



City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 04 September 2024

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
WEDNESDAY | 6:30 PM
04 September 2024

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

<https://bloomington.zoom.us/j/89362195444?pwd=3awVmjqzdogRyNDAbSexlul2Ft0Apd.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **APPROVAL OF MINUTES**
 - A. February 28, 2024 – Regular Session
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
 - A. Councilmembers
 - a. Letter of support for Community Leadership Grant Project by the Community Foundation of Bloomington and Monroe County (CFBMC)
 - B. The Mayor and City Offices
 - a. Report from Doug Bruce on the progress of the Capital Improvement Board (CIB) regarding the Convention Center expansion
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
6. **LEGISLATION FOR FIRST READINGS**
 - A. Ordinance 2024-17 – To Amend Title 20 of the Bloomington Municipal Code Re: Amendment and updates related to grading permit and alignment with Title 13 and BMC 20.04 related to steep slopes
 - B. Appropriation Ordinance 2024-03 – To Additionally Appropriate From the Public Works General Fund for Personnel
 - C. Appropriation Ordinance 2024-04 - To Additionally Appropriate From the Public Works General Fund for Debris Removal

(over-->)

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

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: 30 August 2024

7. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

A. Resolution 2024-17 - Requesting the Food and Beverage Tax Advisory Commission to Make a Recommendation for Expenditure of Food and Beverage Tax Revenues

8. ADDITIONAL PUBLIC COMMENT *

(A maximum of twenty-five minutes is set aside for this section).

9. COUNCIL SCHEDULE

10. ADJOURNMENT

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

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Posted: 30 August 2024



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

Minutes for Approval

28 February 2024

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, February 28, 2024 at 6:30pm, Council President Isabel Piedmont-Smith presided over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
February 28, 2024

Councilmembers present: Isak Nti Asare, Isabel Piedmont-Smith, Dave Rollo, Kate Rosenbarger, Andy Ruff (arrived at 6:32pm), Hopi Stosberg, Sydney Zulich
Councilmembers present via Zoom: Matt Flaherty (arrived 6:31pm)
Councilmembers absent: none
Clerk's Note: There was a vacancy in District 5.

ROLL CALL [6:30pm]

Council President Isabel Piedmont-Smith gave a land and labor acknowledgment and summarized the agenda.

AGENDA SUMMATION [6:31pm]

Stosberg moved and Ruff seconded to suspend the rules to consider the minutes for approval. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

APPROVAL OF MINUTES [6:34pm]

September 06, 2023 (Regular Session)

September 13, 2023 (Regular Session)

September 20, 2023 (Regular Session)

Stosberg moved and Ruff seconded to approve the minutes of September 06, 2023 (with a minor correction), September 13, 2023, and September 20, 2023. The motion to approve the minutes received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Zulich noted her town hall scheduled for March 2, 2024.

REPORTS

- Councilmembers [6:36pm]

Rosenbarger reminded the public that the Safe Streets event had been moved to the first week in April.

Piedmont-Smith reported on the film showing by the Community Advisory on Public Safety Commission the previous weekend.

Deputy Mayor Gretchen Knapp reported on city preparations for the April 08, 2024 solar eclipse. She noted the influx of people, traffic congestion, slowed network connectivity, public safety, and more.

- The Mayor and City Offices [6:36pm]

Rosenbarger expressed her excitement for the solar eclipse.

Council discussion:

Piedmont-Smith asked if the event at the Monroe County (MC) Fairgrounds was canceled.

Knapp confirmed that was correct.

Asare asked where the large number of people would be guided.

Knapp stated that was a difficult task and referenced the eclipse website that contained guiding information.

Piedmont-Smith asked if the After Hours Ambassador positions would be filled by the date of the solar eclipse.

Knapp said one had been filled and another was in the process.

Piedmont-Smith asked about food trucks.

Adam Wason, Director of Public Works, said there were locations around the city and on the Indiana University (IU) campus.

