BRONX

[Signature]
(signature)
JENNIFER GONZALEZ
(printed name) Notary Public

JENNIFER GONZALEZ
Notary Public, State of New York
Registration No. 01GO6331824
Qualified in Bronx County
Commission Expires Oct. 19, 2019

GRANTEE:

PLATOS COURT LLC

By: [Signature]

Printed: M. Streicker Porres

Its: member

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

Before me, a Notary Public in and for said County and State, personally appeared Margaret Streicker Porres, who acknowledged the execution of the foregoing for the uses and purposes expressed therein.

Witness my hand and Notarial Seal this 1st day of DECEMBER, 2017.

My Commission Expires:

Oct. 19, 2019

[Signature]
(signature)

JENNIFER GONZALEZ
Notary Public, State of New York
Registration No. 01GO6331824
Qualified in Bronx County
Commission Expires Oct. 19, 2019

County of Residence: BRONX

JENNIFER GONZALEZ
(printed name) Notary Public

This instrument was prepared by: Ice Miller, LLP, One American Square, Suite 2900, Indianapolis, IN 46282, ATTN: Jason A. McNiel, to whom the instrument should be mailed after recordation.

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Jason A. McNiel

Exhibit A

Legal Description of the Grantor Parcel

THE FOLLOWING REAL ESTATE IN MONROE COUNTY, IN THE STATE OF INDIANA, TO-WIT:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS. BEGINNING AT A POINT THAT IS 836.02 FEET SOUTH AND 1,261.00 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE WEST FOR 390.38 FEET AND TO THE NEW RIGHT-OF-WAY OF STATE ROAD 37; THENCE NORTH 08 DEGREES 48 MINUTES 29 SECONDS WEST ALONG SAID RIGHT-OF-WAY FOR 218.68 FEET; THENCE EAST FOR 423.87 FEET; THENCE SOUTH FOR 216.10 FEET AND TO THE POINT OF BEGINNING.

Exhibit BLegal Description of Grantee Parcel

PARCEL I:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28 (REFERENCED BY SURVEY OF BOCK & CLARK 8-24-93); THENCE SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST 977.39 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 788.15 FEET TO A SET 5/8" REBAR WITH CAP STAMPED (SNA S0427); THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 730.50 FEET ALONG THE WEST LINE OF VARSITY VILLAS, SECTION VII AND MATLOCK COURT CONDOMINIUMS TO A 5/8" REBAR WITH CAP STAMPED (SNA S0427); THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 430.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 338.31 FEET; THENCE NORTH 88 DEGREES 57 MINUTES 55 SECONDS WEST 97.77 FEET TO A 3/4" PIPE FOUND ON THE EAST LINE OF (D.B. 405, PG 256) THENCE ALONG SAID EAST LINE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 336.54 FEET TO 3/4" PIPE FOUND THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 97.75 FEET THE POINT OF BEGINNING, CONTAINING 0.76 ACRES, MORE OR LESS.

PARCEL II:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28 (REFERENCED BY SURVEY OF BOCK & CLARK 8-24-93); THENCE SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST 977.39 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 788.15 FEET TO A SET 5/8" REBAR WITH CAP STAMPED (SNA S0427) TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 730.50 FEET ALONG THE WEST LINE OF VARSITY VILLAS, SECTION VII AND MATLOCK COURT CONDOMINIUMS TO A 5/8" REBAR WITH CAP STAMPED (SNA S0427); THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 430.25 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 338.31 FEET; THENCE NORTH 88 DEGREES 57 MINUTES 55 SECONDS WEST 17.80 FEET TO A FOUND RAILROAD SPIKE; THENCE SOUTH 00 DEGREES 00 MINUTES 26 SECONDS EAST 392.52 FEET ALONG THE EAST LINE OF (D.R. 358, PG. 24) TO A 5/8" REBAR WITH CAP STAMPED (SNA S0427); THENCE ALONG THE NORTH LINE OF (D.R. 468, PG. 248) NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 448.00 FEET TO THE POINT OF BEGINNING, CONTAINING 7.37 ACRES, MORE OR LESS.

PARCEL III:

ALONG WITH A 20.00 FEET WIDE SANITARY SEWER EASEMENT - 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 813.00 FEET WEST AND 328.08 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, SAID POINT BEING 44.82 FEET SOUTH OF THE NORTHEAST CORNER OF THE PROPERTY FIRST DESCRIBED ABOVE; THENCE SOUTH 87 DEGREES 07 MINUTES EAST FOR 173.00 FEET AND TO AN EXISTING MANHOLE. SAID EASEMENT FOR THE PURPOSE OF CONSTRUCTING SANITARY AND STORM SEWER LINES ACROSS SUBJECT PROPERTY, AS DESCRIBED IN DEED RECORD 221, PAGE 23.

PARCEL IV:

A NON-EXCLUSIVE RECIPROCAL EASEMENT AGREEMENT FOR INGRESS AND EGRESS DATED APRIL 23, 2004 AND RECORDED MAY 7, 2004 AS INSTRUMENT NUMBER 2004009202 IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

PARCEL V:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS RESERVED IN SPECIAL CORPORATE WARRANTY DEED RECORDED IN DEED RECORD 254 AT PAGE 156, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

PARCEL VI:

AN EASEMENT FOR INGRESS AND EGRESS, 31 FEET IN WIDTH RUNNING OVER AND ACROSS LANDS NORTH OF AND ADJACENT TO SUBJECT REAL ESTATE, AS SHOWN IN DEED EXECUTED BY PROPERTY DEVELOPERS, INC., AN INDIANA CORPORATION, TO CENTRAL STATES DEVELOPMENT CORPORATION, AN INDIANA CORPORATION, DATED JUNE 26, 1973, AND RECORDED JUNE 28, 1973 IN DEED RECORD 221, PAGES 20-22, IN THE OFFICE OF THE RECORDER OF MONROE COUNTY, INDIANA.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS OF LAND:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LAND DESCRIBED IN INSTRUMENT 2007001509; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED) ALONG THE NORTH LINE OF SAID INSTRUMENT 60.25 FEET TO THE WEST LINE OF LAND DESCRIBED IN INSTRUMENT 2008018496 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE 164.38 FEET TO THE EAST LINE OF LAND IN SAID INSTRUMENT 2008018496; THENCE SOUTH 00 DEGREES 06 MINUTES 20 SECONDS EAST ALONG SAID EAST LINE 10.00 FEET TO A POINT 0.5 FEET NORTH OF AN EXISTING ASPHALT PARKING LOT; THENCE SOUTH 89 DEGREES

46 MINUTES 04 SECONDS WEST PARALLEL AND 0.5 FEET NORTH OF SAID ASPHALT 57.74 FEET; THENCE NORTH 89 DEGREES 18 MINUTES 12 SECONDS WEST 106.64 FEET TO THE AFORESAID WEST LINE OF INSTRUMENT 2008018496; THENCE NORTH 00 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID WEST LINE 8.94 FEET TO THE POINT OF BEGINNING, CONTAINING 0.037 ACRES, MORE OR LESS.

ALSO,

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LAND DESCRIBED IN INSTRUMENT 2007001509; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED) ALONG THE NORTH LINE OF SAID INSTRUMENT 224.63 FEET TO THE WEST LINE OF LAND DESCRIBED IN INSTRUMENT 2009001689 AND TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE 84.40 FEET TO THE EAST LINE OF LAND IN SAID INSTRUMENT 2009001689; THENCE SOUTH 01 DEGREES 30 MINUTES 55 SECONDS EAST ALONG SAID EAST LINE 9.66 FEET TO A POINT 0.5 FEET NORTH OF AN EXISTING ASPHALT PARKING LOT; THENCE SOUTH 89 DEGREES 46 MINUTES 04 SECONDS WEST PARALLEL AND 0.5 FEET NORTH OF SAID ASPHALT 84.13 FEET TO THE AFORESAID WEST LINE OF INSTRUMENT 2009001689; THENCE NORTH 00 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID WEST LINE 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.019 ACRES, MORE OR LESS.

ALSO BEING FURTHER DESCRIBED AS FOLLOWS PURSUANT TO THAT CERTAIN ALTA/NSPS SURVEY PREPARED BY SMITH BREHOB & ASSOCIATES, INC. ON MAY 24, 2017 AND LAST REVISED _____ AS JOB NO. 2841:

A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST, MONROE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 09 MINUTES 26 SECONDS EAST (ASSUMED) ALONG THE EAST LINE OF SAID QUARTER SECTION 977.39 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 788.15 FEET TO THE THE SOUTHEAST CORNER OF LAND DESCRIBED IN INSTRUMENT 2007001509 AND POINT OF BEGINNING, THE NEXT (5) COURSES ARE ALONG THE PERIMETER OF SAID INSTRUMENT; (1) THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 448.00 FEET; (2) THENCE NORTH 00 DEGREES 00 MINUTES 26 SECONDS WEST 394.09 FEET; (3) THENCE SOUTH 89 DEGREES 32 MINUTES 06 SECONDS WEST 80.13 FEET; (4) THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 337.58 FEET; (5) THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 60.25 FEET TO THE WEST LINE OF INSTRUMENT 2008018496, THE NEXT (2) COURSES ARE ALONG THE PERIMETER OF SAID INSTRUMENT; (1) THENCE SOUTH 00 DEGREES 06 MINUTES 20 SECONDS EAST 8.94 FEET; (2) THENCE SOUTH 89 DEGREES 18 MINUTES 12 SECONDS EAST 106.64 FEET TO A POINT 0.5 FEET NORTH OF AN EXISTING ASPHALT PARKING LOT; THENCE NORTH 89 DEGREES 46 MINUTES 04 SECONDS EAST PARALLEL AND 0.5 FEET NORTH OF SAID ASPHALT 141.87 FEET TO THE EAST LINE OF INSTRUMENT 2009001689; THENCE NORTH 01 DEGREE 30 MINUTES 55 SECONDS EAST ALONG SAID EAST LINE 9.66 FEET TO THE NORTH LINE OF THE AFORESAID INSTRUMENT 2007001509; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE 213.12 FEET TO THE WEST LINE MATLOCK COURT

CONDOMINIUMS AND VARSITY VILLAS, SECTION VII; THENCE SOUTH 00 DEGREES 28 MINUTES 19 SECONDS EAST ALONG SAID WEST LINES 731.05 FEET TO THE POINT OF BEGINNING, CONTAINING 8.03 ACRES, MORE OR LESS.

**RESOLUTION OF
TERMINATION AND RESCISSION OF ZONING COMMITMENT**

This **RESOLUTION OF TERMINATION AND RESCISSION OF ZONING COMMITMENT** (“Termination”) is made this ____ day of June, 2022, by the City of Bloomington Plan Commission (PC) at a meeting duly called for such purpose.

WHEREAS, on November 30, 2017, Platos Court II LLC (“Grantor”) and Platos Court LLC (“Grantee”) entered into a Zoning Commitment that was recorded on December 4, 2017, as Instrument No.: 2017016888 in the Monroe County Recorder’s Office (“Commitment”); and

WHEREAS, on June 13, 2022 at the City Plan Commission Meeting, a request that the Commitment be terminated and rescinded based on the change in the Uniform Development Ordinance (“UDO”) that no longer bases development on Dwelling Unit Equivalents (“DUEs”) and the Commitment no longer applies to what is referred to in the Grantor Parcel attached as Exhibit B on the Commitment.

WHEREAS, the Plan Commission retains authority to terminate or modify the Zoning Commitment as provided in paragraph 9 of the Commitment;

NOW THEREFORE, IT IS RESOLVED BY the City of Bloomington Plan Commission that the Zoning Commitment shall be terminated and rescinded and is and shall be of no further effect.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the City of Bloomington Plan Commission hereto approves this Resolution to terminate and rescind the Zoning Commitment, the date first above written and this instrument shall be recorded in the Office of the Recorder of Monroe County, Indiana to give further notice of such action. (Cross-reference Instr. No. 2017016888).

The City of Bloomington Plan Commission

By: _____
Its: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public, in and for said County and State, this ____ day of June 2022, at which time _____, as _____ of The City of Bloomington Plan Commission and personally appeared and acknowledged the execution of the above and foregoing Resolution to be duly authorized act and deed.

My Commission Expires: _____
_____, Notary Public
A resident of _____ County
My Commission No.: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Angela F. Parker

This Instrument Prepared By
Angela F. Parker, Attorney at Law
CarminParker, PC
116 West 6th Street, Suite 200, P.O. Box 2639
Bloomington, Indiana 47402-2639
Telephone: (812) 332-6556

Case # RS-23-22 Memo

To: Bloomington Plan Commission

From: Jackie Scanlan, AICP Development Services Manager

Date: June 13, 2022

Re: RS-23-22: Consideration of the Redevelopment Commission's Declaratory Resolution and Economic Development Plan

The Bloomington Redevelopment Commission (RDC) is working to create a new Tax Increment Financing (TIF) allocation area. The proposed TIF area is related to the installation of fiber line internet service provider equipment throughout the City by Meridium. During the TIF process, the RDC can make recommendations related to zoning and/or platting, which are topics in the purview of the Plan Commission. The State statute states the following related to the purview of the Plan Commission after the RDC submits the declaratory resolution and EDP:

The plan commission may determine whether the resolution and the redevelopment plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed. The redevelopment commission may amend or modify the resolution and proposed plan in order to conform them to the requirements of the plan commission. The plan commission shall issue its written order approving or disapproving the resolution and redevelopment plan, and may, with the consent of the redevelopment commission, rescind or modify that order.

In this particular case, the RDC is not proposing any changes with the EDP related to rezoning or replatting. However, they are obligated to present the declaratory resolution and EDP to the Plan Commission. More information is included in the draft Resolution and supporting documents.

RS-23-22

**RESOLUTION
OF THE
PLAN COMMISSION
OF THE
CITY OF BLOOMINGTON, INDIANA**

**ORDER OF THE CITY OF BLOOMINGTON PLAN COMMISSION DETERMINING
THAT REDEVELOPMENT COMMISSION RESOLUTION 22-33 APPROVED AND
ADOPTED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF
BLOOMINGTON CONFORM TO THE COMPREHENSIVE PLAN AND APPROVING
THAT RESOLUTION**

WHEREAS, pursuant to Indiana Code § 36-7-14-1, *et seq.*, the City of Bloomington (“City”) established the Redevelopment Commission of the City of Bloomington (“RDC”), which exists and operates under the provisions of Indiana Code 36-7-14-1 and 36-7-25-1, *et seq.*, as amended from time to time; and

WHEREAS, on June 6, 2022, the RDC adopted its Resolution 22-33 (the “Declaratory Resolution”) that:

- Created a new Economic Development Area within the City covering business personal property for fiber investment by Meridiam SAS, Hoosier Networks, LLC, or their affiliates;
- Approved an Economic Development Plan for the Meridiam Development Area; and
- Submitted the Declaratory Resolution and all supporting materials to the Plan Commission for its review

WHEREAS, Indiana Code § 36-7-14-16(a) provides that after the RDC creates an economic development area or amends the resolution or plan for an existing area, the RDC shall submit the resolution and supporting data to the Plan Commission, which is to determine “whether the resolution and the redevelopment plan conform to the plan of development for the unit and approve or disapprove the resolution and plan proposed;” and

WHEREAS, the City’s plan of development is found in the 2018 City of Bloomington Comprehensive Plan (“Comprehensive Plan”);

**NOW, THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF
THE CITY OF BLOOMINGTON, INDIANA, THAT:**

Section 1. The Declaratory Resolution and the Economic Development Plan conform to the City’s Comprehensive Plan.

Section 2. The Declaratory Resolution and the Economic Development Plan are, in all respects, approved, ratified, and confirmed.

Section 3. The Secretary of the Plan Commission is directed to file a copy of the Declaratory Resolution and the Economic Development Plan with the permanent minutes of this meeting.

ADOPTED by the Plan Commission of the City of Bloomington, Monroe County, Indiana, on this _____ day of June, 2022.

Brad Wisler, President

**RESOLUTION NO. 22-33
OF THE REDEVELOPMENT COMMISSION
OF THE CITY OF BLOOMINGTON, INDIANA**

**DECLARING AN AREA IN BLOOMINGTON AS
AN ECONOMIC DEVELOPMENT AREA, DESIGNATING SUCH AREA AS
AN ALLOCATION AREA AND APPROVING AN ECONOMIC DEVELOPMENT
PLAN FOR SAID AREA**

WHEREAS, the City of Bloomington, Indiana (the “City”), desires to undertake an economic development project that will assist the City in a project by Hoosier Networks, LLC, or its subsidiaries, affiliates, successors or assigns (collectively, the “Company”), to install fiber optic cable that will provide high speed internet in certain areas in the City; and

WHEREAS, the City desires to create an economic development area that will include all areas in the City where the Company’s depreciable personal property will be located (the “Project”); and

WHEREAS, the Bloomington Redevelopment Commission (the “Commission”), governing body of the Bloomington Department of Redevelopment (the “Department”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), has thoroughly studied the area of the City described above, and consists of all depreciable personal property consisting of fiber optic cable installed for the Project in the City where the Company’s depreciable personal property will be located, with such area to be designated as the “Bloomington Meridian Allocation Area” (the “Allocation Area”), which area is also an economic development area known as the “Bloomington Meridian Economic Development Area” (the “Area”); and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning, or redevelopment of the Area, and the parts of the Area acquired that are to be devoted to public ways and other public purposes under the Plan (as hereinafter defined), lists of the owners of the various parcels of property to be acquired, if any, and an estimate of the cost of the acquisition and redevelopment; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission an economic development plan for the Area (the “Plan”), which is attached to this Resolution as Exhibit A and incorporated herein by referenced thereto; and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the development projects as set forth in the Plan; and

WHEREAS, the Plan and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of “economic development areas” and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal

area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation of “allocation areas” to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 15-17.5, 39, 39.3, 41 and 43 of the Act to the Plan and the financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Plan for the Area promotes significant opportunities for the gainful employment of its citizens, attracts a major new business enterprise to the City, and retains or expands a significant business enterprise existing in the boundaries of the City, and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the “State”), and serving to protect and increase property values in the City and the State.

2. The Plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Area.

4. The accomplishment of the Plan for the Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan for the Area conforms to other development and redevelopment plans for the City.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. The Plan does not recommend any specific property acquisition, and the Department does not at this time propose to acquire any land or interests in land within the boundaries of the Area. If at any time in the future, the Department proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication, notice to affected property owners and a public hearing.

8. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting. The Area is hereby designated, declared and determined to be an “economic development area” under Section 41 of the Act.

10. The entire Area is hereby designated as an “allocation area” pursuant to Section 39 of the Act, designated as the “Bloomington Meridian Allocation Area” (the “Allocation Area”) for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Pursuant to the Act and this resolution, there is created an allocation fund related to the Allocation Area hereby designated as the “Bloomington Meridian Allocation Area Allocation Fund” (the “Allocation Fund”). Any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into the Allocation Fund for the allocation area and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. The Allocation Fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

11. The Commission hereby designates Hoosier Networks, LLC and any of its successors, affiliates or assigns (collectively, the “Designated Taxpayer”), as a “designated taxpayer” for purposes of Section 39.3 of the Act. The Commission hereby finds with respect to the Designated Taxpayer that:

(a) The taxes to be derived from the Designated Taxpayer’s depreciable personal property in the allocation area and all other depreciable property located and taxable on the Designated Taxpayer’s site of operations within the allocation area in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service or to provide security for bonds issued under Section 25.1 of the Act or to make payments or to provide security on leases payable under Section 25.2 of the Act, in order to

provide local public improvements in or directly serving or benefiting the such Allocation Area;

(b) the property of the Designated Taxpayer in the Allocation Area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution or transportation related projects or regulated amusement devices and related improvements; and

(c) the property of the Designated Taxpayer in the Allocation Area will not consist primarily of retail, commercial or residential projects, other than an amusement park or tourism industry project.

Based upon the foregoing and in accordance with Section 39.3 of the Act, the Commission hereby modifies the term “property taxes,” referred to herein, to mean taxes imposed under Indiana Code 6-1.1 on real property and taxes imposed under Indiana Code 6-1.1 on the depreciable personal property located and taxable on the site of operations of the Designated Taxpayer in the Allocation Area.

12. The allocation provisions in Sections 10 and 11 hereof shall apply to all of the Allocation Area. These allocation provisions allow for the capture of additional tax increment revenues that will be available to the Commission to finance infrastructure and other improvements located in or serving or benefitting the Area as contemplated by the Plan, thereby facilitating additional investment in the Allocation Area. The Commission hereby finds that the adoption of these allocation provision will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision. The base assessment date for the Allocation Area is January 1, 2022.

13. The foregoing allocation provisions in Sections 10 and 11 hereof shall expire with respect to the Allocation Area on the date that is twenty (20) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from such Allocation Area.

14. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Monroe County Auditor in connection with the creation of the Allocation Area.

15. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

16. This Resolution, together with any supporting data and together with the Plan, shall be submitted to the Bloomington Plan Commission (the “Plan Commission”), and upon the approval of the Plan Commission and the Common Council of the City, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

Adopted this 6th day of June, 2022.