Asare asked about preparation for the possibility of cell phone networks going down and if the emergency alert system might be used.

Wason explained that public safety departments were on the First Net system, which was a prioritized system. The Monroe County Emergency Management agency and partners would have a joint information center and emergency operation center.

Knapp stated that Information Technology Services (ITS) would also have ATT Cells on Wheels (COWS) downtown.

Knapp said there were organizations putting information out.

Wason confirmed the options for receiving information.

- The Mayor and City Offices (cont'd)

There were no council committee reports.

- Council Committees [6:56pm]

Piedmont-Smith extended the period for public comment until 7:40pm with no objections from the council.

- Public [7:00pm]

Charlotte Zietlow spoke about her experience on council and the importance of communicating to federal government about the crisis in Gaza and supporting the cease fire.

[Unknown] urged council to support the cease fire in Palestine and about the atrocities of the bombardment there.

Aviva Orenstein noted that she was Jewish and spoke out about the great harm being done, and the complicated conflict between Israel and Palestine.

Richard Bauman spoke as a Jewish Bloomingtonian and urged council to adopt the resolution in favor of a cease fire. He described the dire conditions in Gaza due to the disproportionate attack. He gave additional information.

David Sabbagh mentioned council having passed the Iraq resolution in 2001. He urged council to support the cease fire.

Patricia Cole supported a cease fire in Gaza. She spoke about the importance of hearts and humanity.

Dave Thelan hoped council would put the legislation on its agenda. He gave many reasons in support.

Susan Seizer's main concern as a Jewish American was the government fighting horror by providing arms instead of supporting a cease fire as well as the United States' (US) reputation. She was concerned about blowback.

David Keppel, spokesperson for the Bloomington Peace Coalition, spoke about the tragedy occurring in Gaza. He urged council to support the cease fire against the genocide funded by the US.

Kyle Feldcamp spoke about Dina Abu Mehzen whose family was killed by an Israeli airstrike, and she was treated in a hospital that was later bombed too, and she passed away. He reminded everyone that the people being attacked had hopes and dreams. He urged council to support the cease fire.

Nejla Routsong spoke about safety and the civilian population being bombarded by Israeli munitions manufactured in the US. She said there were many federal civilian defense employment and there was over a \$1 billion impact in the region. She, and the Community Advisory on Public Safety commission, urged that council support the cease fire.

Hemayatullah Shahrani spoke in favor of the cease fire in Palestine and humanitarian aid. He noted that there had been over seventy thousand deaths not including those not found under the rubble. He

commented on the impact on mental health and other unjustifiable actions.

- Public (cont'd)

Feza Midi did not appreciate that her tax dollars went towards a foreign war. She urged continued support for cities to pass cease fire legislation.

Dawud Midi noted that there was hesitation for supporting a cease fire in Palestine due to being seen as anti-Semitic. He spoke about his experience with Islamophobia in Bloomington and his school. He mentioned the number of times the mosque had been vandalized. He urged council to support the cease fire in Gaza.

Ann Kavalerchik spoke in favor of council supporting the cease fire in Gaza. She commented on her family's and others' experience with violence against them as Russian-area Jews. She spoke about the importance of stopping the genocide in Gaza. She said Never Again meant never again.

Rashid Midi commented on his experience in Bloomington. He was Algerian born during wartime. He had seen atrocities as a small child. He had been an activist his whole life and spoke against 9/11/2001 and urged council to do everything possible to support the cease fire.

Sidi [Unknown] supported the cease fire and humanitarian aid. She said that Benjamin Netanyahu was not concerned with the safety of Israel because he was bombarding Palestine. She commented on creating another generation seeking revenge.

Daniel Siegel was a Jewish American who had seen neighbors with tattooed numbers from Auschwitz. He said one of his closest friends had not known many cousins or their grandparents because they had died in concentration camps. He spoke against genocide and the need to do everything to stop it. He urged council to support a cease fire in the name of radical love. He noted the many Jewish voices supporting a cease fire.

Ruff moved and Piedmont-Smith seconded to appoint Andy Koop to seat C-1 on the Bloomington Digital Underground Advisory Committee, to reappoint Nejla Routsong to seat C-5 on the Community Advisory on Public Safety, and to reappoint Shannon Gayk to seat C-4 on the Environmental Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS [7:36pm]

Rollo moved and Zulich seconded to appoint Paul Anderson to seat C-2 on the Bloomington Arts Commission, and to reappoint Eoban Binder to seat C-3 and to appoint Stephen Volan to seat C-5 on the Parking Commission.

Stosberg moved and Zulich seconded to reappoint Herbert Caldwell to seat C-2 on the Commission on the Status of Black Males, and to reappoint Wendy Rubin to seat C-1, and to reappoint Robert Deppert to seat C-2, on the Commission on Aging.

The motions received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS
[7:41pm]

Stosberg moved and Ruff seconded that Resolution 2024-02 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Clerk Nicole Bolden read the legislation by title and synopsis.

Stosberg moved and Ruff seconded that Resolution 2024-02 be adopted.

Margie Rice, Corporation Counsel, presented the legislation. She discussed changes including the removal of language for the city to make recommendations to the Convention Visitors Commission (CVC), the removal of the requirement that the Capital Improvement Board (CIB) members comprise the city's building corporation and instead have the city council determine the members, and the CIB budget.

There were no council questions.

The following individuals gave reasons in support of Resolution 2024-02: Mike McAfee, Visit Bloomington; Christopher Emge, Greater Bloomington Chamber of Commerce; Talisha Coppock, Convention Management company; Jen Pearl, Bloomington Economic Development Corporation; Eric Spoonmore, President of Greater Bloomington Chamber of Commerce.

Rosenbarger commented on responses to the city survey which prioritized high-speed fiber for internet access, development of the Hopewell project, and development of the Trades District. The expansion of the Convention Center was prioritized. She noted the regulations for the Food and Beverage (FAB) Tax monies which was not limited to the Convention Center, it could include other tourism options. She discussed state statutes, economic development in the downtown, vacancies in parking garages, data on Convention Centers indicating an increase in space but a not with the demand, and the new Monon South Freedom Trail connecting New Albany to Bedford. She wondered if it best benefitted residents of Bloomington to spend the FAB tax on more innovative options like additional housing in the downtown which brought people to downtown businesses, or on the Convention Center.

Rollo thanked John Whikehart, President, CIB, and CIB members. He noted that the Convention Center would also be a civic center, which was integral in the decision to support the FAB tax. He realized that there had been many advocates for commerce that had made public comment. Businesses expected that the funds be used for the expansion. Rollo understood that there were differences post-pandemic but stated that the demand was still steady.

Stosberg said she agreed with Rosenbarger but would support the legislation and provided reasons why, like current expenses.

Flaherty thanked everyone for the discussion. He stated that the city surveys were the only tool available and were underutilized. He concurred that having additional housing downtown would provide more business. He commented on the inconsistency in decision making by elected officials, especially given that there was a different council in 2017 when the discussions began. He believed it

Resolution 2024-02 - To Amend Resolution 23-22, Which Approved an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana for the Operation of the Bloomington/Monroe County Capital Improvement Board and the Convention and Visitors Commission (To Reconcile Two Versions of the Agreement)
[7:41pm]

Council questions:

Public comment:

Council comments:

was important to be thoughtful on how to spend the FAB tax money according to what was legally allowed. The FAB tax funds did not have to be spent entirely on the expansion of the Convention Center. He said he would scrutinize all proposals for the expansion.