BLOOMINGTON REDEVELOPMENT
COMMISSION

Cindy Kinnarney, President

Deborah Myerson, Secretary

Randy Cassady, Member

Deb Hutton, Member

**BLOOMINGTON, INDIANA
REDEVELOPMENT COMMISSION**

Economic Development Plan
Meridiam Economic Development Area

June 6, 2022

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SUMMARY

REQUIRED FINDING OF FACTS TO SUPPORT THE STATUTORY REQUIREMENTS

FACTS

1. This Economic Development Plan (the “Plan”) promotes significant opportunities for gainful employment of its citizens, attracts a new major business enterprise to the City, retains and expands significant business enterprises existing in the boundaries of the City, and meets other statutory purposes, as set forth in Indiana Code Sections 36-7-14-2.5 and 36-7-14-43.
2. The Plan for the Meridian Economic Development Area (the “EDA”) cannot happen by regulatory process or by the ordinary operation of private enterprise because of the lack of public infrastructure or other similar conditions.
3. The public health and welfare will benefit by the accomplishment of the Plan for the EDA.
4. The achievement of the Plan for the EDA will constitute a public utility and will benefit as measured by the attraction or retention of permanent jobs, an increase in the property values, thus equating to increased assessed value (which herein is defined as “assessed value”), improved diversity of the economic base through the enhanced mix of property and other public benefits and the expansion of technology and high speed internet services to a significant portion of Bloomington, Indiana (the “City”), which is in direct alignment with the goals of the Federal Government.
5. The Plan for the EDA conforms to other development and redevelopment plans for the City.

PURPOSE AND BACKGROUND

Purpose

The Bloomington Redevelopment Commission (the “Redevelopment Commission”) has been established in accordance with Indiana Code 36-7-14, as amended (the “Act”), for the purpose of fostering economic development and redevelopment within certain eligible areas of Bloomington, Indiana (the “City”). The Redevelopment Commission has identified certain areas of the City, including any cities or towns without a redevelopment commission, where Meridian SAS, Hoosier Networks, LLC, or any of their affiliates, successors or assigns (collectively, the “Company”) will build, construct and/or install fiber optic cable and related equipment to provide high-speed internet services will be located (the “Project”).

The purposes of this Plan are to benefit the public health, safety, morals and welfare of the citizens of the City, to increase the economic well-being of the City and the State of Indiana and to serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the City, retain and expand existing significant business enterprises in the City, provide for local public improvements in the Area, retain permanent jobs, and increase the property tax base. This document is intended to be approved by the Bloomington Redevelopment Commission in conformance with the procedures set forth in the Act and described herein.

The Plan has been undertaken within the context of recent economic development initiatives in the City in order to set forth the objectives for current and future development, including the construction of public roads, utilities, and other infrastructure, including fiber optic cables and related equipment to provide high-speed internet services throughout the City. This Plan recognizes the need for potential economic development incentives to attract significant employers and to accelerate commercial development to the Area, and that such future development in the Area may also require significant improvements to the roads, the sanitary sewer system, the water system and/or other infrastructure improvements which benefit and serve the Area in order to facilitate such development.

DESIGNATION OF TAX INCREMENT ALLOCATION AREAS

The Redevelopment Commission recognizes that tax increment financing (“TIF”) is one method by which local governments may finance incentives and infrastructure by allowing the capture and use of incremental property tax revenues attributable to new commercial development in the Area to pay the costs of capital improvements in the Area or to pay debt service on bonds issued by the City or by the Bloomington Redevelopment District (the “District”) to finance the costs of such improvements. To implement TIF, the Redevelopment Commission may designate all or a portion of the Area as an “allocation area” pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes on *real property* for the purposes and in the manner provided by Section 39 of the Act. Additionally, pursuant to Section 39.3 of the Act, the Redevelopment Commission may designate an entity as a “designated taxpayer” for the allocation and

distribution of property taxes on certain depreciable *personal property*. As new projects and needs arise in the future, the Redevelopment Commission may designate additional portions of the Area as tax increment allocation areas.

DESCRIPTION OF THE AREA

The Redevelopment Commission has determined that implementation of the Plan would be facilitated by the designating the area of the City, upon which the Company will build, construct and/or install fiber optic cable and related equipment to provide high-speed internet services will be located, as the Meridiam Economic Development Area (the “Area”), and designating all of the Area as a tax increment allocation area for purposes of the Act, to be known as the “Meridiam Allocation Area” (the “Allocation Area”). The Area and the Allocation Area are located within the corporate boundaries of the City, and consists of all depreciable personal property tax proceeds attributable to the incremental assessed valuation due to where the Project is situated, which area will include all depreciable personal property consisting of any and all structures, equipment and fiber optic cable due to the Project located within the City. In addition, the Redevelopment Commission believes it necessary to designate the Company as a designated taxpayer from which incremental personal property tax revenues may be captured. As described further below, the Redevelopment Commission has determined that the tax increment revenues generated from such personal property of the Company will be needed to secure the repayment of bonds issued to finance infrastructure improvements and/or the purchase of equipment which benefit and serve the Area. Consequently, the taxes to be derived from the depreciable personal property of the Company in the Allocation Area and all other depreciable property located and taxable on the Company’s site of operations within the Allocation Area in excess of the taxes attributable to the base assessed value of that personal property, will be needed to pay debt service on bonds issued under Section 25.1 of the Act, or to make payments or to provide security on leases payable under Section 25.2 of the Act, in order to provide local public improvements for the Allocation Area.

DESCRIPTION OF PROPOSED PROJECTS

The Project to be undertaken by the Company is anticipated to be comprised of certain and the design, construction, and/or installation of (1) fiber optic cable in public rights-of-way and (2) any necessary, related electronic equipment.

The City is also pledging up to \$1,000,000 for a Digital Equity Fund (“City’s Initial Contribution”) that will be used to pay the installation of costs of fiber to income-qualifying residents up to \$350 per unit. The Company will pay an annual digital equity dividend of \$85,000 in the Digital Equity Fund and half (50%) of the costs of bringing fiber to the income-qualifying residents as long as funds remain from the City’s Initial Contribution. After the City’s Initial Contribution of \$1,000,000 is expended from the fund, the Company will cover all (100%) of the installation costs of bringing fiber to income-qualifying residents.

In order to accomplish such Project and otherwise implement this Plan, the Redevelopment Commission recognizes and determines that tax increment revenues

derived from the Allocation Area, as well as other funds of the Redevelopment Commission legally available for such purposes, may be used for the following purposes, all of which shall be deemed to be a part of the Project or Projects contemplated by this Plan:

- To pay or finance the cost of the design, engineering and/or construction of various infrastructure improvements in or serving the Area (as well as demolition, in, serving, or benefiting the Area), including without limitation, (1) transportation enhancement projects including, without limitation, curbs, gutters, shoulders, street paving and construction, bridge improvements, rail crossings and spur track improvements, sidewalk and multiuse pathway improvements, street lighting, traffic signals, signage, parking lot improvements, and site improvements including landscape buffers; (2) utility infrastructure projects including, without limitation, utility relocation, water, sanitary sewer and/or storm water lines, water wells, water towers, pumping stations, lift stations, waste water lines, storm water lines, retention ponds, ditches, storm water basin improvements, and high-speed telecommunications and fiber-optic cable and related equipment, together with other similar utility costs or improvements; (3) public park improvements and recreational equipment; (4) job training and assistance as permitted under I.C. § 36-7-14-39(b)(3)(K) and I.C. § 36-7-25-7; (5) eligible efficiency projects as permitted under § 36-7-14-39(b)(3)(L); and (6) all projects related to any of the forgoing projects and all other purposes permitted by law. Although the precise nature of infrastructure that may be necessary from time to time to attract and retain prospective redevelopment and economic development opportunities in the Area cannot be predicted with certainty, the availability of adequate infrastructure is of fundamental importance in attracting and retaining such opportunities in the Area.
- To offset payments by developers on promissory notes in connection with economic development revenue bond financings undertaken by the City, or to pay principal or interest on economic development revenue bonds issued by the City to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Area. The provision of incentives by the application of tax increment revenues to offset developer promissory notes that secure economic development revenue bonds, or to pay principal or interest on economic development revenue bonds issued by the City to provide incentives to developers, in furtherance of the economic development or redevelopment purposes of the Allocation Area, has become an established financial tool and an increasingly common form of incentive for attracting economic development and redevelopment.
- To pay or finance the costs of the acquisition or design, engineering and/or construction of projects to enhance the cultural attractiveness of the entire City, including the portion thereof which comprises the Area.

- To pay or finance the costs of the acquisition or design, engineering and/or construction of projects to enhance the public safety of the entire City, including the portion thereof which comprises the Area.
- To pay or finance the costs of the design, engineering and/or construction and installation of public amenities such as street trees, street furniture, and wayfinding signage.
- To fund job training grants and assistance as permitted under I.C. § 36-7-14-39(b)(2)(K) and I.C. § 36-7-25.
- To provide financial incentives to new and existing businesses locating in the Area as permitted by law including targeted incentives to encourage the reuse and redevelopment of commercial structures in the Area.

Based on the development profile of the Area, the Redevelopment Commission has determined that the development of the Area will not proceed as planned without the contribution of tax increment revenues derived from the Allocation Areas to the Projects described above.

ACQUISITION OF PROPERTY

In connection with the accomplishment of the Plan, the Redevelopment Commission has no present plans to acquire any interests in real property. In the event the Redevelopment Commission determines to acquire any interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act. The Redevelopment Commission may not exercise the power of eminent domain.

THE PROCESS OF DESIGNATING AN ECONOMIC DEVELOPMENT AREA

The following represents a general narrative summary of the sequence of actions necessary to designate territory as an economic development area in the City. The designation of any tax increment allocation areas would be included in the process for the designation of an economic development area. Any future amendments to this Plan or to the declaratory resolution establishing the Area will be required to follow an identical process as described below.

Declaratory Resolution

To establish an economic development area, the Redevelopment Commission must first pass a declaratory resolution (the “Declaratory Resolution”) and adopt an economic development plan for the area. The Declaratory Resolution declares the intent of the Redevelopment Commission to create an economic development area.

Plan Commission Review

After passing the Declaratory Resolution, the Redevelopment Commission must then submit the Declaratory Resolution and the adopted economic development plan to the Bloomington Plan Commission (the “Plan Commission”) for review to assure that the

Declaratory Resolution and the economic development plan conform to the plan of development for the City. The Plan Commission is not charged with the responsibility of evaluating and approving the merits of the Declaratory Resolution or the economic development plan. Rather, the Plan Commission's task is to determine whether the Declaratory Resolution and economic development plan conform to the plan of development for the City, as contained in the previously established comprehensive plan for the City. While an economic development plan may contemplate an alteration of land use in the City in response to a specific economic development project, any required rezoning must be approved by the Plan Commission at the appropriate time.

Common Council Approval

Upon receiving the approvals of the Redevelopment Commission and the Plan Commission, the Declaratory Resolution and economic development plan must be submitted to the Common Council of the City (the "Common Council") for its approval before the economic development plan can be implemented. The Common Council may approve or reject the Plan.

Confirmatory Resolution

Upon receipt of approval by the Common Council, the Redevelopment Commission must then give notice and hold a public hearing wherein the Redevelopment Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings. Following the public hearing, the Redevelopment Commission must pass a resolution which confirms, or modifies and confirms, the Redevelopment Commission's Declaratory Resolution designating territory as an "economic development area" and adoption of the proposed economic development plan (the "Confirmatory Resolution"). The Redevelopment Commission is not required to take this action, but may consider whether such designation is still appropriate. If the Redevelopment Commission passes the Confirmatory Resolution, an economic development area is then finally declared and designated.

EXAMPLES OF HOW THE CITY INTENDS TO MEET THE STATUTORY FINDINGS

The Project

The fiber optic system planned by the Company will enhance economic development and improve the overall financial health of the City by enhancing efforts to expand and diversify the economy by attracting 21st century businesses which rely upon technology and require band width in order to locate in the City. It will also anticipated that the Project will lead to the direct creation of jobs and an increase in annual payroll.

It is crucial to the long term fiscal health of the City that it be positioned to attract technology driven businesses especially those in logistics, advanced manufacturing, energy and agriculture. The local workforce is trained in these vocations and additional training

will improve skill levels to a degree commensurate with those required in the aforementioned industries.

Acquisition of Property

In order to accomplish the Project, the Redevelopment Commission may acquire, without the use of eminent domain, properties and right-of-way in the Project areas. The Redevelopment Commission shall follow procedures in IC 36-7-14-19, in any current or future acquisition of property. The Redevelopment Commission may not exercise the power of eminent domain in an economic development area. The acquisition process may be needed in order to facilitate the plan. At this time, no acquisition of property is contemplated.

Disposal of Property

The Redevelopment Commission may dispose of real property, if any is acquired, by sale or lease to the public, after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. The Redevelopment Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 36-7-14-22. The Redevelopment Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired. At this time, the disposal of property is neither anticipated nor expected, but may occur in the future.

Financing the Projects

It is the intention of the Redevelopment Commission to create a TIF District and to capture all incremental depreciable personal property within the EDA in order to finance the necessary projects. It may be necessary to issue bonds sometime in the future, based on the incremental ad valorem property taxes allocated under IC 36-7-14-39, in order to raise money for property acquisition and completion of the Projects in the Area, or the Redevelopment Commission may choose to “pay-as-you-go”.

Either form of financing may be used for part, or all, of the following:

- (1) The cost of land, right of way and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, and construction, equipment, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and development of the Project or the issuance of bonds;
- (3) Interest on, and principal of, the bonds issued by the Commission for the project; and

- (4) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In conjunction with some form of financing, the Redevelopment Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. The lease is subject to the provision of IC 36-7-14-25.2 and IC 36-7-14-25.3.

Amendment of the Plan

By following the procedures specified in IC, 36-7-14-15 the Redevelopment Commission may amend the Plan for the Area.

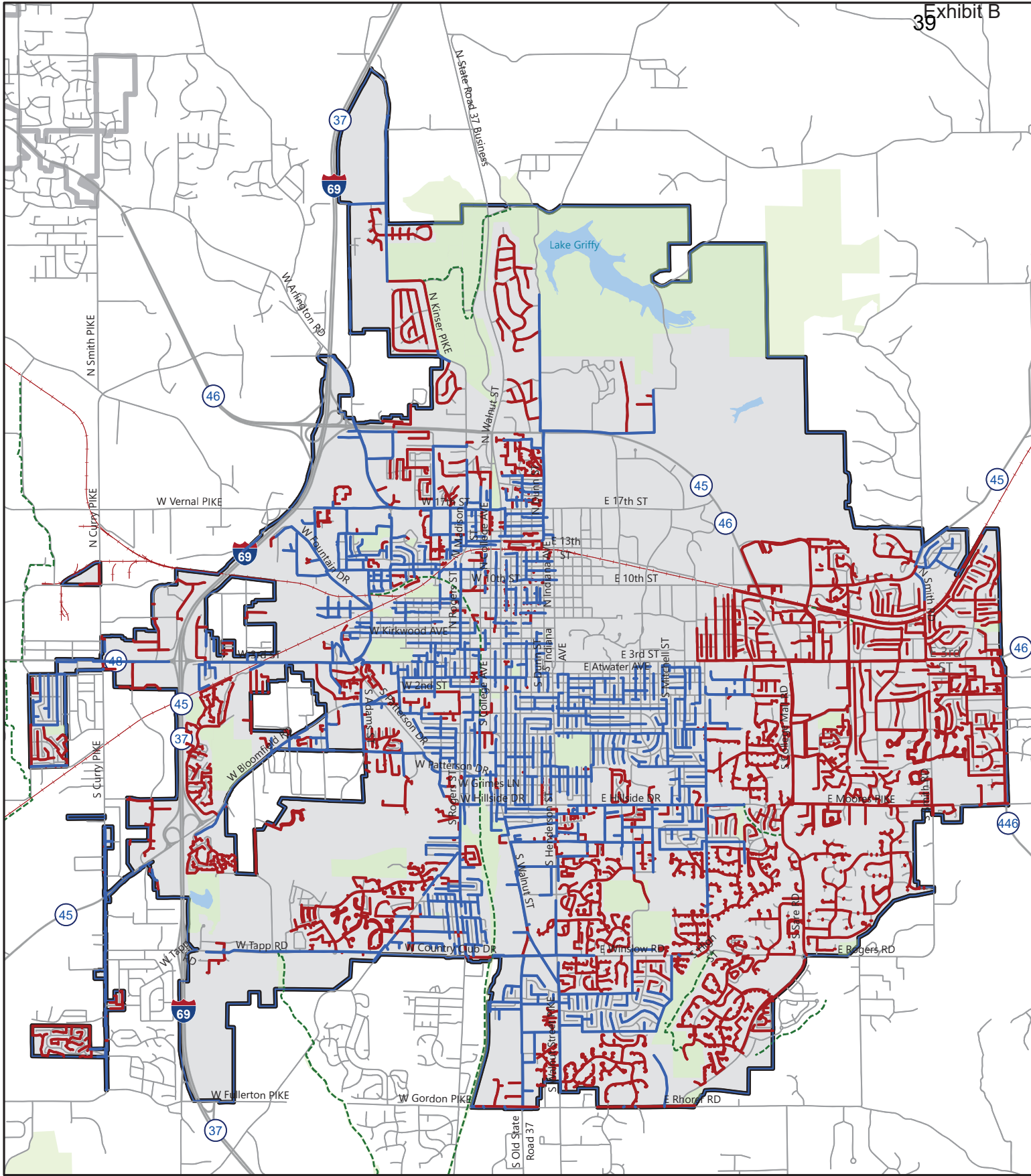
**FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN DECLARATORY RESOLUTION**

1. The Plan for the Meridian Economic Development Area (the “Area”) will promote significant opportunities for growth and the gainful employment of citizens of Bloomington, Indiana (the “City”) by providing the means to extend state of the art fiber optic lines and high speed internet services to the Area. This 21st century infrastructure is necessary to attract employers engaged in advanced manufacturing, logistics, distribution, food processing, energy, health care and value-added agriculture. This infrastructure will improve the City’s ability to attract employers as follows:
 - A. To locate in the Area, entities require sites that are shovel ready with all required infrastructure, including fiber optic broad band services. This Plan will provide a mechanism for allowing public funding for a portion of the costs of the fiber optic lines and electronic equipment required to bring high speed internet services to the Area.
 - B. The Plan provides for these services to be brought to publicly owned sites that are developed or will be developed as shovel ready sites suitable for development by entities that are engaged in logistics, distribution, food processing, energy, health care and value added agriculture.
2. The Plan:
 - A. Will promote significant opportunities for the gainful employment of the citizens of the City;
 - B. Is likely to attract major new business enterprises as a result of the existence of fiber optic and broadband services;
 - C. Enables the use of public funding to guide infrastructure design and construction and thus development in the Area to promote basic

employment and mixed uses of the land, to an extent individual property owners would not otherwise attain.

- D. Benefits the public health, safety, morals and welfare of the citizens of the City and State as follows: The Plan, when fully implemented, will add high-speed broadband services that are required in the transmission of medical records. Development of this 21st century infrastructure will permit the community to approach land use development, public services, resources and public investments in a positive manner; and
 - E. Increases the economic well-being of the City and the State of Indiana in direct alignment with the Governor's public statements of promoting economic development opportunity in Indiana through the extension of 21st century broadband services throughout the state, especially in rural areas.
3. The planning and development of the Area will benefit the public health, safety morals and welfare; it will increase the economic well-being of the City and the State and serve to protect and increase property values in the City and the State of Indiana.
 - A. The Plan will create new employment opportunities; and
 - B. The Plan will diversify the local economy and add employment opportunities that do not now exist and cannot exist without the addition of 21st century broadband fiber optics.
 4. The Plan for the Area cannot be achieved by the regulatory processes or by ordinary operation of private enterprise without resorting to IC 36-7-14 (the Redevelopment statutes) because of the lack of public improvements, the existence of geological impediments to industrial development and multiple ownership of land.
 5. The accomplishment of the Plan for the Area will be of public utility benefit, for the following reasons. First, based on discussions with the Company, it is the Redevelopment Commission's understanding that the full development of the Area, pursuant to the Plan will allow for the attraction of permanent high tech jobs in the City. Secondly, current employers in the City have indicated a need for updated fiber optic broadband services to transmit engineering, medical records, books and technical manuals. The expectation is that hundreds of local jobs will be preserved and retained as a result of implementation of the plan. This information has been developed through interviews with a number of existing employers. It is also estimated that, when fully developed in accordance with the Plan, the assessed value for real property and depreciable personal property will be significantly increased. Lastly, the Plan will promote and support industrial, general business, medical, office, logistic, distribution, food processing development and generate CAGIT, LOIT and CEDIT taxes which are of increasing importance with the adoption of property tax caps.

6. The Commission believes that the TIF District will generate, over time, along with federal, state and local funds, sufficient monies to fully implement the Plan.



ITS
Department
**City of
Bloomington**



Hoosier Networks (Meridiam)
Proposed Infrastructure



Municipal Boundary

Aerial

Underground



For use as map information only, information is NOT warranted.

Produced: 6/3/2022



Layout: MeridiamProposedInfrastructureMap
Project: MeridiamFiberPlanning



MEMORANDUM

To: Members of the City of Bloomington Common Council

From: Rick Dietz, IT Director; Larry D. Allen, Assistant City Attorney

CC: Jeffrey Underwood, Controller
Beth Cate, Corporation Counsel
Stephen Lucas, Attorney, Common Council

Date: June 3, 2022

Re: Ordinance 22-19; Resolution 22-13 — Conditional Financing Agreement for the Meridiam Fiber Expansion and Approval of Plan Commission Order for the Creation of the Meridiam Economic Development Area, Allocation Area, and Economic Development Plan

Meridiam SAS, a benefit corporation, has pledged to invest more than \$50 million in Bloomington to bring high-speed, fiber internet access to nearly every resident and neighborhood within the City. Meridiam will also establish a Bloomington-based company, Hoosier Networks, LLC, to own the network and contract with a third-party internet service provider, which will supply internet service to Bloomington residents in accordance with the negotiated Master Development Agreement. The City has pledged up to \$1 million to build out a digital equity program for City residents.

As part of its investment, the City has agreed to create a new economic development area and allocation area (also known as a “TIF District”) covering the fiber network lines and equipment necessary to build out the new fiber network. On June 6, 2022, the Redevelopment Commission approved a declaratory resolution creating the Meridiam Economic Development Area for Hoosier Networks, LLC’s business personal property. The new area will capture the tax increment from the additional fiber equipment and allow the funds to be reinvested by Hoosier Networks. No real property taxes will be affected by the new area.

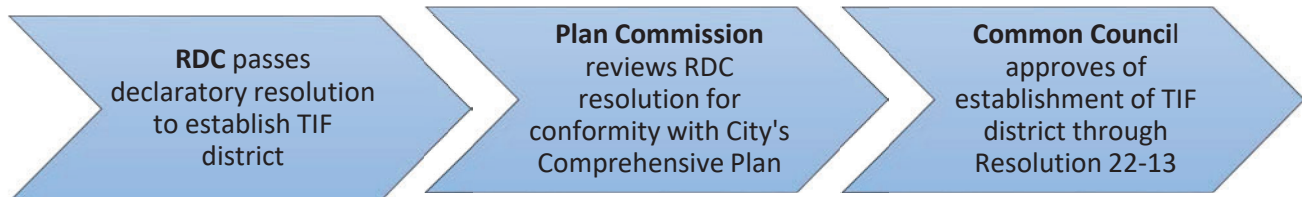
As part of creating the new area, the City is entering into a financing agreement and a conditional expenditure agreement with Hoosier Networks, LLC, by which they will receive 95% of the captured increment financing from the Meridiam Economic Development Area for 20 years. The City’s Redevelopment Commission will keep 5% of the increment to cover the costs of administering the new development area.

The approvals coming to the Common Council to facilitate this project are two-fold: (1) Ordinance 22-19 approves the Conditional Project Expenditure and Financing Agreements pursuant to Indiana Code Chapter 36-7-12, which will allow for the captured increment to be shared with Hoosier Networks, LLC for the 20 years under the terms of the Agreement; and (2) Resolution 22-13 approves and issues an order from the Plan Commission that authorizes the creation of the Meridiam Economic Development Area and confirms that the economic development plan related to the creation of the area conforms with the City’s [Comprehensive Plan](#).

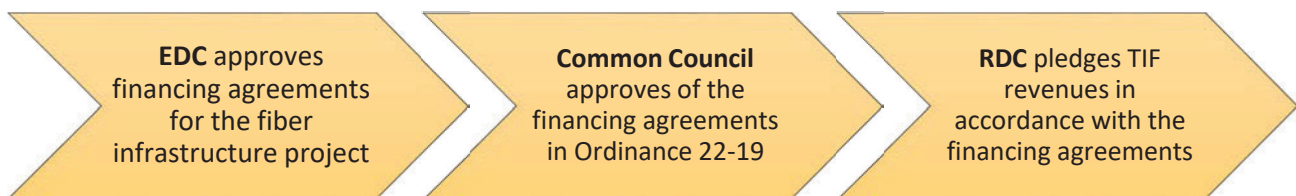
The process for creating this TIF is described in more detail below. Briefly, four government authorities are involved: the Redevelopment Commission (RDC), the Economic Development Commission (EDC), the Plan Commission, and the Council.

Briefly, here is what each of these authorities do as part of the TIF creation and project financing process:

Resolution 22-13: Process for TIF Creation



Ordinance 22-19: Financing the Project through Pledged TIF Revenues



Background

Since 2016, the City of Bloomington has sought a partner to bring affordable high-speed fiber internet connectivity to residents and businesses. On April 1, 2016, the City issued a request for information soliciting project designs from internet service providers. The goals of the City's project were to cover all parts of the community with high speed internet, have an open, competitive network in the City that operated on net neutrality principles and was fairly priced, create a sustainable business model for the network, and bridge the digital access divide among our citizens. From 2016 to 2021, numerous potential providers engaged in talks with the City, but ultimately could not commit to meeting the City's goals for broadband access.

In August 2021, the City signed a letter of intent with Meridium where the parties committed to working on a master development agreement and digital equity initiative and assessing potential sites around the City and the current inventory of City conduit. The estimated network build-out time is three (3) years. The project also will allow expansion in the annexation areas approved in 2021, once those areas are finally authorized under the law. Meridium committed to invest more than \$50 million to install a gigabit speed fiber network, allow for an open-access network after a limited period of exclusive service, provide at least 85% community coverage, keep the costs of the internet service competitive, and engage with the City for a robust digital equity initiative.

As part of the digital equity initiative, income-eligible residents would receive 250 MB per second minimum upload and download speed with no upfront connection fee and an effective service cost of \$0

per month after available subsidies are applied, e.g. \$30/month fee but with a \$30/month Affordable Connectivity Program (ACP) subsidy. The eligibility requirements for the initiative would be simple and include anyone who is already eligible or receiving benefits from SNAP, TANF, SSI OASDI, or Indiana Department of Education free or reduced meals.

The City is also pledging up to \$1,000,000 for a Digital Equity Fund (“City’s Initial Contribution”) that will be used to pay half (50%) of the costs of installing fiber to income-qualifying residents, up to \$350 per unit. Meridiam will pay an annual digital equity dividend of \$85,000 in the Digital Equity Fund and half (50%) of the costs of bringing fiber to the income-qualifying residents as long as funds remain from the City’s Initial Contribution. After the City’s Initial Contribution of \$1,000,000 is expended from the fund, Meridiam will cover all (100%) of the installation costs of bringing fiber to income-qualifying residents.

In exchange, the City committed to creating an economic development area, also known as a tax increment financing (TIF) district, to cover the fiber infrastructure and equipment for the project. This type of TIF district is often called a “spider TIF” because it covers the fiber lines throughout the corporate boundaries and appears to look like a spider’s web when mapped out. As part of the creation of the TIF district, the City would return 95% of the captured personal property tax increment to Hoosier Networks/Meridiam. Two agreements – a Conditional Project Expenditure and a Financing Agreement – would be used to return to the company this share of the personal property tax increment. These agreements are explained below.

About Meridiam

Meridiam is a benefit corporation that acts as a public infrastructure developer, investor, and manager specializing in greenfield infrastructure. It is committed to delivering sustainable and resilient projects that positively impact communities for the long term. As a mission-driven firm built on Environmental, Social and Corporate Governance (ESG) and Sustainable Development Goals (SDG), Meridiam believes sustainability can be best achieved if it is incorporated into the financing, design, building, operating, and the long-term maintenance of infrastructure projects, and is rigorously measured.

Meridiam operates in primary key sectors of sustainable mobility (including roads, rail, tramways, airports, electric buses, and electric vehicle charging points), innovative low carbon solutions (including water and waste facilities and energy efficiency projects), and critical public services (including healthcare, schools, public buildings, and digital infrastructure). Meridiam invests globally in approximately 100 projects and assets under development, construction, or operation, in 26 countries representing \$18 billion USD in assets under management.

Meridiam is active in North America with a significant investment and project portfolio, a 15-year track record, and extensive industry expertise. At present, Meridiam manages 17 different infrastructure projects in the US and Canada and continues to develop new projects.

As part of this project, Meridiam would establish a Bloomington-based company, Hoosier Networks, LLC, to own and operate the fiber infrastructure that would be installed in the Bloomington area. That company would then contract with a third-party internet service provider to serve the Bloomington community through the network.

What is an Economic Development Area and Allocation Area/TIF District

A tax increment financing (TIF) district is an area in which a local redevelopment commission may capture incremental tax revenues above a base tax and use them to invest into redevelopment of the area, necessary infrastructure, debt financing, and public improvements. In Indiana property tax revenues are collected on the assessed value of real and personal property in the area and distributed proportionally across the applicable governmental and taxing districts (such as the school corporation). A TIF district fixes the assessed value of property for a period of years that makes up the lifespan of the TIF district. The applicable governmental units will continue to collect their tax revenue on the property throughout the life of the TIF district on the original assessed value that was fixed when the TIF district was created.¹ For any amount the assessed value of the property grows over the life of the district, that incremental tax revenue will be captured by the TIF district and will be eligible for use in development and redevelopment in the area. Upon the expiration of the TIF district, the governmental units will begin to collect revenues on the basis of the increased assessed value. Here is a graph that depicts how this process works:

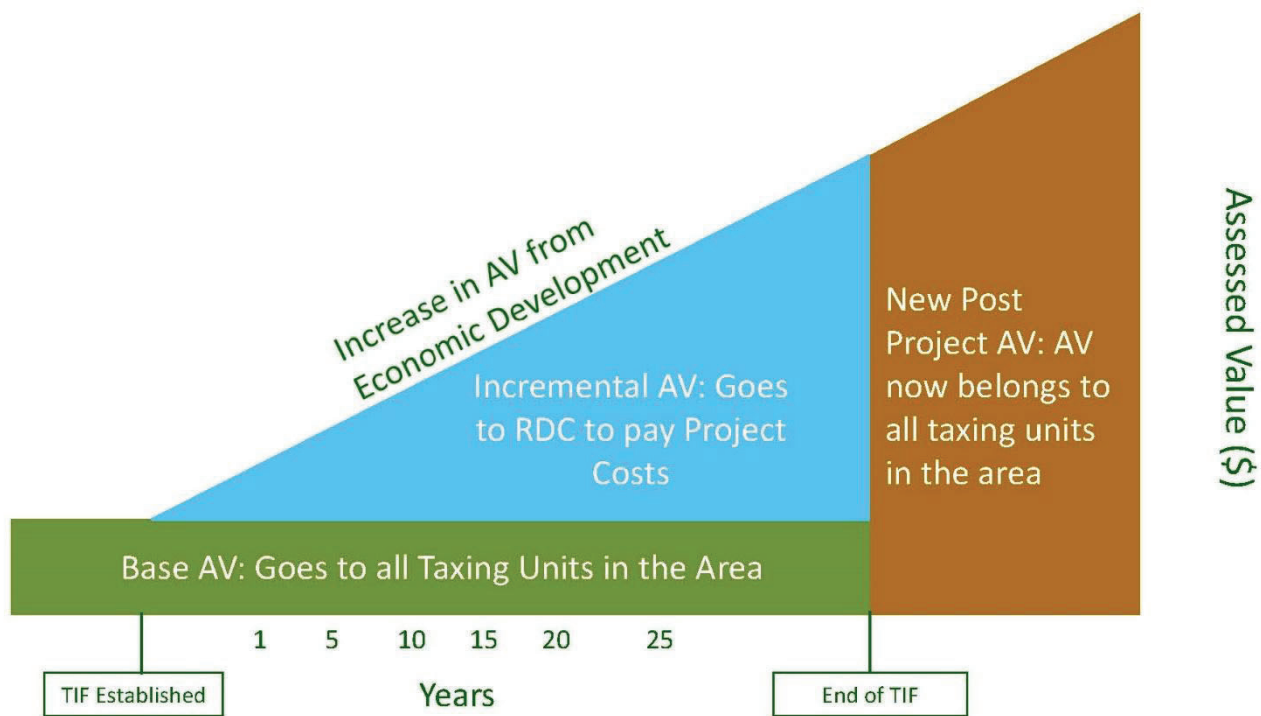


Figure 1

In order to set up a TIF district, the redevelopment commission (RDC) must first establish the boundaries of an “economic development area” or an “area needing redevelopment.” An economic development area is the area where eligible TIF funds are to be expended. To establish the area, the redevelopment commission also has to prepare an economic development plan for the area, which includes a description of the economic development area, maps and plats of the area, list of properties to be acquired if any, estimated costs of acquisition and economic development, and a list of projects

¹ One important point is that some special tax revenues, such as those generated by a school district referendum, are not captured by the TIF, and still go directly to the unit—a school district in the case of referendum tax rates.

in the plan. The commission also has to make the following statutorily-required findings for the development plan:

- The Economic Development Plan (1) promotes significant opportunity for gainful employment of its citizens, (2) attracts a major new business enterprise to the unit, (3) retains or expands a significant business enterprises existing in the boundaries of the unit, (4) or meets other purposes of the statute;
- The plan cannot be achieved by ordinary regulatory processes or by the ordinary operation of private enterprise without resorting to the powers under Ind. Code Chapter 36-7-14 because of (1) lack of local public improvement, (2) existence of improvements or conditions that lower the value of the land below that of nearby land, (3) multiple ownership of land, or (4) other similar conditions;
- The public health and welfare will be benefited by accomplishment of the Economic Development Plan for the Economic Development Area;
- The accomplishment of the Economic Development Plan for the area will be a public utility and benefit as measured by (1) the attraction or retention of permanent jobs, (2) increase in property tax base, (3) improved diversity of the economic base, or (4) other similar public benefits.

Allocation Area/TIF District and Process

Once the RDC designates the boundaries of the economic development area, the RDC passes a declaratory resolution that establishes the economic development area (EDA), an allocation area inside the EDA which is the property on which the incremental assessed value will be based (and the boundaries of which can include the entire EDA), and the economic development plan.

Once approved by the RDC, the declaratory resolution goes to the Plan Commission, which considers whether the Economic Development Plan is compatible with the City's development plan, which is the City of [Bloomington's Comprehensive Plan](#). After the Plan Commission adopts the declaratory resolution approving the compatibility of the Economic Development Plan with the Comprehensive Plan, the Common Council considers an approving resolution that confirms the Plan Commission's findings and approves the designation of the EDA. Upon Common Council's approval, the RDC prepares a tax impact statement for distribution to the taxing units and publishes notice of a public hearing. At least 10 days after the notice is published, the RDC holds a public hearing and votes on a confirmatory resolution to establish the EDA. Within 30 days after the RDC adopts its confirmatory resolution, it must file supporting documents with the county auditor and the Indiana Department of Local Government Finance.

Fiber Network/Meridian TIF

For this project we have proposed an economic development area that encompasses the current corporate boundaries of the City and only applies to Hoosier Networks, LLC's tangible personal property, i.e. the gigabit fiber network and the supporting equipment. The allocation area would be wherever the fiber infrastructure is installed in the City, as depicted in Figure 2.

The infrastructure anticipated includes both above ground and below ground lines, and will have to serve at least 85% of the City. This type of TIF district is commonly called a "Spider TIF" because it follows the lines of the utility through the area. Because this TIF only covers personal property and not

real property (land), it is not subject to state code saying that any particular parcel of real property can only be in a single TIF district. This means that the TIF lines may overlap and exist in areas that are already covered by another TIF.

The RDC approved the EDA and allocation area in its Resolution 22-33. The TIF district this Resolution creates would last for 20 years. The Plan Commission, in its Resolution RS-23-22, acted next and found that the RDC's Economic Development Plan conformed the City's Comprehensive Plan and approved the RDC's resolution. The final step in establishing the TIF district is for the Common Council to approve the Plan Commission's findings in Council Resolution 22-13.

If approved by the Common Council, the RDC will hold its public hearing and vote on a confirmatory resolution on Tuesday, July 5th.

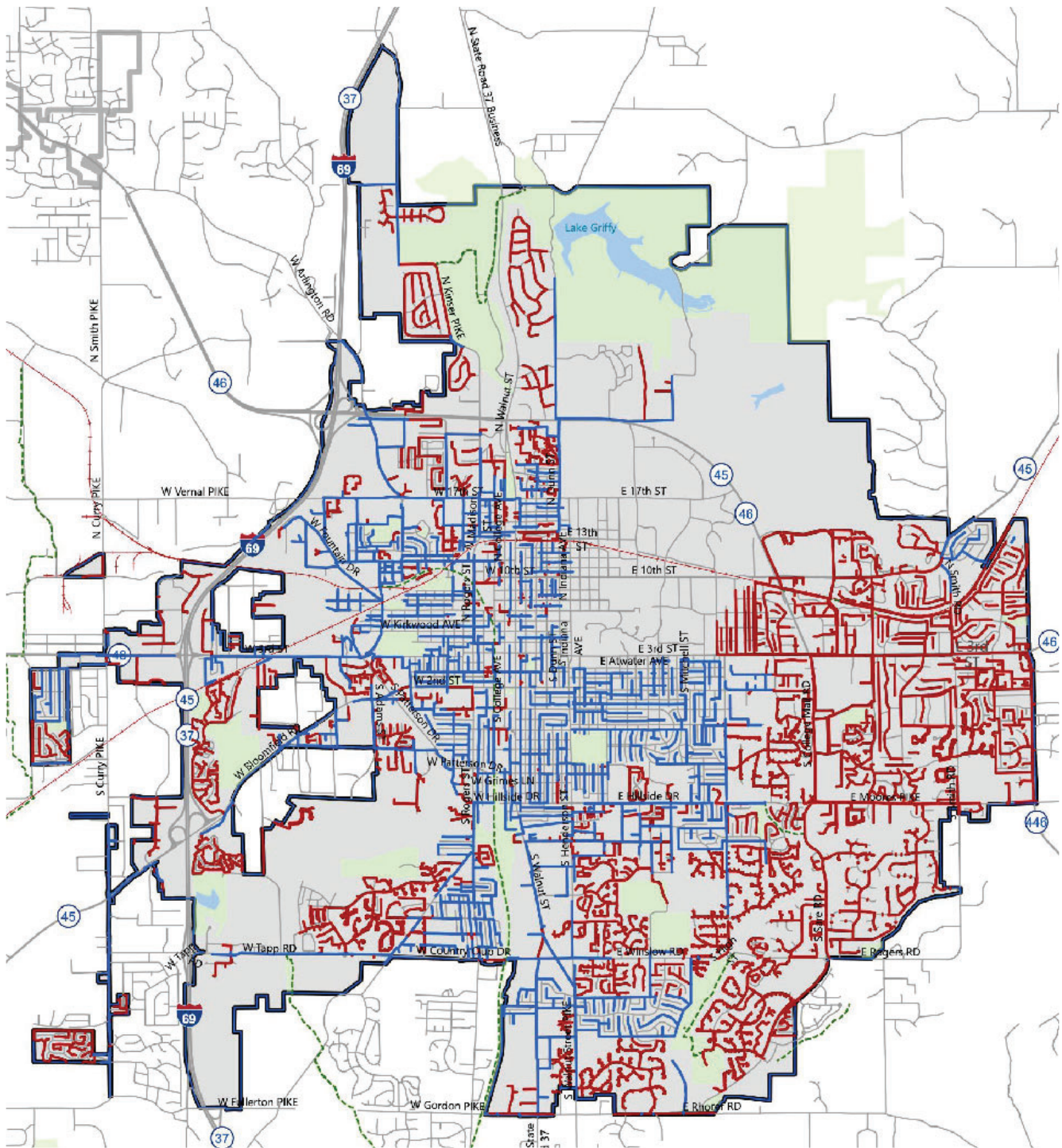


Figure 2

Financing Agreements

To finance the installation and maintenance of the fiber network, the City will pledge 95% of the TIF revenues received by the allocation area for 20 years through a Conditional Project Expenditure Agreement (Exhibit A to Ordinance 22-19) and Financing Agreement (Exhibit B to Ordinance 22-19) with Hoosier Networks, LLC pursuant to Indiana Code Chapters 36-7-11.9 and 36-7-12 (“The Act”). The Act authorizes and empowers the City to enter into agreements with companies allowing the companies to construct economic development facilities, which include infrastructure improvements

and related equipment. The Conditional Project Expenditure Agreement operates as the pledge of 95% of the TIF revenue to the fiber project. The Financing Agreement provides the terms and conditions for the use of the TIF revenue by Hoosier Networks, LLC.

The expenditures approved by these agreements would not be payable from general tax revenue or be a general obligation of the City; they would be payable solely from the TIF revenue of the Meridiam Allocation Area. As a result, this project has no effect on the City's constitutional debt limit or bank qualified limit.