Resolution 2024-02 (cont'd)

Piedmont-Smith clarified that she had been hesitant from the beginning on the FAB tax for the Convention Center expansion, especially for a city the size of Bloomington. She noted that it would rely heavily on the use of fossil fuel methods of transportation for the conventions. She gave a brief history of the project. She would support the legislation as a step in the process but would also scrutinize the plans for the expansion and would push for a sustainable building and on reducing its carbon footprint. She also agreed that more housing downtown was ideal and gave reasons.

The motion to adopt Resolution 2024-02 received a roll call vote of Ayes: 7, Nays: 1 (Rosenbarger), Abstain: 0.

Vote to adopt Resolution 2024-02 [8:17pm]

Stosberg moved and Ruff seconded that Resolution 2024-03 be introduced and read by title and synopsis only. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0. Bolden read the legislation by title and synopsis.

Resolution 2024-03 – Resolution Urging Passage of United States Senate Bill 2990, Regarding the Expansion of the Charles C. Deam Wilderness and the Establishment of the Benjamin Harrison National Recreation Area [8:19pm]

Stosberg moved and Ruff seconded that Resolution 2024-03 be adopted.

Rollo presented the legislation which would double the size of the Deam Wilderness, and created the Benjamin Harrison national recreation area consisting of twenty nine thousand acres. He said there were additional protections of the ecosystem, including plants and animals.

Ruff added that it was a rare and significant opportunity. It would have the highest level of protection against exploitation of the land.

Jeff Stant, Executive Director of the Indiana Forest Alliance, described the work on the legislation which was a culmination of years of efforts. He gave a history on the process of saving the land and expanding the Deam Wilderness. He explained that the land contained the most ecologically valuable, intact forest in the central hardwood forest region of eastern North America. He gave additional details and urged council support the legislation.

Dr. Sherry Mitchell Brooker, President and Founder of Friends of Lake Monroe, described slopes, erosion, and the mission of protecting and enhancing Lake Monroe and its watershed. She was a hydrologist with over thirty years' experience in water resources. She spoke about reducing toxins in drinking water, and gave additional information about the land, water quality, and controlled burns in forests.

Stosberg asked about funding.

Council questions:

Stant said Senator Mike Braun hoped that the Forest Service would change its priorities and also appropriate funding. National recreation areas tended to be around water supply reservoirs and brought additional Forest Service resources. There were about forty in the United States. Federal funding would likely come once the area was established as a national recreation area. Ruff asked about impacts or concerns about restrictions.

Stant said there would be some restrictions on camping and groups of people. He said there was over-usage of the Deam Wilderness land. He gave additional examples.

Stosberg asked how the recreation and wilderness areas were determined.

Stant described the areas and discussed that there were protections from logging. There were also private land areas and army corp areas. There were also things like horse paths in the area that promoted recreation.

Piedmont-Smith asked about the process for the legislation.

Stant explained that it would next go to the House of Representatives and they would be working with Representative Erin Houchin.

Tyler Kivland, Skill Development Coordinator at Indiana University Outdoor Adventures, was conflicted about the proposal primarily because of the limit on group sizes. He supported the expansion and recreation areas but there was limited or no access to the Deam Wilderness for his adventure groups. He gave details about the types of activities the groups did and the importance of "leaving no trace" principles.

Irene Georgiotis spoke about public recreation, the IU Outdoor Adventure activities, and in favor of the bill and its protections but also expressed concern about the group size limitation. She stressed the importance of including future land care takers access to land.

Liam Hobson agreed on the importance of protecting the land, and being able to teach people about the "leaving no trace" concept and being respectful of wilderness. He did not want to see IU Outdoor Adventure be unintentionally negatively affected.

Nicci Brown, Academic Coordinator at IU Outdoor Adventures, spoke about the program and its impact on students. She stressed the importance of protecting the land, and how the program shows individuals how to do so. She gave additional examples of the successes of the program.

Austin Crouch noted his and his peers' alliance with Friends of Lake Monroe. He said that the program taught over four hundred local and international students about the preservation of the land, and future stewardship. He expressed concern about the quick pace of the legislation.