Procedure of Financing Agreements

The process for approving the Conditional Project Expenditure Agreement and Financing Agreement is governed by the same state code provisions (I.C. 36-7-11.9 and I.C. 36-7-12) that govern issuing economic development bonds, which the City has done previously for a variety of projects throughout the City. Under these provisions, the EDC holds a public hearing to approve the agreements, and then the City Council approves the agreements by Ordinance.

On Tuesday, June 14, 2022, the Economic Development Commission will hold its public hearing regarding approval of the agreements. Council will then consider final approval of the agreements via Ordinance 22-19 on Wednesday, June 15th.

Timeline and Public Meetings

June 1 - Council First Reading of Ordinance 22-19

June 3 - Publication of Notice of Public Hearing before the Economic Development Commission

June 6 – Redevelopment Commission Meeting on Declaratory Resolution and Economic Development Plan (EDP)

June 8 - Council Committee of the Whole Consideration of Council Ordinance and Resolution

June 13 - Plan Commission Meeting to adopt resolution finding that the RDC's Declaratory Resolution conforms to City's development plan

June 14 - EDC Meeting and public hearing on financing documents (incentive agreement)

June 15 - Council meeting to for second reading and approval of (1) Ordinance regarding incentive agreement and (2) Plan Commission resolution approving RDC declaratory resolution/EDP

June 21 - Board of Public Works Meeting - Resolution on Hoosier Network, LLC's use of City conduit

June 23 - Publication of Notice of Public Hearing before the RDC

July 5 - RDC meeting for public hearing and adoption of confirmatory resolution and pledge resolution to incentive agreement

Case #s ZO-10-22 through ZO-12-22 Memo

To: Bloomington Plan Commission

From: Jackie Scanlan, AICP Development Services Manager

Date: June 13, 2022

Re: Text Amendments to Unified Development Ordinance: Returned from Council

The Plan Commission heard cases ZO-10-22, ZO-11-22, and ZO-12-22 on March 14, 2022 and sent all three to the Common Council with positive recommendations. All three petitions were amended by the Common Council at its May 18th Regular Session, and are being returned to the Plan Commission. A memo from the Common Council describing the amendments, a copy of each amendment, and the original information provided to the Common Council are included for each petition.



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

May 20, 2022

City of Bloomington Plan Commission
401 North Morton Street, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City's zoning ordinance, to return the proposal and the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On March 23, 2022, the Common Council received certification of the Plan Commission's action on the proposal to amend certain provisions of the Unified Development Ordinance, which came forward as Ordinance 22-08 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.

At a Regular Session on May 18, 2022, after having met in Committee of the Whole on May 11, 2022, the Common Council approved Ordinance 22-08 by a vote of 9-0, with two amendments. Attached to this correspondence are copies of the following records:

- Ordinance 22-08, signed by the Council President;
- Attachment A to Ord 22-08, consisting of ZO-10-22, the proposal forwarded to the Council by the Plan Commission;
- Attachment B to Ord 22-08, consisting of Council amendments to ZO-10-22, which includes:
 - Amendment 01, including a written statement of the reasons for the amendment;
 - Amendment 02, including a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on Ordinance 22-08 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

Susan Sandberg, President
Bloomington Common Council

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

- WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and
- WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and
- WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and
- WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and
- WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and
- WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and
- WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and
- WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and
- WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:
- 1) the Comprehensive Plan;
 - 2) current conditions and character of current structures and uses in each district;
 - 3) the most desirable use for which land in each district is adapted;
 - 4) the conservation of property values throughout the jurisdiction; and
 - 5) responsible development and growth; and

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

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

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


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

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

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


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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of May, 2022.



 SUSAN SANDBERG, President
 Bloomington Common Council

ATTEST:



 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

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

Note: At the May 18, 2022 Regular Session, the Council adopted the following amendments:

- *AM 01 – correcting typographical errors in the ordinance; and*
- *AM 02 – removing three proposed Notes under Table 02-11 that would have affected mixed-use district dimensional standards in a specified geographical area.*

****ORDINANCE CERTIFICATION****

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



Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

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


 Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
---------------------------	-------------------------------------	--------------

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	Emergency
Unforeseen Need	Other

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

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

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

Case # ZO-10-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

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

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

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

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

1. ZO-10-22 | Technical Corrections

ZO-10-22 | Technical Corrections

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

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Figure 10: RM Dimensional Standards

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

(1) Purpose

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



Figure 11: Illustrative Scale and Character

(2) Dimensional Standards

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

Table 02-11: MM District Dimensional Standards

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

Notes:

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

(B) Dimensional Standards

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

Table 02-15: MD-CS Dimensional Standards

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

Notes:

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



Figure 28: MD-CS Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

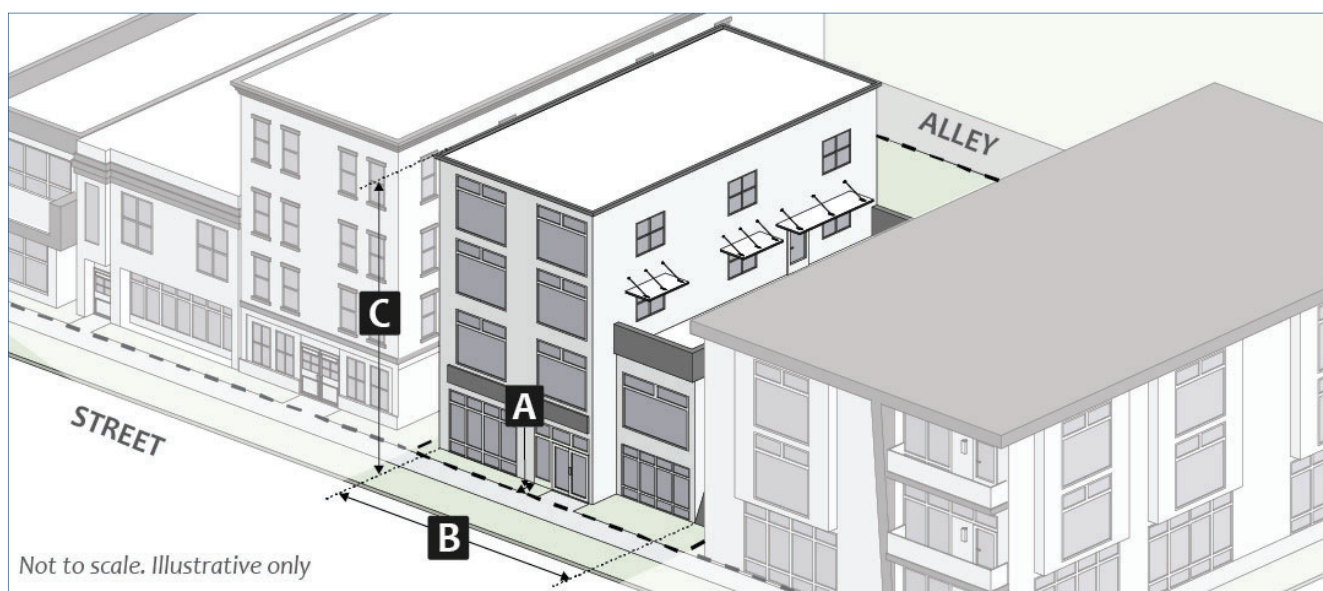
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-16: MD-DC Dimensional Standards

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

Notes:

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

**Figure 30: MD-DC Downtown Character Overlay Dimensional Standards**

(B) Dimensional Standards

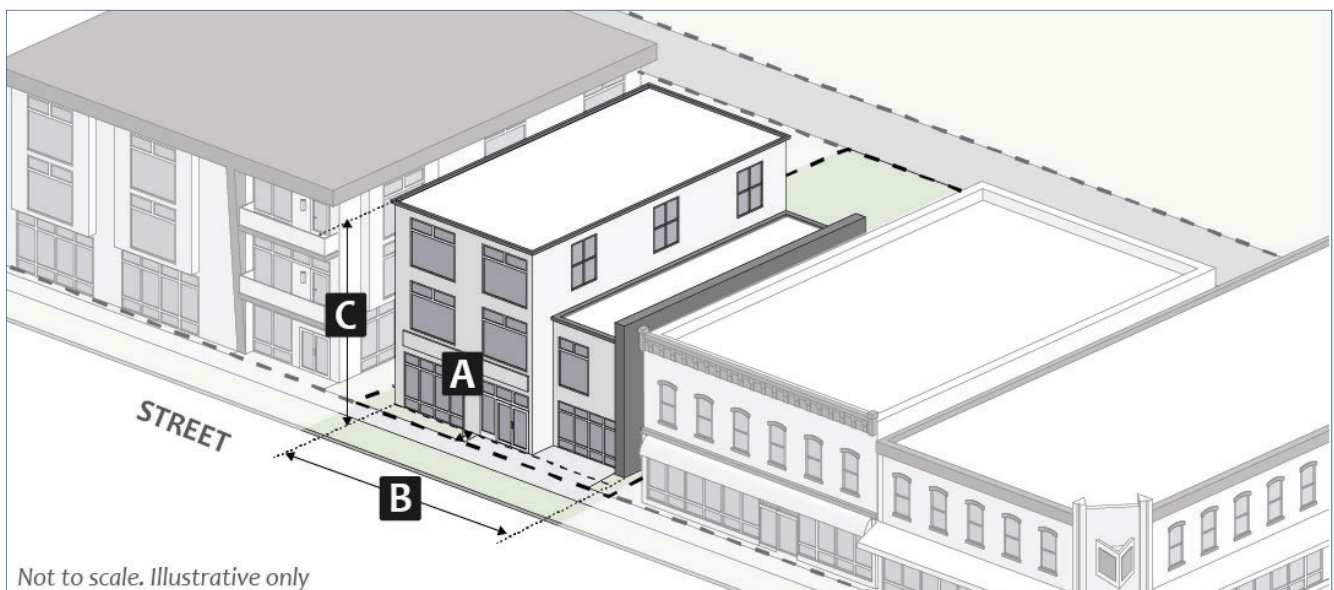
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-17: MD-UV Dimensional Standards

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

Notes:

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



(B) Dimensional Standards

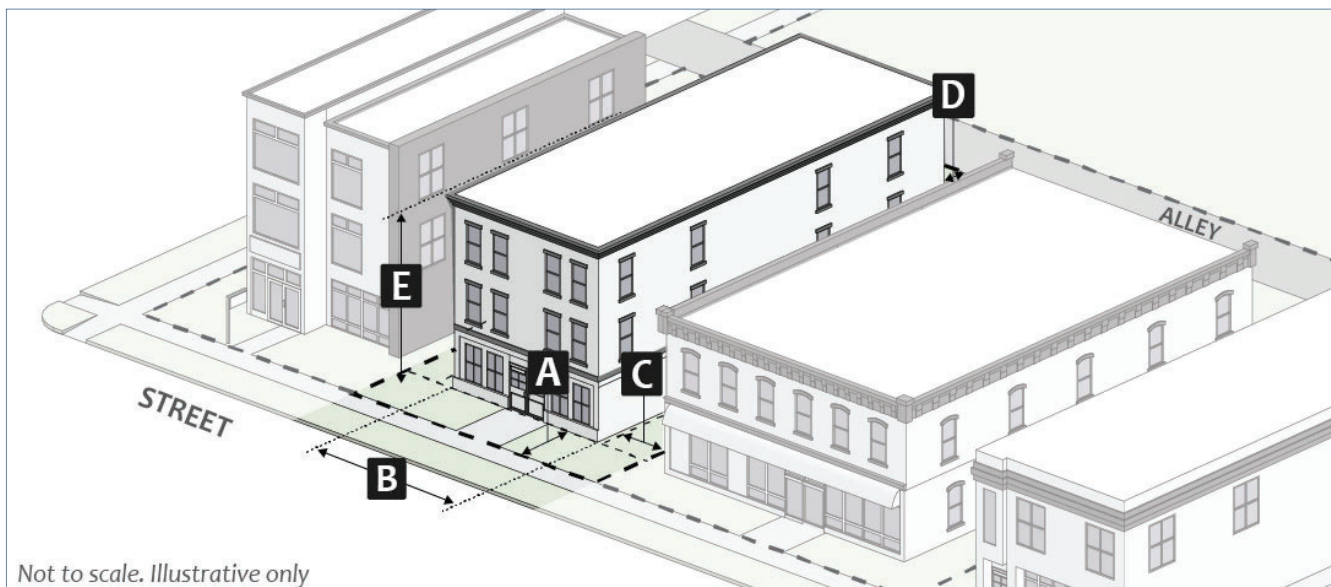
The following table is a summary of the character area specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-18: MD-DE Dimensional Standards

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

Notes:

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

**Figure 34: MD-DE Downtown Character Overlay Dimensional Standards**

(B) Dimensional Standards

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

Table 02-19: MD-DG Dimensional Standards

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

Notes:

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

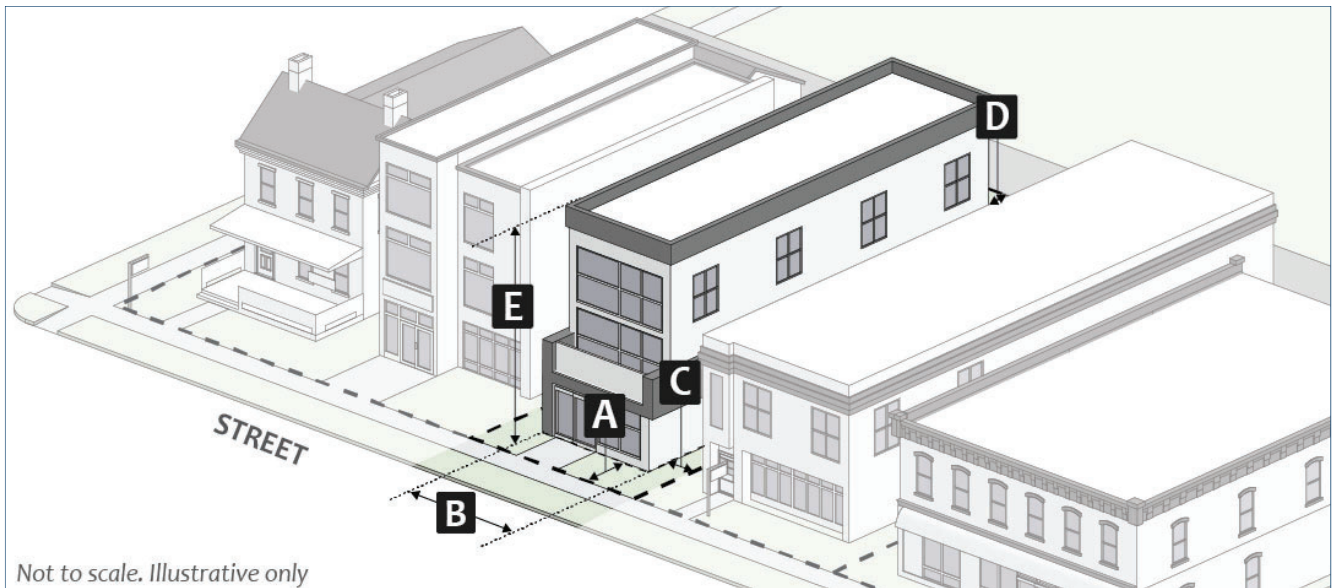


Figure 36: MD-DG Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-20: MD-ST Dimensional Standards

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

Notes:

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

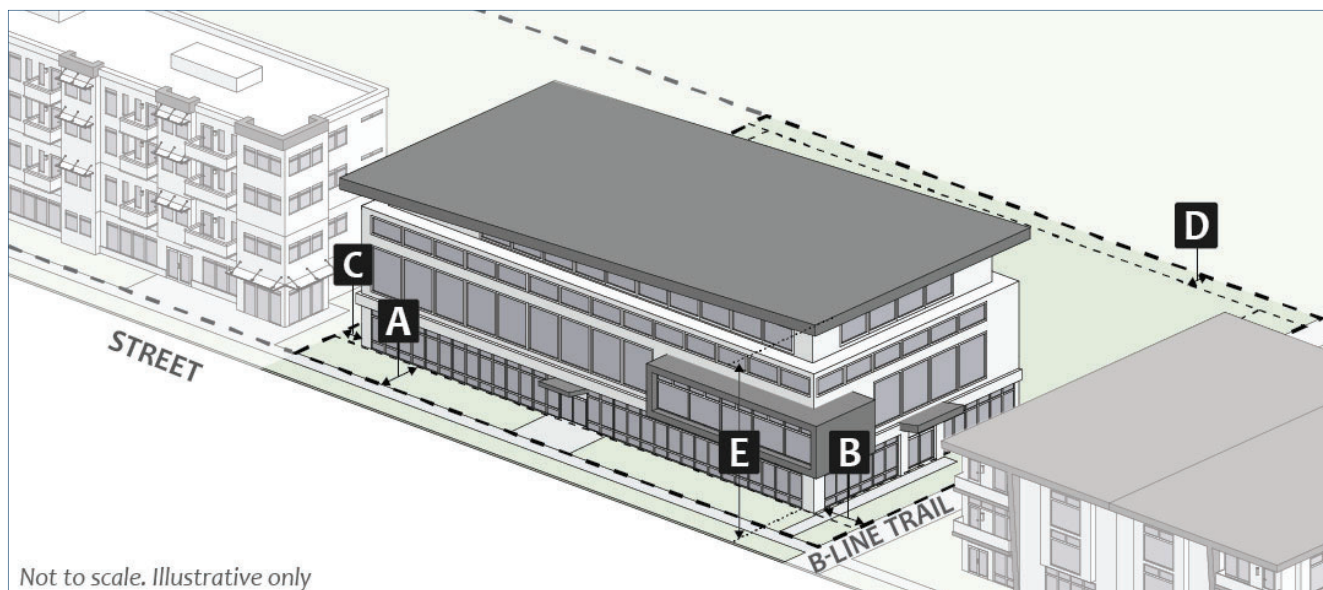
**Figure 38: MD-ST Downtown Character Overlay Dimensional Standards**

Table 02-28: Façade Materials

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

Notes:

[1] All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.

[2] May only be used as a secondary façade material on floors above the first floor.

(10) Design Guidelines

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

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

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

(12) Residential Rooming House

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

(13) Student Housing or Dormitory

(A) Ground Floor Parking

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

(B) Location

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

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

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

(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~2,500~~ 2,000 square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be ~~5,000~~ 3,000 square feet per building~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.

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

(D) Building Height

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

(7) Sexually Oriented Business**(A) Purpose**

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

(B) Location

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

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

~~vi. Homeless Shelter;~~

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

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

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

(C) PUDs

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

(D) Exterior Display

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

(8) Bed and Breakfast

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

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

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

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

Table 04-4: Downtown Character Overlay Dimensional Standards

sq. ft. = square feet

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

Table 04-6: Authorized Exceptions to Setback Requirements

DU = dwelling unit

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

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

(4) Through Lots

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

(f) Building Height

(1) Measurement

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

(A) Stories

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

(C) Vertical Clear Area

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

(d) Pedestrian and Bicycle Circulation

(1) Purpose

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

(2) Applicability

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

(3) Inspection and Acceptance

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

(4) Pedestrian Network Required

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

(5) Type of Pedestrian Facility

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

(6) Width

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

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

(g) Adjustments to Minimum Parking Requirements

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

(1) Shared Parking Facilities

(A) Generally

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

(B) Shared Parking Agreement

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

(2) Proximity to Transit

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

(3) Affordable and Senior Housing

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

(D) Tree Grates

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

(E) Vision Clearance(4)

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

(4)(5) **MD District****(A) Generally**

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

(B) Alternatives

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

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

(g) Buffer Yards

(1) Purpose

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

(2) General Standards**(A) Responsibility**

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

20.06.030 Summary Table of Review Procedures

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

Table 06-1: Summary Table of Review Procedures

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

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

(b) Conditional Use Permit**(1) Purpose**

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

(2) Applicability

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

(3) Conditional Use Permit Review Process

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

Figure 06.05-3: Summary of Conditional Use Permit Procedure

**(A) Pre-Submittal Activities**

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

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

iv. Quarry Adaptive Re-Use

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

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

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

vi. Commitments

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

(A) Pre-Submittal Activities

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

(B) Petition Submittal and Processing

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

(C) Staff Review and Action

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

(D) Scheduling and Notice of Public Hearings

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

(E) Review and Decision

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

i. Development Standards Variance

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

1. General Approval Criteria

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

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

2. Review Criteria

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

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

iii. Commitments

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

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

Ground Floor

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

Group Care Home, FHA, Small and Large

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

Group Home, FHA Small

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

Group Care Home, FHA Large

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

Gym

See "Fitness Center."

Habitable Space

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

HAND

The City of Bloomington Department of Housing and Neighborhood Development.

Hardship

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

Health Club

See "Fitness Center."

Hearing Officer

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

Height, Building

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

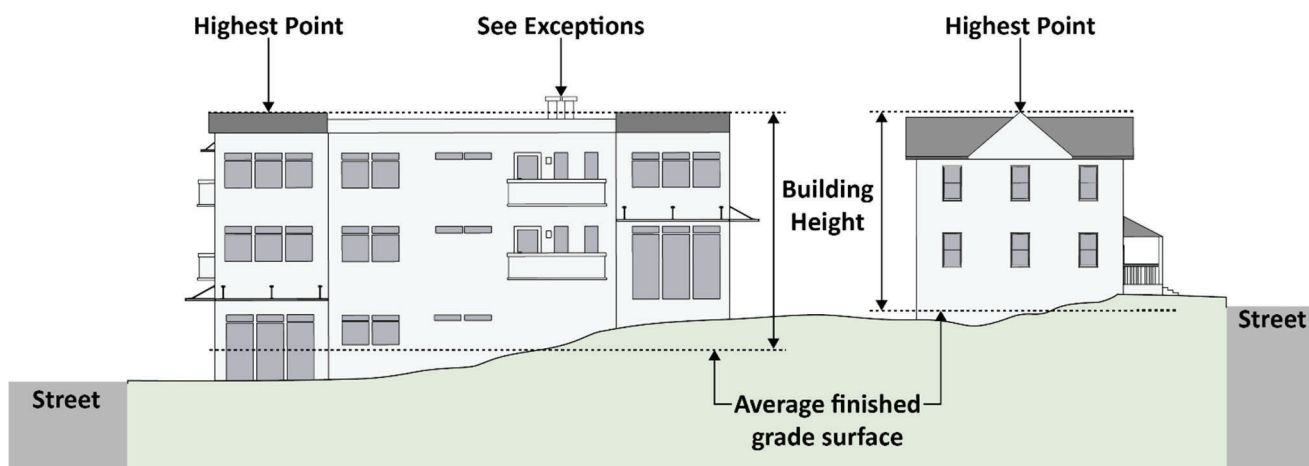


Figure 6: Building Height

Highest Adjacent Grade

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

Highly Erodible Soils

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

Home Occupation

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

Hospital

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

Hotel or Motel

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

Recycling Drop-Off, Self-Serve

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

Regular Program

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

Regulatory Flood

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

Regulatory Flood Elevation

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

Repetitive Loss

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

Rescue Station

See "Police/fire/rescue station."

Residential Care Home

See "Group home/residential care home."

Residential Rooming House

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

Rest Home

See "Nursing or Convalescent Home."

Restaurant

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

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

115	112	4	20.04.020 Table 04-6	"Handicap Ramp"	"Accessible Ramp" All concrete sidewalk and asphalt path improvements shall be constructed as per City Planning and Transportation Department and Engineering Department requirements. Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled- people with disabilities All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces per the Indiana Manual on Uniform Traffic Control Devices. Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Engineering Department. The table shows that staff can only review and make recommendation on secondary plat.	Modifying language to be reflect preferred terminology
141	138	4	20.04.050(d)(4)(B)	Pedestrian facility requirements	Adding Engineering Department for pedestrian facility specifications.	
154	150	4	20.04.060(f)	Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled	Modifying language to be reflect preferred terminology	
154	150	4	20.04.060(f)	All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces	Updating language to specifically reference State guidelines	
188	181	4	20.04.080(f)(3)(E)(iii)	Locations for street trees within 50 feet of an intersection shall be approved by the City Planning and Transportation Department.	Name change to reflect creation of Engineering Department	
257	249	6	20.06.030 Table 06-1	Table shows that staff can only review and make recommendation on secondary plat.	Updates table to reflect an amendment made last year.	
388	380	7	20.07.010	Group Care Home, FHAA, Small and Large- A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."	Modifying language to be reflect preferred terminology	
390	381	7	20.07.010	Home Occupation: An activity or occupation carried on within a dwelling by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation.	Modifies definition of home occupation to allow clarify they can be done in accessory structure when appropriate.	
407	398	7	20.07.010	A building that the owner of the property occupies as their primary residence, in which, lodging, with or without meals, is provided for compensation, including but not limited to: or a building designed as a single-family dwelling, that is occupied by a group of persons, usually for periods of 30 days or longer, that do not meet the definition of "Family," where the use does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Residential Care Facility," or "Hotel or Motel."	Fixes grammatical error	

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

Ordinance #: 22-08
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith
Date: May 18, 2022
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-08 as “Attachment A” (ZO-10-22) shall be amended as follows (only affected portions of the proposal are shown below):

20.04.080 Landscaping, Buffering, and Fences

(f) Street Trees

(3) Location

(E) Vision Clearance

~~(4)~~

- 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 50 feet of an intersection.
- iii. Locations for street trees within 50 feet of an intersection shall be approved by the City Engineering Department.
- iv. Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

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

Synopsis and Reason for Amendment

This amendment corrects typographical errors in the ordinance.

Committee Recommendation:
Regular Session Action:

N/A
ADOPTED 8-0

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

Ordinance #: 22-08
Amendment #: Am 02
Submitted By: Cm. Flaherty
Date: May 18, 2022
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-08 as “Attachment A” (ZO-10-22) shall be amended as follows (only affected portions of the proposal are shown below):

1.

Table 02-11: MM District Dimensional Standards

Notes:

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

Synopsis

This amendment is sponsored by Cm. Flaherty. It removes three proposed Notes under Table 02-11 that would affect mixed-use district dimensional standards in a specified geographical area. Such standards would be more appropriately proposed as part of an Overlay Zoning District for the area in question.

Committee Recommendation:
Regular Session Action:

N/A
ADOPTED 9-0



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

May 20, 2022

City of Bloomington Plan Commission
401 North Morton Street, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City's zoning ordinance, to return the proposal and the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On March 23, 2022, the Common Council received certification of the Plan Commission's action on the proposal to amend certain provisions of the Unified Development Ordinance, which came forward as Ordinance 22-09 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.03.

At a Regular Session on May 18, 2022, after having met in Committee of the Whole on May 11, 2022, the Common Council approved Ordinance 22-09 by a vote of 9-0, with one amendment. Attached to this correspondence are copies of the following records:

- Ordinance 22-09, signed by the Council President;
- Attachment A to Ord 22-09, consisting of ZO-11-22, the proposal forwarded to the Council by the Plan Commission;
- Attachment B to Ord 22-09, consisting of Council amendments to ZO-11-22, which includes:
 - Amendment 01, including a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on Ordinance 22-09 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

Susan Sandberg, President
Bloomington Common Council

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE CERTIFICATION

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

Date: March 23, 2022



Scott Robinson, Secretary
Plan Commission

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



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No XX

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

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

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

Case # ZO-11-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

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

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

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

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

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

ZO-11-22 | Chapter 3: Use Regulations

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

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

1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. In the R4 zoning district, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than 12 bedrooms total.
 - iv. Each individual dwelling unit shall have separate utility meters.

(5) Dwelling, Multifamily

(A) Ground Floor Parking

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

(B) Size

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

(C) Building Floor Plate

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

~~(C)~~(D) Ground Floor Units

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

(6) Dwelling, Live/Work

- (A) The residential unit shall be located above or behind the nonresidential areas of the structure.
- (B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.
- (D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the unit.
- (E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- (F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

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

(12) Residential Rooming House

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

(13) Student Housing or Dormitory

(A) Ground Floor Parking

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

(B) Location

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

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

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

(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be ~~2,500~~ 2,000 square feet per ~~lot~~ building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be ~~5,000~~ 3,000 square feet per building~~lot~~, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.

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

(D) Building Height

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

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

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

(15) Vehicle Impound Storage

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

(16) Vehicle Parking Garage

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

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

(17) Vehicle Repair, Major or Minor

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

(18) Vehicle Wash

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

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

(e) Employment Uses

(1) Storage, Outdoor

(A) Parking of Vehicles

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

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

(B) Screening

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

(C) Prohibited Storage Materials

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

(5) Dwelling, Accessory Unit**(A) Purpose**

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

(B) Generally

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

(C) Utilities

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

(D) Standards for Attached ADUs

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

(E) Standards for Detached ADUs

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

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

ZO-11-22	Redline Page Number	Online UDO Page Number	Citation	Current Language	Proposed Language	Synopsis
79	77	20.03.030(b)(5)	None	300 foot separation for Student Housing or Dormitory Use in RM, RH, MN, MM, MC, and MI	Buildings with more than 20 dwelling units cannot have a floorplate larger than 10,000 square feet. Buildings that utilize either the affordable housing or sustainable incentives may be allowed a floorplate up to 15,000 square feet per qualified building. Utilizing both allows up to 30,000 square feet per building.	Adds maximum floor plate language to encourage smaller buildings for medium to large multifamily developments
83	81	20.03.030(b)(13)	None	300 foot separation for Student Housing or Dormitory Use in RM, RH, MN, MM, MC, and MI	Increase to 900 feet. No separation requirement with use of both incentives.	Adjusting separation of student housing or dormitory unless using both incentives.
83	81	20.03.030(b)(13)(C)(i)	None	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g). 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 and dormitory use shall be 5,000 square feet per building.	In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 2,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 3,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 5,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	81	20.03.030(b)(13)(C)(i)	None	In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RM, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 40,000 5,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 5,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 10,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	82	20.03.030(b)(13)(C)(ii)	None	In the RM, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).	In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 40,000 5,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 8,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable housing incentive codified at Section 20.04.110(d) have been earned, the maximum building floor plan of a student housing and dormitory use shall be 20,000 square feet per building.	Reduces floor plate for student housing or dormitory.
84	82	20.03.030(b)(13)(C)(iii)	None	In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.	iv. In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 10,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use per building shall be 14,000 square feet . If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable incentive codified at Section 20.04.110(d) have been earned, there shall be no maximum building floor plate per building in the MS zoning district.	Adds appropriate section number, reduces maximum floor plate, and clarifies that the maximum floor plate applies to each individual building and not cumulative.
84	82	20.03.030(b)(13)(C)(iv)	None	In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.	In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 10,000 square feet per lot building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.	Adds appropriate section number, reduces maximum floor plate, and clarifies that the maximum floor plate applies to each individual building and not cumulative.

		<p>Amend existing to (A) and Add (B) new language for all districts, design of parking garage. In all districts, if exterior facades of a parking garage structure are not covered with residential or commercial spaces, then the following design elements must all be included: a.Exterior facades shall utilize a punched-out window design with a minimum of 2' solid space between openings and defined lintils and sills that utilize different finishing material than adjacent facade. b.The building shall be designed so that the presence of parked vehicles is not visible. c.A minimum of one pedestrian entrance with required entrance detailing is required per street frontage. d.A minimum of 25% of the facades facing a public street shall incorporate public art or planter boxes or the like as determined by Staff.</p>	<p>Adds specific architectural requirements for parking garage use Addressing separation requirement for attached ADUs.</p>
<p>91-92</p>	<p>89</p>	<p>None</p>	<p>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.</p>
<p>99</p>	<p>96</p>	<p>20.03.030(d)(16)</p>	<p>20.03.030(g)(5)(B)(iv)</p>

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

Ordinance #: 22-09
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith
Date: May 18, 2022
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-09 as “Attachment A” (ZO-11-22) shall be amended as follows (only affected portions of the proposal are shown below):

20.03.030 Use-Specific Standards

(b) Residential Uses

(13) Student Housing or Dormitory

(B) Location

...

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

(C) Building Floor Plate

- (i) In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if either the affordable housing incentive codified at Section 20.04.110(c) or the sustainable development incentive codified at Section 20.04.110(d) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 3,000 square feet per building, pursuant to the measurement standards in Section 20.04.020(g). If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.04.110(d) ~~have has~~ been earned, the maximum building floor plate of a student housing or dormitory use shall be 5,000 square feet per building.

Synopsis

This amendment corrects grammatical errors in the ordinance.

Committee Recommendation: N/A
Regular Session Action: **ADOPTED 9-0**



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

May 20, 2022

City of Bloomington Plan Commission
401 North Morton Street, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City's zoning ordinance, to return the proposal and the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On March 23, 2022, the Common Council received certification of the Plan Commission's action on the proposal to amend certain provisions of the Unified Development Ordinance, which came forward as Ordinance 22-10 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.04.

At a Regular Session on May 18, 2022, after having met in Committee of the Whole on May 11, 2022, the Common Council approved Ordinance 22-10 by a vote of 9-0, with three amendments. Attached to this correspondence are copies of the following records:

- Ordinance 22-10, signed by the Council President;
- Attachment A to Ord 22-10, consisting of ZO-12-22, the proposal forwarded to the Council by the Plan Commission;
- Attachment B to Ord 22-10, consisting of Council amendments to ZO-12-22, which includes:
 - Amendment 01, including a written statement of the reasons for the amendment;
 - Amendment 02, including a written statement of the reasons for the amendment;
 - Amendment 03, including a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on Ordinance 22-10 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

Susan Sandberg, President
Bloomington Common Council

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

- WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and
- WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and
- WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and
- WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and
- WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and
- WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and
- WHEREAS, on March 14, 2022, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and
- WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 23, 2022; and
- WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:
- 1) the Comprehensive Plan;
 - 2) current conditions and character of current structures and uses in each district;
 - 3) the most desirable use for which land in each district is adapted;
 - 4) the conservation of property values throughout the jurisdiction; and
 - 5) responsible development and growth; and

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

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

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

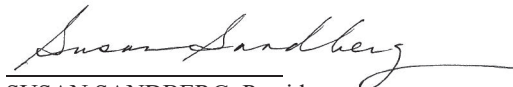
1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-12-22, (“Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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

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


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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of May, 2022.



 SUSAN SANDBERG, President
 Bloomington Common Council

ATTEST:



 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

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

Note: At the May 18, 2022 Regular Session, the Council adopted the following amendments:

- *AM 01 – amending BMC 20.04.110 to increase utilization of development incentives and improve outcomes of projects utilizing incentives;*
- *AM 02 – correcting typographical errors in the ordinance; and*
- *AM 03 – removing three proposed Notes under Table 04-3 that would have affected mixed-use district dimensional standards in a specified geographical area.*

****ORDINANCE CERTIFICATION****

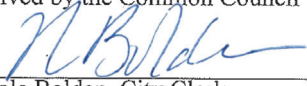
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 22-10 is a true and complete copy of Plan Commission Case Number ZO-12-22 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 1 Abstention by the Bloomington City Plan Commission at a public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



Date: March 23, 2022

Scott Robinson, Secretary
Plan Commission

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



Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ XX

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

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

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

Case # ZO-12-22 Memo

To: Bloomington Common Council

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

Date: March 23, 2022

Re: Text Amendments to Unified Development Ordinance

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

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

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

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

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

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

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

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

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

Notes:

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
-----------------------	----	----	----	----	----	----	----	----

Notes:

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

Table 04-4: Downtown Character Overlay Dimensional Standards

sq. ft. = square feet

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

(B) Overall Dimension

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

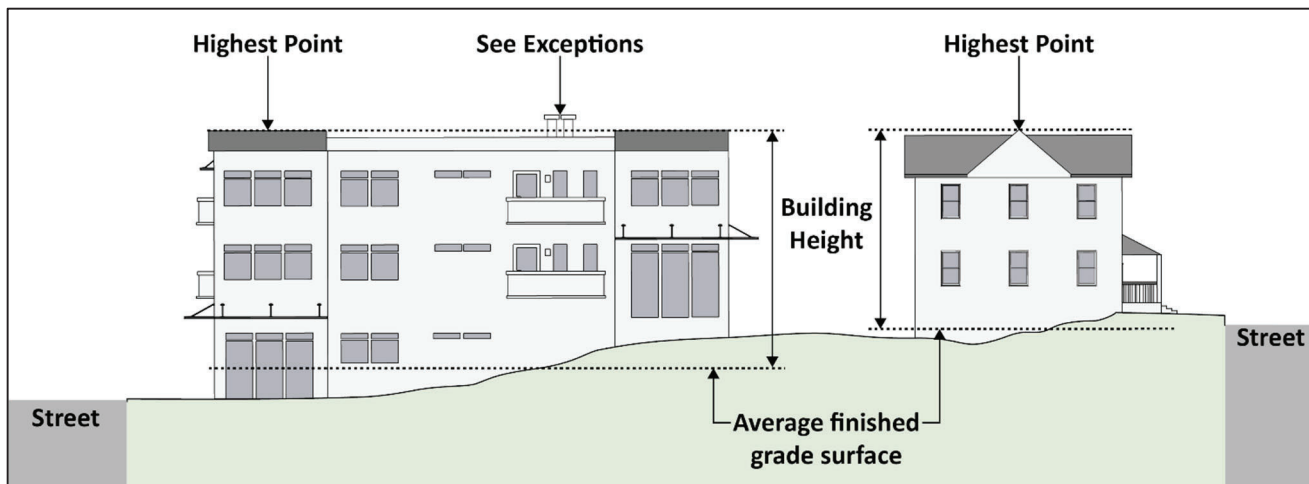


Figure 48: Building Height

(2) Exceptions to Height Requirements

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

Table 04-7: Authorized Exceptions to Height Requirements

DU = dwelling unit

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

[b] Within 50 feet of another driveway entrance.

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

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

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

(3) Driveway and Access Design

(A) Generally

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

(B) Driveway Pavement Widths

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

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

ii. All Other Uses

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

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

(C) Surface Material

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

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

(4) Connectivity

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

(4)(5) Vision Clearance Triangle

(A) Applicability

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

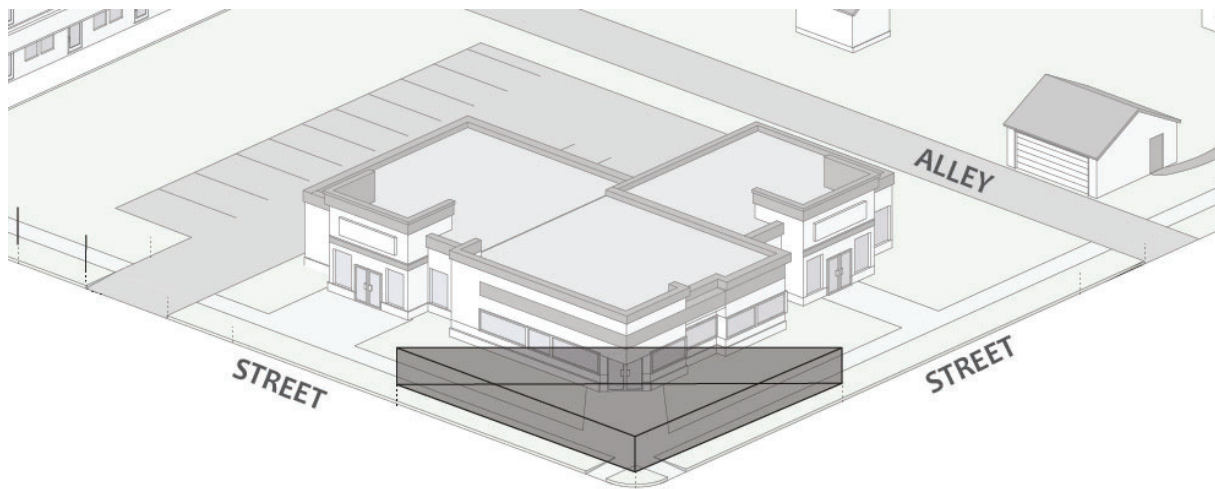


Figure 49: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths

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

Table 04-9: Minimum Vehicle Parking Requirements

DU = dwelling unit

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

NOTES:

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

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

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

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

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

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

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

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

(3) Dimensions of Parking Spaces and Drive Aisles

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

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

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

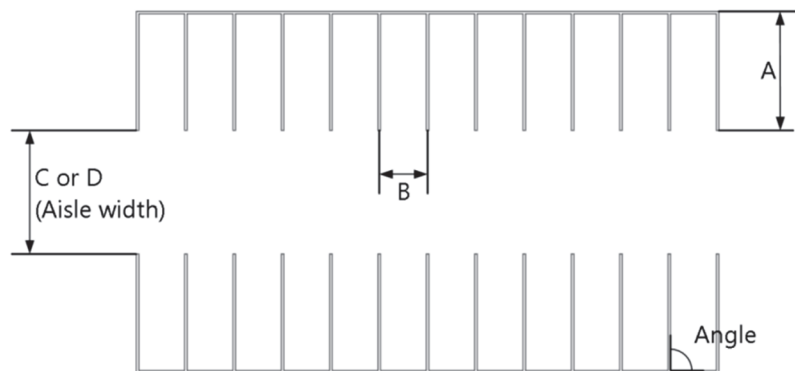


Figure 50: Illustrative Scale and Character

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

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

Notes:

- [1] End spaces may be a minimum of 20 feet in length where no obstruction exists.
- [2] Parking spaces for motorcycles may be provided and must be a minimum of 3 feet in width and 6 feet in depth.

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

(4) Stacked Parking

Stacked parking arrangements are permitted.

(G) Uniform Architecture

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

(H) Patterns

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

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

(I) Primary Pedestrian Entry

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

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

(J) Exterior Facades

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

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

(4) Belt Courses

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

(f) Universal Design

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

(g) Solar Ready Building Design

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

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

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

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species

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

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species

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

Table 04-15: Permitted Interior Tree Species

Bold text indicates evergreen species

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

(B) Location

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

(C) Plant Material

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

(D) Groundcover

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

(E) Planned Unit Development

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

(F) Credit Toward Other Requirements

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

(3) Buffer Yard Types

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

Table 04-19: Required Buffer Yard Types

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

Notes:

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

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

(3) Roofs

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

(4)

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

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

(g) General Design Standards

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

(1) Freestanding Signs

All freestanding signs shall comply with the following standards:

(A) Setback

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

(B) Mounting

All freestanding signs shall be permanently affixed to the ground.

(C) Base

Sign bases shall conform to the following standards:

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

(D) Cap

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

(E) Landscaping

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

(D) Number

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

(E) Wall Signage

No wall signage is permitted.

(3) Multifamily

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

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

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

(4) Conforming Nonresidential Uses

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

(5) Legal Nonconforming Multifamily Residential Uses

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

(6) Legal Nonconforming Nonresidential Uses

Legal nonconforming nonresidential uses shall be permitted:

(A) Wall signage not to exceed 10 square feet in area and:

(B) On lots with less than 30 feet of street frontage, no ~~additional~~ freestanding signs; and

(C) On lots with 30 feet or more of street frontage, one ~~additional~~ freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.

(7) Illumination

Signs within residential districts shall not be internally illuminated.

(8) Window Signs

Window signs are not permitted for residential uses.

(9) Temporary Signs

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

(A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;

(B) A maximum of three temporary signs per display period described below are permitted;

(C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in 20.04.100(e)(8);

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

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

(1) Applicability

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

(2) Wall Signs

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

(A) Allowance

i. Individual Nonresidential Uses

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

ii. Multi-tenant Nonresidential Center

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

iii. Size Limits

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

(B) Maximum Projection

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

(C) Location

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

(D) Multi-tenant Nonresidential Centers

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

(3) Projecting Signs

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

(3)(4) Freestanding Signs

The following standards shall apply to all freestanding signs:

(A) Number

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

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

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

ii. Multi-tenant Nonresidential Centers

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

iii. Limits

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

(B) Location

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

(C) Maximum Projection

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

(3) Projecting Signs

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

(3)(4) Freestanding Signs

The following standards apply to permanent freestanding signs:

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

(4)(5) Permanent Display Cabinets

Permanent display cabinets shall be subject to the following standards:

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

(5)(6) Temporary Signs

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

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

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

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

Ordinance #: 22-10
Amendment #: Am 01 (revised)
Submitted By: Cm. Smith (at request of Planning staff)
Date: May 18, 2022
Proposed Amendment:

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

Synopsis and Reason for Amendment

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

The amendment proposes the following:

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

Committee Recommendation (05/11/22): 5-0-2
Regular Session Action: ADOPTED 9-0

Note: This amendment was revised after it was considered at the May 11, 2022 Committee of the Whole. The revision corrected a typographical numbering error in the first sentence under 20.04.110(d)(2)(A)(iv).

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

(C) Placement

Sandwich board signs shall meet the following placement criteria.

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

20.04.110 Incentives

(a) Applicability

These affordable housing and sustainable development incentives are available to all development, except for Student Housing or Dormitory projects located in the MD zoning district .

(b) General Standards

The following standards apply to all projects seeking the affordable housing or sustainable development incentives in this Section 20.04.110.

(1) Neighborhood Transition Standards

- (A) All projects abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- (B) Where a primary structure's maximum height incentive is in conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern. The petitioner may request relief from the neighborhood transition standards in accordance with the development standards variance procedure pursuant to Section 20.06.080(b) (Variance).

(2) Waiver of Fees

- (A) When a petition qualifies for one or more of the incentives in this Section 20.04.110, filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.

- (B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body:
 - i. Fees associated with right-of-way excavation permits for the project shall be waived; and
 - ii. Sewer hook-on fees for the project may be waived or reduced by the utilities service board.

(3) Administration

- (A) A petition for these development incentives shall be included with a petition for development approval.
- (B) Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110: (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts or contains more than 50 dwelling units.
- (C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110.
- (D) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.110, the final approval authority may authorize the modifications to development standards otherwise applicable to the project to allow the use of the approved incentives, but may not modify the Neighborhood Transition Standards in Section 20.04.070(d)(5).
- (E) The city may withhold issuance of a Certificate of Zoning Compliance or recommendation for a Certificate of Occupancy until verification that the project satisfies the affordable housing and/or sustainable development standards approved as part of the development petition.

(c) Affordable Housing

(1) Purpose

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

(2) Eligibility

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

(A) Tier 1

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

(B) Tier 2

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

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

(3) **Nonresidential Projects**

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

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

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

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

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

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

(5) Affordable Housing Incentives

(A) Reduced Bulk Requirements

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

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

(B) Primary Structure Height

i. Eligibility

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

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

ii. Tier 1 Projects

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

iii. Tier 2 Projects

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

iv. Sustainable Development Bonus

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

(6) Other Standards

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

(A) Agreement Required

Petitioners shall enter into an affordable housing program or agreement administered by the federal, state, or local governments, or an organization approved by those governments to ensure that no person shall sell, rent, purchase, or lease an affordable housing unit created pursuant to this Section 20.04.110(c)(5) except to income-eligible households and in compliance with the provisions of this section.

(B) Advertising Requirement

Proof that the income eligible units will be marketed and leased similar to the market-rate units is required before occupancy can be issued.

(B)(C) Location

- i. All affordable units constructed or rehabilitated under this Section 20.04.110(c)(5) shall be located either on site or within 1,000-1,320 feet of the project site. Required affordable dwelling units shall not be located in less desirable locations than market-rate units and shall not, on average, be less accessible to public amenities, such as open space, than the market rate units.
- ii. Affordable housing shall be indistinguishable from market-rate units, integrated with the rest of the development, and shall be compatible with the market rate units in design, appearance, construction and quality of materials.
- iii. If provided off site, the petition for construction of required affordable dwelling units shall be processed simultaneously with the project for which the incentive was approved. No petition for development shall be approved if a related petition for required affordable housing units is denied or the number of required affordable dwelling units is reduced.

(7) Payment-in-Lieu

- (A) A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by ~~the Plan Commission if it determines that:~~ an agreement with the City and all payments will be deposited into the Housing Development Fund.
- ~~i. Creation of affordable housing on the petitioner's property would lead to an undesirable area/neighborhood concentration of very low- or low-income housing; or~~
 - ~~ii. Creation of affordable housing on the petitioner's property would result in income-restricted households being located more than a 10-minute walk or one-quarter mile from needed public services or public transit; or~~
 - ~~iii. Because of the small size of the petitioner's project, compliance with Tier 1 or Tier 2 affordability standards would require the creation of less than three affordable dwelling units.~~
- (B) The provisions of this Section 20.04.110(c)(7) shall become effective no later than the effective date of the UDO, by which time administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law shall be adopted and publicly available in the Administrative Manual within the Planning and Transportation Department. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:
- i. Housing and Urban Development (HUD) annual rents based on Area Median Income;
 - ii. Area Median Income (per person, income bracket, etc.);
 - iii. Rental rates per unit or per bedroom;
 - iv. Utility rates allowances per unit;
 - v. Tiered rental rates based on percentages above and/or below AMI; and
 - vi. Payment contribution rates.

(d) Sustainable Development**(1) Purpose**

The Comprehensive Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. The following incentives are intended to encourage the use of sustainable development, rehabilitation, and retrofit practices in Bloomington beyond the baseline standards required by this UDO.

(2) Eligibility

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall meet the qualifying criteria established in 20.04.110(a), shall be located on a previously developed lot(s) served by water and sewer utilities for at least five years prior to construction of petitioner's project, and shall satisfy one of the following two options below:

(A) Option 1

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall demonstrate compliance with ~~at least four of~~ the following ~~six~~ qualifying criteria:

i. Storm Water

The development site shall provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., swale, culvert outfall, rainwater cistern) that can retain 100 percent of the runoff from at minimum, the 95th percentile (80th percentile for development in the MD zoning district) of regional rainfall events, based on the daily rainfall data and the methodology in the U.S. Environmental Protection Agency (EPA) Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act or a successor or replacement document issued by the EPA.

ii. Light Colored Hardscaping

At least 80 percent of horizontal hardscaping materials shall be installed with a solar reflectance index (SRI) of ~~29-86~~ or greater. The SRI shall be calculated in accordance with ASTM E1980. ~~A default SRI value of 35 for new concrete without added color pigment may be used instead of measurements.~~

iii. Covered Parking

1. A minimum of ~~75-90~~ percent of parking spaces shall be provided under cover. Any roof used to shade, or cover parking shall:
 - [a] Have a three-year aged SRI of at least ~~32-78~~ (if three-year aged value information is not available, use materials with an initial SRI of at least 39 at installation); or
 - [b] Be 75% covered by energy generation systems, such as solar thermal collectors or photovoltaics.
2. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.
3. Parking spaces within a parking structure shall count toward meeting this standard.

iv. Solar Energy, Cool or Vegetated Roof

Provide a roof meeting the standards in subsections (1), (2), ~~(3)~~ or ~~(4)~~ below. Roofs containing vegetation must follow landscaping standards pursuant to subsections 20.04.080(c): *General Landscaping*, 20.04.080(d): *Permitted Plant Species*, and 20.04.080(e): *Prohibited Plant Species*.

1. Solar Energy

Install an on-site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than 35 percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

4.2 Cool Roof

Install a cool roof on at least 70 percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 4-21. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 4-21.

Table 04-21: Minimum Solar Reflectance Index (SRI)

	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	39	32

2.3. Vegetated Roof

Install a vegetated roof on at least 70 percent of the total roof surface using native or adapted plant species. Vegetated roofing shall comply with ASTM E2400-06: Standard Guide for Selection, Installation, and Maintenance of Plants for Green Roof Systems.

3.4. Combination Roof

Install a combination solar energy, cool roof and vegetated roof, with each portion meeting the applicable standards in subsections 1, 2, and ~~2~~ 3 above, and together covering at least 70 percent of the roof surface.

~~v.~~ v. Solar Energy

~~Install on site solar photovoltaic system covering an area anywhere on the building or lot equal to or greater than 35 percent of the total roof area of all primary buildings, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.~~

~~vi.~~ vi. Building Efficiency

Design the project to achieve improved building energy performance beyond the minimum required building code standards by:

1. Demonstrating that the project qualifies for a minimum of ~~45~~ 17 points from the LEED v4.1 BD+C Optimize Energy Performance credit; or
2. Demonstrating that the project qualifies for a minimum of 100 points from the Assessing Energy Performance standards, as provided in Section 3.3.1.1 of the Green Globes for New Construction v1.5 Technical Reference Manual.

(B) Option 2

Projects seeking the sustainable development incentives established in Section 20.04.110(d)(3) shall submit proof that the project is being reviewed and expects to receive certification by the following verified third-party sustainability programs:

- i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;
- ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;
- iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or
- iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;

- v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections (i.) through (iv.) above, as determined by the Planning and Transportation Director.

(3) Sustainable Development Incentives

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

- i. Single-family and duplex residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).
- ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in Option 1 or Option 2 above shall not be eligible for additional primary structure height.

(B) All Other Uses

Projects that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for additional primary structure height as established below:

- i. One floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in 20.04.110(d)(2) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv.

20.04.120 Operation and Maintenance

(a) Siltation and Erosion

- (1) Sedimentation basins and other control measures necessary to meet the requirements of Section 20.04.030(d) (Siltation and Erosion Prevention) shall be maintained by the property owner during construction.
- (2) Any site stabilization measures shall be maintained by the property owner in perpetuity.
- (3) Sediment shall be removed to maintain a depth of three feet.

(b) Landscaping

Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO.

Specifically:

- (1) All plant material, including plant material on vegetated roofs, shall be maintained alive, healthy, and free from disease and pests;
- (2) All landscape structures including, but not limited to, vegetated roof infrastructure, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition;

*** Amendment Form ***

Ordinance #: 22-10
Amendment #: Am 02
Submitted By: Cm. Piedmont-Smith
Date: May 18, 2022
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-10 as “Attachment A” (ZO-12-22) shall be amended as follows (only affected portions of the proposal are shown below):

1.

Table 04-15: Permitted Interior Tree Species

Bold text indicates evergreen species

Common Name	Scientific Name
Large Trees - 45 feet or more at mature height	

~~Black~~ **Black** Cherry

Prunus serotina

2.

20.04.100 Signs

(f) Prohibited Sign Locations

...

(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, utility poles, street signs, trees or other natural objects.

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

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

3.

20.04.100 Signs

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

(2) Wall Signs

(A) Allowance

- ii. Multi-tenant ~~Nonresidential~~ Nonresidential Center

Synopsis

This amendment corrects typographical errors in the ordinance.

Committee Recommendation:

N/A

Regular Session Action:

ADOPTED 9-0

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

Ordinance #: 22-10
Amendment #: Am 03
Submitted By: Cm. Flaherty
Date: May 18, 2022
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 22-10 as “Attachment A” (ZO-12-22) shall be amended as follows (only affected portions of the proposal are shown below):

1.

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MS	MN	MM	MC	ME	MI	MD	MH
-----------------------	----	----	----	----	----	----	----	----

Notes:

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

2. References to Notes [4], [5], and [6] shall be deleted.

Synopsis

This amendment is sponsored by Cm. Flaherty. It removes three proposed Notes under Table 04-3 that would affect mixed-use district dimensional standards in a specified geographical area. Such standards would be more appropriately proposed as part of an Overlay Zoning District for the area in question.

Committee Recommendation:

N/A

Regular Session Action:

ADOPTED 8-1

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT
Location: 1550 N. Arlington Park Drive**

**CASE #: DP-20-22
DATE: June 13, 2022**

PETITIONER: Trinitas Development
201 Main Street Suite 1000 Lafayette IN

CONSULTANTS: Bynum Fanyo
453 S. Clarizz Blvd., Bloomington

REQUEST: Primary plat approval of a 50 lot subdivision for 40.75 acres including 45 single family lots and 4 multifamily lots within a Planned Unit Development. Also requested is a waiver of the required second hearing and delegation of secondary plat approval to staff.

BACKGROUND:

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

REPORT: The property is located north of West 17th Street at the north end of Arlington Park Drive. The property is north of offices and industrial development and a multifamily development that maintain frontage on 17th Street and is bounded by single family lots to the north and east and State Road 37/Interstate 69 to the west. There is a platted, but unbuilt section of Hickory Lane that runs along the north side of this property.

The site received approval of a preliminary plan and district ordinance under case #PUD-36-19 with final plan and primary plat approval under PUD-12-20. However, a secondary plat approval was not filed within 12 months of the primary plat approval and has expired. A grading permit has been approved for the entire site and construction has started to develop the property in accordance with the approved final plan.

The approved final plan allowed for the property to be developed with 337 multi-family dwelling units with 825 bedrooms and 45 single family lots. Parking for the project was provided through a mix of on-street spaces, surface parking, and parking within the multi-family building. Approximately 13.89 acres of preservation was required to be set aside with the final plan and will be set aside in a conservation easement with this plat. Access to the site will come from the two approved connections to 17th Street to the south and a connection to Arlington Road to the east, all of these connections will be through public streets. The proposed primary plat has not changed from the previously approved primary plat.

The petition still involves 4 areas of development and land uses-

Area A- This area will be developed consistent with the R4 zoning district in an area

consisting of 45 lots on 7.61 acres. The lots are approximately 40'x120' and are required to be dedicated to the City to help meet the diverse housing needs of the Community. The area was required to be fully graded with all roads and infrastructure installed before acceptance by the City. The lots have been designed in a grid-like pattern and a majority of them will utilize alley access along the rear of the lots. A 50' wide buffer and conservation area has been shown along the east sides of Area C between this PUD and the adjacent residential houses. All lots will front on a public street. This area will be governed by the standards of the R4 district and will allow for R4 uses which include attached single family and plexes in order to give the most flexibility toward possible development. The City is in the process of seeking input from potential developers on a creative design for the space. The petitioner will only be required to have the site infrastructure ready before the area can be developed.

Area B- This area will be developed with 114 units and 255 bedrooms in a mix of duplexes and townhomes on 7.11 acres. There will be 76 private parking spaces for the 255 bedrooms in this area. The interior roads in this area will be private, but have been designed with parallel, on-street spaces rather than perpendicular parking. There are sidewalks shown along both sides of the street, however the tree plot was approved to be located behind the sidewalk in order to minimize impacts to the adjacent riparian buffers and wetlands.

There is an intermittent stream with associated riparian buffer that runs through part of this property as well as several wetlands that are being set aside in conservation easements. There are 3 road crossings through the riparian buffer areas, however those were approved with the preliminary plan. There will not be any disturbance in the required wetland conservation areas.

Area C- This area will be developed with one multifamily building with 95 units and 240 bedrooms on 13.54 acres. This area is immediately adjacent to the State Road 37/Interstate 69 highway.

Area D- This area will be developed with 128 duplex units and 330 bedrooms on 11.13 acres. These units will all front on a public street with on-street parking spaces along the front. The main parking areas have been designed to be located in the rear of the structures. There will be 161 on-site parking spaces and 137 on-street parking spaces for the 330 bedrooms in this phase. These buildings will be one and two-stories in height. A portion of this area has an intermittent stream and wetland that have been shown to be placed in a conservation easement. This area also has an electric line that runs along the east side of the area with a 100' wide easement.

The petitioner is requesting primary plat approval to allow the creation of four lots that will be used for multi-family residences, 45 R4 lots that will be given to the City, and one common area lot for a pocket park that will also be given to the City.

There is some discrepancy immediately to the north of the site. There is a plat from the 1800s for a small town, Chandlersville. In their due diligence, the petitioner's representatives found that the Chandlersville plat maintains a 40 foot right-of-way that is immediately adjacent to this development. The Chandlersville plat was not annexed into the City of Bloomington until 2004. When the Auditor's section book for this area was last updated in 1995, the right-of-way was not present. It is possible that some time before 1995, the right-of-way was vacated. There is a handwritten note on the Chandlersville plat that the area shown as an alley on the plat is actually the "Hickory" road shown in the 40 foot right-of-way on the original plat. That is reflected in the Auditor's book and on the County-maintained GIS system. While the petitioner's due diligence

did not find record of a right-of-way vacation, the official Auditor's record indicates that there is no right-of-way immediately adjacent to this project. The petitioner is requesting a waiver from being required to dedicate right-of-way along Hickory Drive that they believe runs along the north side of the site. If there is an error in the County records and a right-of-way does exist, the Department would support a waiver of right-of-way dedication as there is no potential for connection from the area of potential right-of-way.

PRIMARY PLAT REVIEW

Lot Arrangement: This petition involves the platting of 45 R4 lots and several individual lots for the multi-family units. The R4 lots were approved with the R4 district standards that have a minimum lot size of 4,000 square feet and 35' wide. All of the proposed single family lots meet those requirements. There will be several common area lots within the petition site and as well as several areas of preservation. These have been labeled on the plat.

Facilities Maintenance Plan: A Facilities plan for all common area is required with the secondary plat approval and will be reviewed at that time.

Right-of-way Dedication: The majority of the interior roads will be public and placed in dedicated right-of-way. The cross sections for these roads was approved with the preliminary plan and include pedestrian facilities on both sides and tree plots. Most of the internal roads feature on-street parking on both sides. The petitioner is requesting a waiver of right-of-way dedication for the potential right-of-way to the north of the site.

20.06.060(b)(3)(E) PRIMARY PLAT REVIEW: The Plan Commission or Plat Committee shall review the primary subdivision petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following standards:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards
- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.
- v. All subdivision proposals shall minimize development in the SFHA and/or limit intensity of development permitted in the SFHA
- vi. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

PROPOSED FINDING: There are no portions of this property within the 100-year floodplain. The development will be served by public utilities and infrastructure which was reviewed and approved with the grading permit. An overall stormwater drainage plan was approved with the grading permit. As mentioned previously, there are no portions of this site within the 100-year floodplain so it is not necessary to denote base flood elevations on this plat.

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

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals
- v. Consistency with Comprehensive Plans and Other Applicable Plans
- vi. Consistent with Intergovernmental Agreements
- vii. Minimization or Mitigation of Adverse Impacts
- viii. Adequacy of Road Systems
- ix. Provides Adequate Public Services and Facilities
- x. Rational Phasing Plan

PROPOSED FINDING: This plat meets most of the requirements of the UDO.. No other variances or waivers are required for this subdivision. There are no other known applicable regulations that would apply to this subdivision. Final approval from the City of Bloomington Utilities Department was given with the grading permit. The proposed plat is consistent with the approved final plan for the PUD and with the previously approved primary plat. The PUD and plat were evaluated for compliance with the Comprehensive Plan with the initial rezoning petition. The final plan and plat are identical to what was approved with the preliminary plan. There are no known intergovernmental agreements that pertain to this site. The PUD approval placed all protected environmental features in the required easements and buffers. These were evaluated and approved with the preliminary plan and district ordinance. The proposed plat is setting aside the required tree preservation areas as well as placing the wetland and riparian buffer features within the required conservancy easements. The adequacy of adjacent road systems was reviewed with the initial PUD approval and any traffic impacts to adjacent roads would be reviewed after development is complete if warranted. There are no proposed phases with the plat, this would be platted on one plat.

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

- i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other adopted plans and policies.
- 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

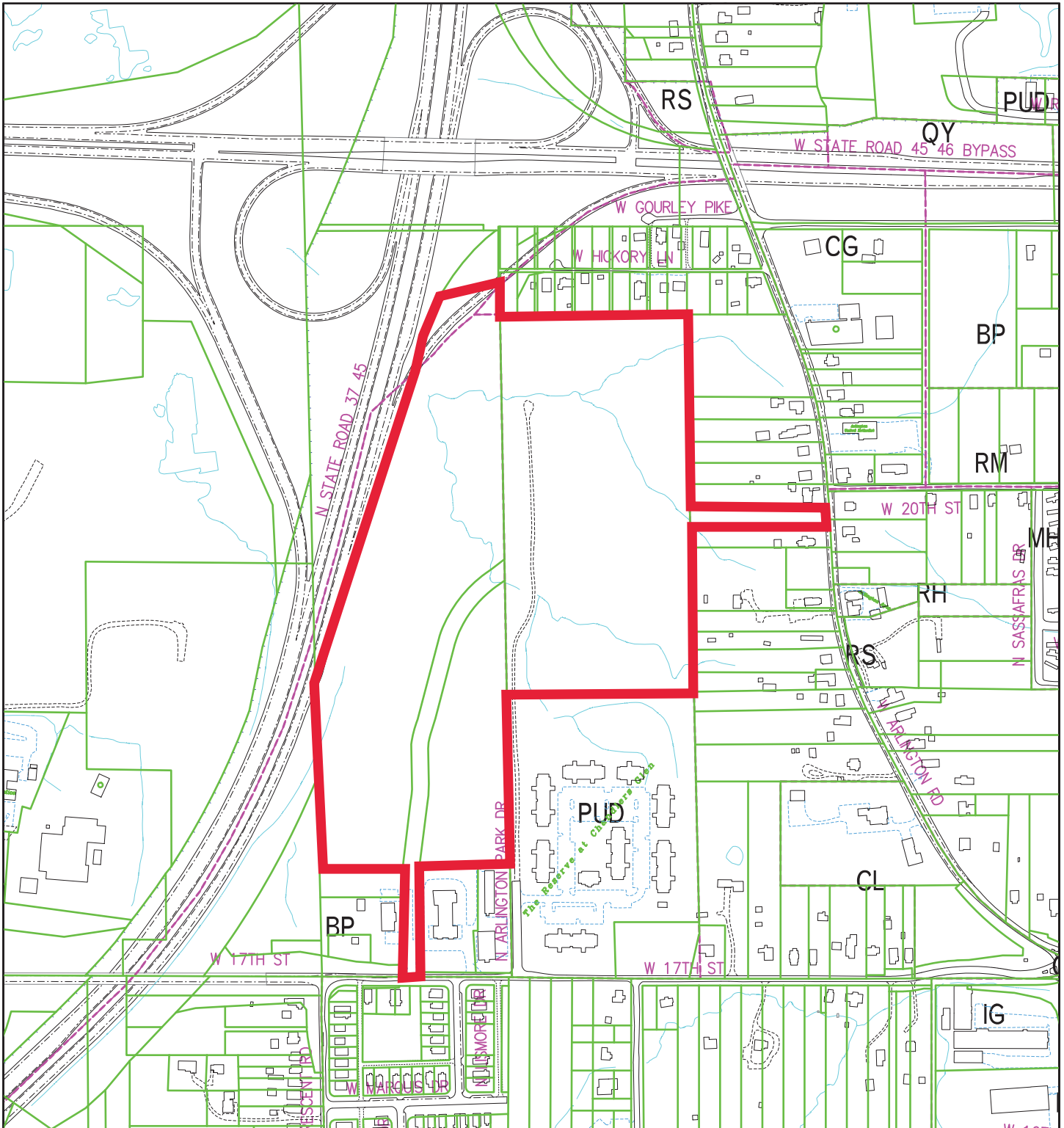
PROPOSED FINDING: There are no expected adverse impacts as a result of this plat. The petition is setting aside the identified environmental features with the required easements. Adequate stormwater management was approved with the grading permit. There are several environmental features on the site that are being set aside and no known historical features of significant importance on this site. There are no identified adverse fiscal impacts with this plat. A neighborhood meeting was held with adjacent residences during the initial rezoning hearing and those concerns were addressed at that time. This project is accessed from 17th Street and Arlington Road through public road connections and will therefore not draw any traffic through residential streets. Connections to public utilities and infrastructure were reviewed and approved with the grading permit. The City of Bloomington Utilities Department must approve all utility connections and services prior to issuance of a grading permit. No phasing of the plat is expected.

CONCLUSION: The petitioner has designed this plat to match the approved final plan for the PUD. This plat will allow the creation of 45 R4 lots that will be given to the City to help meet the housing needs of the community. The proposed primary plat follows the approved final plan. The PUD and this plat petition has attempted to be sensitive to the neighboring existing uses, while addressing diverse housing concerns, and providing public benefit.

RECOMMENDATION: The Department recommends that the Plan Commission adopt the

proposed findings and approve DP-20-22 with the waiver request, as well as approve the waiver of second hearing with the following condition:

1. Secondary plat approval is delegated to staff level.



PUD-36-19 Trinitas Development

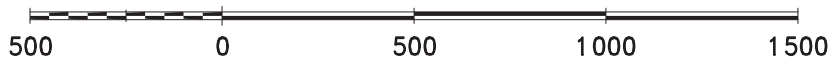
1550 N Arlington Park Drive

Plan Commission

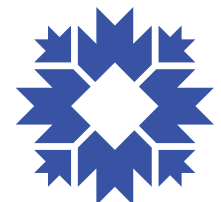
Site location, parcels, zoning

By: greulice

6 Dec 19

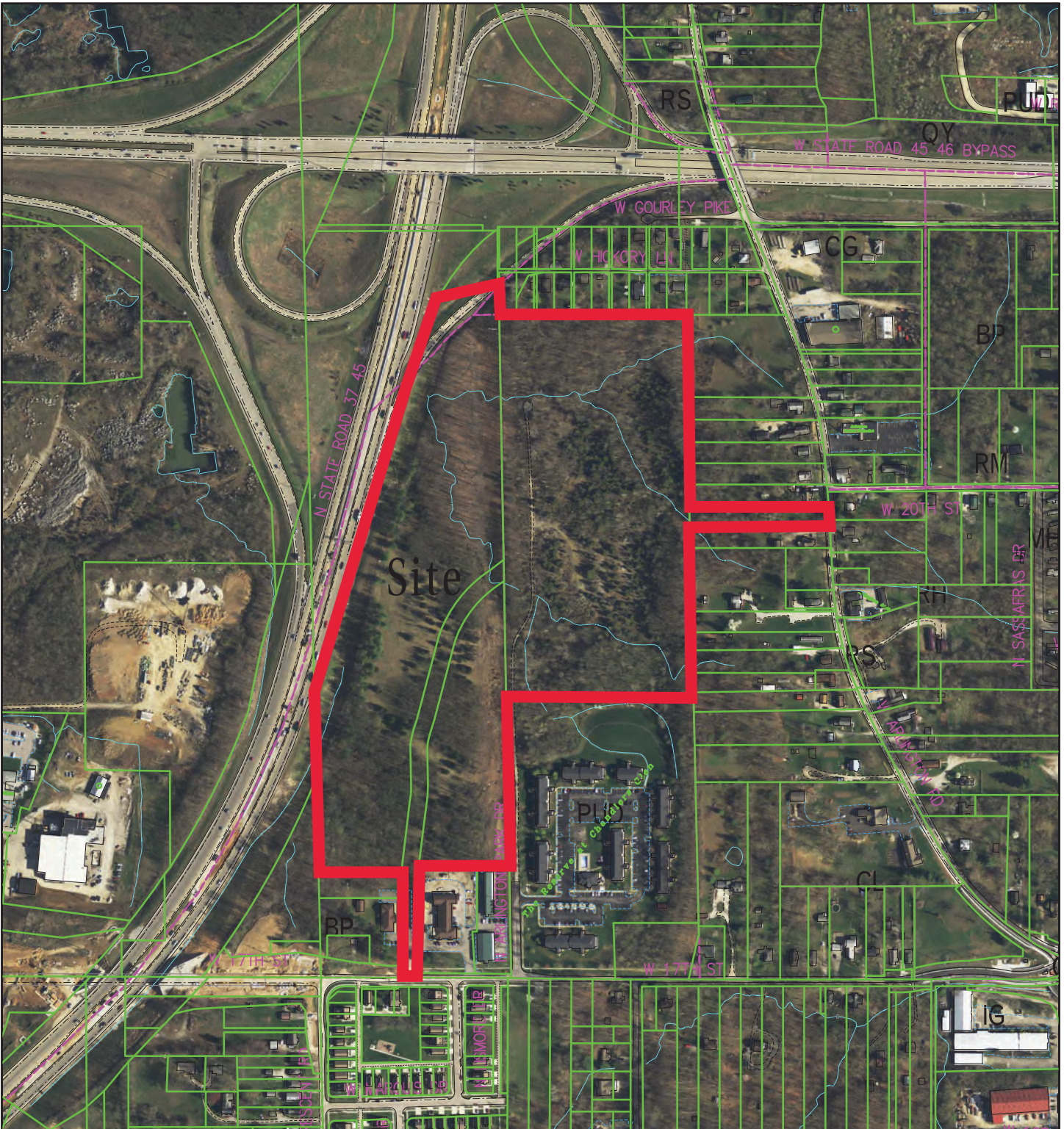


City of Bloomington
Planning & Transportation



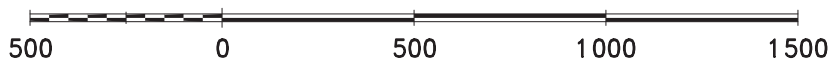
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For reference only; map information NOT warranted.

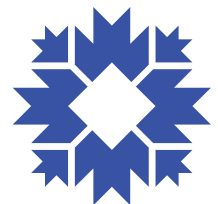


PUD-36-19 Trinitas Development
 1550 N. Arlington Park Drive
 Plan Commission
 2016 Aerial Photograph

By: greulice
 6 Dec 19



City of Bloomington
 Planning & Transportation



Scale: 1" = 500'

For reference only; map information NOT warranted.



Corporate HQ
201 Main Street, Suite 1000
Lafayette, IN 47901

www.trinitas.ventures
phone: (765) 807-2700

Indianapolis Office
6300 Cornell Avenue
Indianapolis, IN 46220

April 21, 2022

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

RE: Trinitas Plat Approval, "W. 17th Street."

Dear Mr. Grulich,

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

With this filing, we are requesting a waiver from the requirement to dedicate right-of-way on the north side of the property (for Hickory Street right-of-way), as well as a sidewalk waiver due to the conservancy easement in the location. We also respectfully request a waiver of the required second hearing.

Thank you for your time and consideration of this plat. We respectfully request to be placed on the next plat committee and request that secondary approval be delegated to staff.

Sincerely,

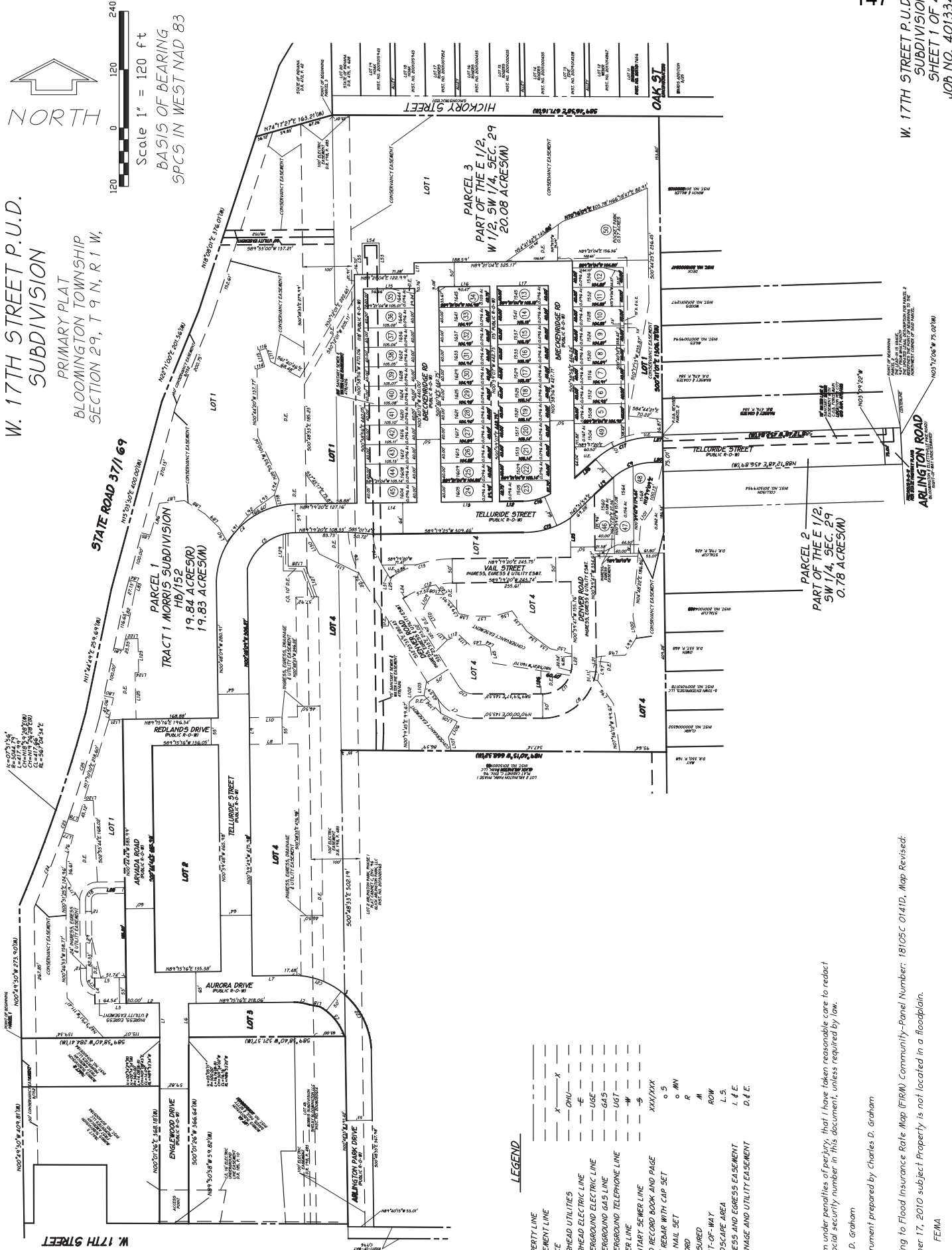
Austin Tracey
Manager, Development Operations

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

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



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



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- FENCE
- OVERHEAD UTILITIES
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- WATER LINE
- SANITARY SEWER LINE
- DEED RECORD BOOK AND PAGE
- 5/8" REBAR WITH CAP SET
- AGG NAIL SET
- RECORDED
- MEASURED
- RIGHT-OF-WAY
- LANDSCAPE AREA
- INGRESS AND EGRESS EASEMENT
- DRAINAGE AND UTILITY EASEMENT

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

Charles D. Graham

This instrument prepared by Charles D. Graham

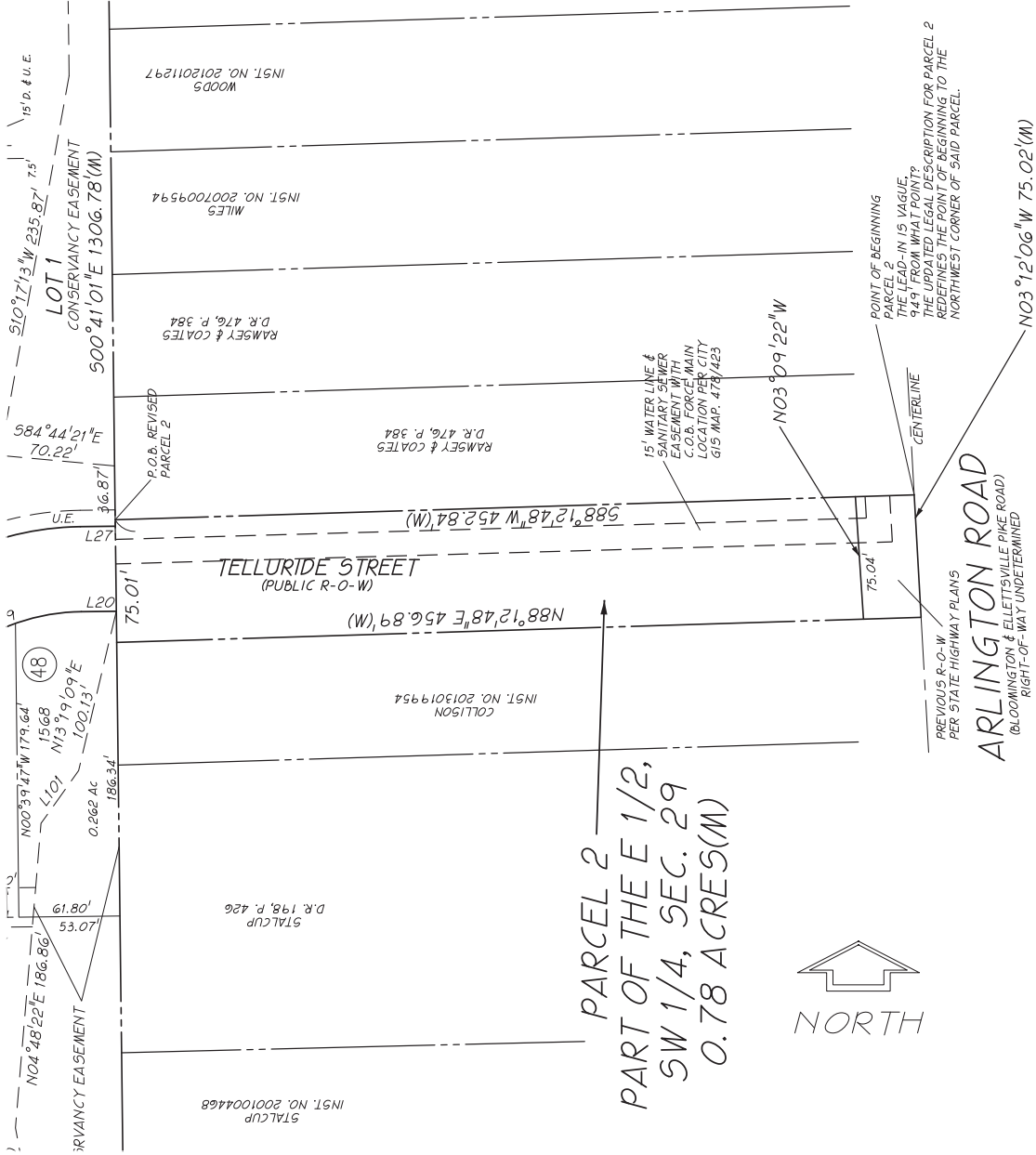
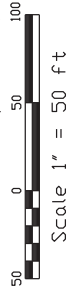
According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141D, Map Revised: December 17, 2010 subject property is not located in a floodplain.

Source: FEMA

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

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

BASIS OF BEARING
SPCS IN WEST NAD 83



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- FENCE
- OVERHEAD UTILITIES
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- WATER LINE
- SANITARY SEWER LINE
- DEED RECORD BOOK AND PAGE
- 5/8" REBAR WITH CAP SET
- ALUM NAIL SET
- RECORD
- MEASURED
- RIGHT-OF-WAY
- LANDSCAPE AREA
- L.S.
- INGRESS AND EGRESS EASEMENT
- I. & E.
- DRAINAGE AND UTILITY EASEMENT
- D. & E.



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

LEGAL DESCRIPTION Updated Parcel 1:

Tract 1 in Morris Subdivision, as per plat thereof, recorded in Plat Book No. 152, in the office of the Recorder of Monroe County, Indiana, recorded May 12, 1999, more particularly described as follows: A part of the Southwest Quarter of Section 29, Township 9 North, Range 1 West, Monroe County, Indiana being more particularly described as follows: commencing at the Southwest corner of the abovesaid quarter section, thence on the West line of said quarter section North 00 degrees 48 minutes 30 seconds West 409.81 feet to the point of beginning.

Thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East, thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds, thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.07 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet; thence South 00 degrees 48 minutes 33 seconds East 1893.54 feet; thence South 89 degrees 38 minutes 40 seconds West 321.37 feet to the beginning of a curve concave southwesterly having a radius of 300.00 feet to which a radial line North 86 degrees 53 minutes 22 seconds West; thence on said curve Southwesterly 16.16 feet through a central angle of 03 degrees 05 minutes 11 seconds; thence South 00 degrees 01 minutes 26 seconds West 366.64 feet; thence North 89 degrees 50 minutes 58 seconds West 59.88 feet; thence North 00 degrees 01 minutes 26 seconds West 366.64 feet; thence North 89 degrees 50 minutes 58 seconds West 59.88 feet; thence North 00 degrees 01 minutes 26 seconds West 366.64 feet to the beginning of a curve concave southeasterly having a radius of 360.00 feet to which a radial line bears North 89 degrees 53 minutes 34 seconds West; thence on said curve Northerly 14.08 feet through a central angle of 02 degrees 14 minutes 34 seconds; thence North 89 degrees 38 minutes 40 seconds East 284.41 feet to the point of beginning, containing 11.33 acres, or less.

Updated Parcel 2:

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

Commencing at the Southwest corner of the abovesaid quarter section; thence on the West line of said quarter section North 00 degrees 49 minutes 30 seconds West 409.81 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East, thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.07 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet to the southwest corner of the plat of Chandlerville as shown by the plat recorded in Plat Cabinet B, Envelope 29 in the office of the Recorder of Monroe County, Indiana, thence on and along the south line of said plat South 89 degrees 46 minutes 58 seconds East 671.16 feet; thence leaving said south line South 00 degrees 41 minutes 01 second East 653.22 feet and the point of beginning;

Thence continuing South 00 degrees 41 minutes 01 second East 75.01 feet; thence North 88 degrees 12 minutes 48 seconds East 456.89 feet to the west right-of-way line of Arlington Road, thence on said right-of-way line North 03 degrees 01 minutes 25 seconds West 75.04 feet; thence leaving said right-of-way South 88 degrees 12 minutes 48 seconds West 456.84 feet to the point of beginning, containing within said bounds 0.78 acres, more or less.

Updated Parcel 3:

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

Commencing at the Southwest corner of the abovesaid quarter section; thence on the West line of said quarter section North 00 degrees 49 minutes 30 seconds West 409.81 feet; thence continuing North 00 degrees 49 minutes 30 seconds West 273.90 feet to a point on the Easterly right-of-way of State Road No. 37 and the beginning on a non-tangent curve concave northwesterly having a radius of 3044.79 feet to which a radial line bears South 67 degrees 04 minutes 34 seconds East, thence on said curve and right-of-way northwesterly 417.99 feet through a central angle of 07 degrees 51 minutes 56 seconds; thence North 11 degrees 44 minutes 49 seconds East 259.69 feet; thence North 15 degrees 03 minutes 30 seconds East 400.00 feet; thence North 22 degrees 11 minutes 00 seconds East 201.56 feet; thence North 18 degrees 08 minutes 01 seconds East 376.07 feet; thence leaving said right-of-way North 74 degrees 17 minutes 27 seconds East 163.21 feet to the southwest corner of the plat of Chandlerville as shown by the plat recorded in Plat Cabinet B, Envelope 29 in the office of the Recorder of Monroe County, Indiana and the point of beginning.

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



PROJECT LOCATION

LOCATION MAP

Easements to be vacated per this plat:

- 1. 60' Roadway and Utility Easement recorded in HB 152 in the office of the Recorder of Monroe County, IN, as granted in that certain Warranty Deed from James T. Morris and Donetta S. Morris, husband and wife, to James T. Morris, as Trustee under the James T. Morris Revocable Trust Agreement dated October 25, 1999, an undivided 50% interest and Donetta S. Morris, as Trustee under the Donetta S. Morris Revocable Trust Agreement dated October 25, 1999 an undivided 50%, dated February 11, 2000 and recorded February 15, 2000 as Document No. 2000002933.
2. 20' & 15' Waterline and Sanitary Sewer Easement record in Deed book 478, Page 426 in the office of the Recorder of Monroe County, IN.

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

Approved by the City of Bloomington Utilities _____, 20__

Signature _____ Position _____

Name Printed _____

Table with columns: NUMBER, DELTA ANGLE, RADIUS, ARC LENGTH, CHORD DIRECTION, CHORD LENGTH. Rows C1 through C25.

Table with columns: NUMBER, DIRECTION, DISTANCE, NUMBER, DIRECTION, DISTANCE. Rows L1 through L31.

I certify that I am a Registered Land Surveyor licensed under the laws of Indiana; that this plat accurately represents a survey made by me on October 22, 2020; and that the monuments shown on it exist; and that their locations, sizes, types, and materials are accurately shown.

[Signature]

Charles D. Graham
Indiana L.S. 29500014
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404-3804
8102-332-8030



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

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

SINGLE FAMILY LOT ACREAGES

Table with 4 columns: Lot Number, Area (sq. ft.), Area (Acres), and Area (sq. ft./Acres). Rows 1-47.

SOURCE OF TITLE: INST. NO. 2021000123
OWNER: IN-UB 17 HOLDINGS LLC, a Delaware limited liability company
ZONING: PUD - PLANNED UNIT DEVELOPMENT

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right to the undersigned owners of this plat and real estate and their heirs in the State of Indiana, of any future encumbrance by the City of Bloomington, Indiana, of such platted real estate.

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

This subdivision shall be known and designated as W. 17TH STREET P.U.D., an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

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

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

Signed and Sealed _____, 20__

Signature Name: Loren P. King
Title: Authorized Representative

STATE OF INDIANA) 55:
COUNTY OF _____)

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

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

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

OWNER: SELICK BLOOMINGTON PARK, LLC
SOURCE OF TITLE: INST. NO. 2013020163

The undersigned, SELICK BLOOMINGTON PARK, LLC, the owners of the real estate shown as Arlington Park Drive does hereby dedicate to the City of Bloomington by off, plat, and subdivide said real estate in accordance with the within plat.

Signed and Sealed _____, 20__

Signature Name: _____ Office: _____

STATE OF INDIANA) 55:
COUNTY OF _____)

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

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

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

EASEMENT LEGEND

UE = Utility Easement

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

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

DE = Drainage Easement

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

(B) Shall prohibit any alteration within the easement that would hinder or restrict 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 change the cost of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

PSSE = Private Sanitary Sewer Easement

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

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

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

W.L.E. = Waterline Easement

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

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

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

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

(E) Signs shall not be located within waterline easements unless the sign is a public sign authorized by Section 20.05.07910(R) or is further authorized by the city.

Conservancy Easement

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

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

All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.

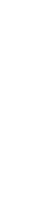
Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

CERTIFICATE OF APPROVAL OF PLANNING AND TRANSPORTATION

Under the authority of Indiana code 36-7-4-700 series, enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Bloomington, Indiana, this plat was given approval by the City of Bloomington, as follows:

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

(Scott Robinson, Director of Planning and Transportation)



TRINITAS

CONTRACT NUMBER: C802
DRAWING NUMBER: 401334
PROJECT: WEST 17TH STREET DEVELOPMENT UNIT

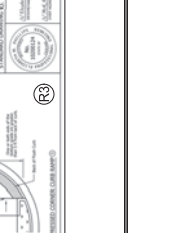
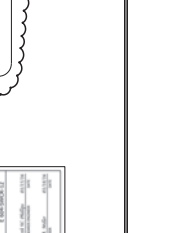
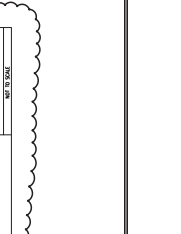
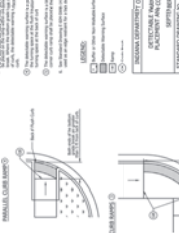
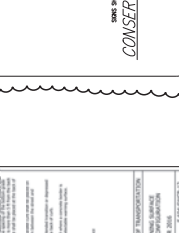
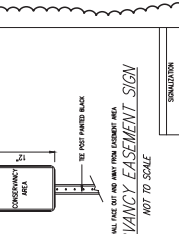
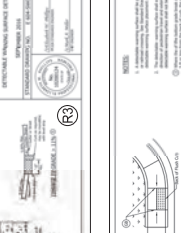
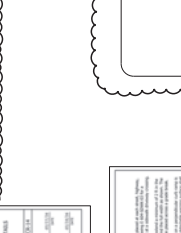
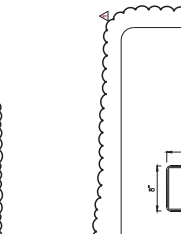
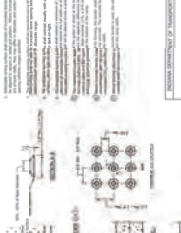
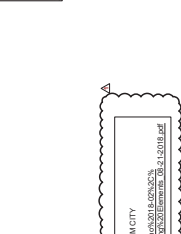
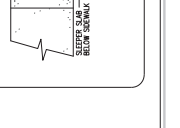
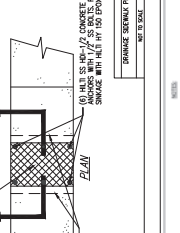
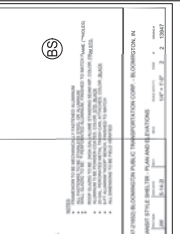
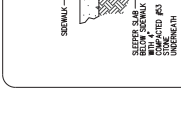
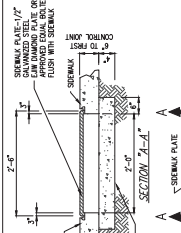
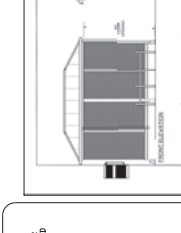
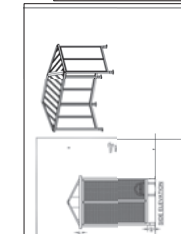
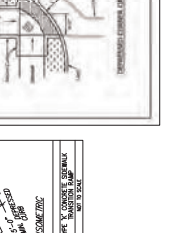
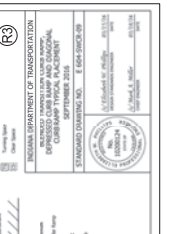
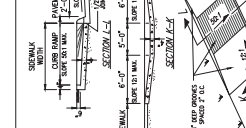
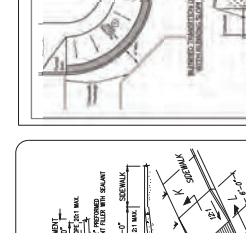
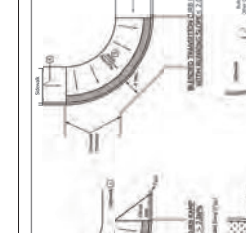
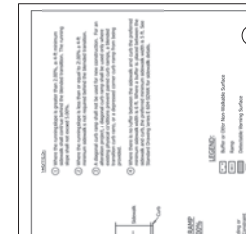
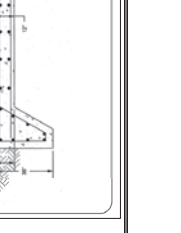
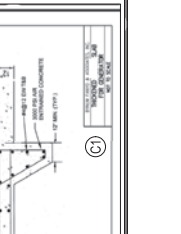
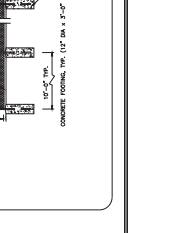
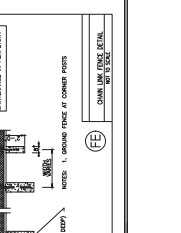
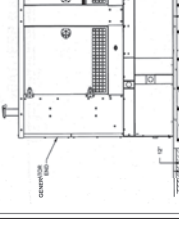
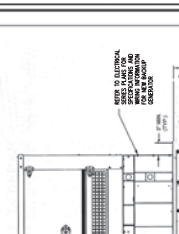
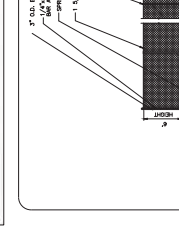
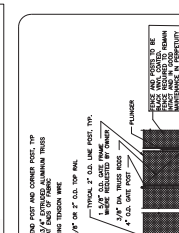
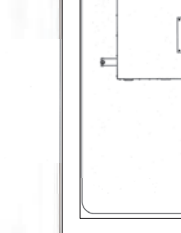
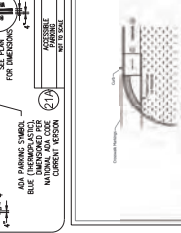
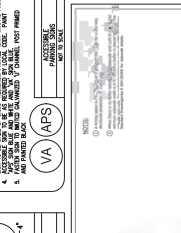
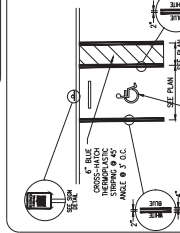
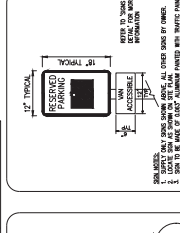
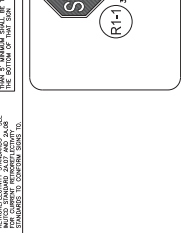
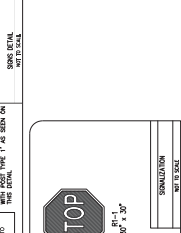
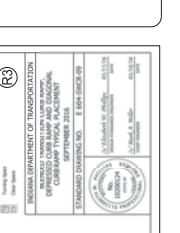
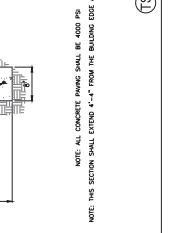
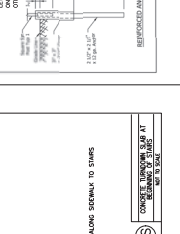
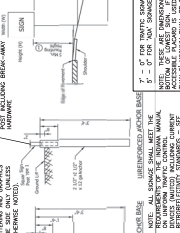
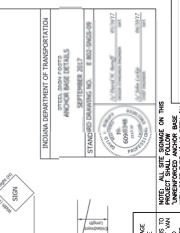
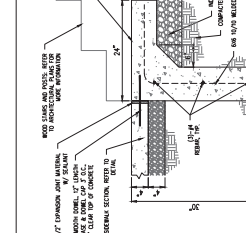
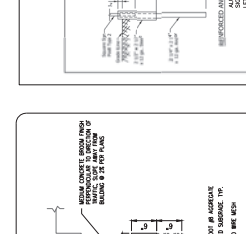
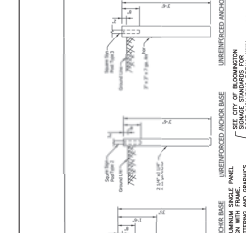
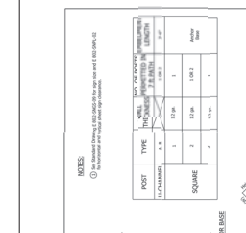
PLANNING & ENGINEERING
CONSTRUCTION PLANNING
1206 NORTH WHEAT STREET
BLOOMINGTON, INDIANA 47404
(317) 336-8900
TRINITAS, INC.

NOT TO SCALE
REVISIONS
REVISION 1 - 08/02/2020
REVISION 2 - 08/02/2020
REVISION 3 - 08/02/2020

DATE: 08/02/2020
DESIGNED BY: DJB
CHECKED BY: JSP

CONTRACT NUMBER: C802
DRAWING NUMBER: 401334
PROJECT: WEST 17TH STREET DEVELOPMENT UNIT

PROJECT: WEST 17TH STREET DEVELOPMENT UNIT
DRAWING NUMBER: 401334
CONTRACT NUMBER: C802





TRINITAS

ENGINEERING
PLANNING
CONSULTING
CORPORATION
2025
1000 W. MARKET STREET
BLOOMINGTON, INDIANA 47403
(317) 332-0900
(317) 332-0900 (fax)

PROJECT:
WEST 17TH STREET
DEVELOPMENT
BLOOMINGTON, INDIANA

DATE: 08/28/2025
PROJECT: WEST 17TH STREET DEVELOPMENT
SHEET: 17-01

OWNER: TRINITAS
DESIGNER: TRINITAS
DATE: 08/28/2025

UNWARRANTED TITLE
PROFESSIONAL ENGINEER
PLAN
00002383

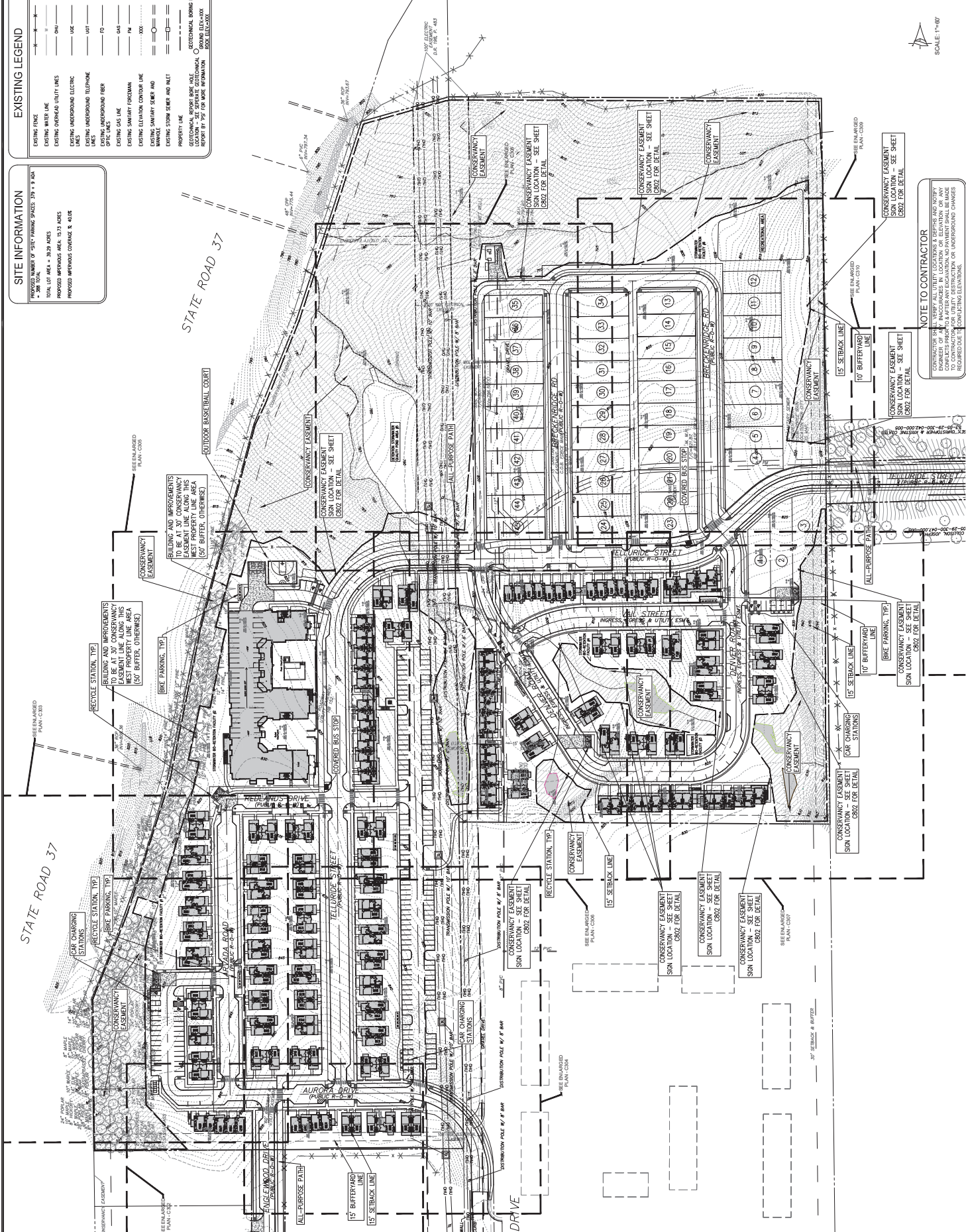
CONTRACT NUMBER: C301
PROJECT NUMBER: 401334

SCALE: 1"=80'

- ### EXISTING LEGEND
- EXISTING POWER LINE
 - EXISTING WATER LINE
 - EXISTING OVERHEAD UTILITY LINES
 - EXISTING UNDERGROUND ELECTRIC LINES
 - EXISTING UNDERGROUND TELEPHONE LINES
 - EXISTING UNDERGROUND FIBER OPTIC LINES
 - EXISTING GAS LINE
 - EXISTING SANITARY FORCE MAIN
 - EXISTING ELEVATION CONTROL LINE
 - EXISTING SANITARY SEWER AND MANHOLE
 - EXISTING SIGN SERRY AND MET
 - PROPERTY LINE
 - EXISTING LOT CORNER MONUMENT
 - EXISTING LOT CORNER SURVEY
 - EXISTING LOT CORNER MONUMENT
 - EXISTING LOT CORNER SURVEY

SITE INFORMATION

PROPOSED NUMBER OF "SITE" PARKING SPACES: 379 + 9 OA
TOTAL LOT AREA: 36.29 ACRES
PROPOSED IMPROVED COVERAGE: 6.40 ACRES



NOTE TO CONTRACTOR
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL UTILITIES PRIOR TO ANY EXCAVATION. NO PAINT SHALL BE MADE WITHOUT THE PERMISSION OF THE UTILITIES. ALL REQUIRED UTILITIES SHALL BE MAINTAINED OR UNDERGROUND CHANGES REQUIRED DURING CONSTRUCTION.