Douglas Rapp stated that the proposal originated four years ago with Senator Braun's staff. A coalition of groups including conservationists, hunters, fishers, and more had come together to create the legislation. He said that the Forest Service would still manage the land and the rules would not change. He stressed the importance of Senate Bill 2990.

Neil Goswami spoke about strengthening forests, especially old growth forests. He discussed climate crisis and the importance of combating it. The proposal would protect water quality.

Max Wolf talked about his enjoyment of Monroe County forests. He related the devastating, ecological impact on land in Palestine due to the genocide currently happening. He urged council to not only listen to the individuals from Indiana University.

Resolution 2024-03 (cont'd)

Council questions:

Public comment:

Asare asked for clarification on the concerns and what council should consider when voting on the legislation.

Kivland clarified that the goal would be to modify the senate bill to allow IU Outdoor Adventures to continue to educate students. He also clarified that he and his colleagues supported the legislation.

Stant added there would be almost thirty thousand acres that would be designated with the purpose of promoting recreation in the area and did not have a limit to the size of groups. The Forest Service could limit group sizes in the wilderness area. It could be possible that special permits could be allowed. He detailed the process the bill would undertake and urged IU Outdoor Adventure to work with the Forest Alliance.

Rollo asked about the scale of the proposal and its impact on the watershed.

Brooker clarified that she would have to do additional analysis because there was not one direct cause, it was a variety of things affecting the watershed, like erosion and farms.

Rollo noted the importance of protecting the water source in perpetuity. He asked about the materials that ended up in the water after clearcutting.

Brooker said there was sediment and nutrients entering the lake. The sediment settled on the bottom of the lake but the chemistry of the lake changed as the seasons changed, the sediment promoted algal blooms. There were other nutrients that would go into the lake from things like burns.

Zulich believed it was important to do as much as possible to protect wildlife and nature preserves. She spoke about February being the hottest in recorded history relating to climate crisis.

Rollo spoke about the biodiversity crisis and the need to protect old growth. He noted Cerulean Warblers that traveled from Peru but were in decline for decades. It was imperative to preserve wildlife's habitat. There were multiple tradeoffs and an opportunity for flexibility to allow outdoor groups to use the land.

Flaherty would support the legislation. He was not a sponsor of the legislation, but had done preliminary work such as investigating impacts on the city departments like utilities and parks. He had also spoken with IU Outdoor Adventures. He believed it was important to support conservation in the region.

Ruff thanked Stant, Brooker, and IU Outdoor Adventure. He was confident that special permits could be done to allow larger groups. He committed to advocating for that.

Asare thanked everyone for the discussion. He noted that if access to a water source was compromised, the city would cease to exist. If was a false equivalent to compare that to the success of an IU outdoor program. He supported figuring out a way to ensure that IU Outdoor Adventure could continue to use the land.

Stosberg shared her experience with hiking the land with her family. She supported protecting the land so future families could low-impact camp.

Piedmont-Smith thanked Indiana Forest Alliance for their work in collecting data of the flora and fauna in the land. She encouraged the public to contact Representative Erin Houchin and urge her support for the bill.

Resolution 2024-03 (cont'd)

Council comments:

The motion to adopt Resolution 2024-03 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 0.

Vote to adopt Resolution 2024-03 [9:48pm]

There was no legislation for first reading.

LEGISLATION FOR FIRST READING [9:49pm]

Michael Martin spoke in favor of a cease fire in Gaza. He urged council to pass legislation as many other municipalities had, as well as many organizations around the nation.

ADDITIONAL PUBLIC COMMENT [9:49pm]

[Unknown] spoke in favor of an immediate and permanent cease fire in Gaza. It was a first step and many had died over the last four months. He encouraged Bloomington to implement the Boycott, Divest, Sanction (BDS) policy against Israel to divest from weapons manufacturing, apartheid, and genocide.

Stephen Lucas, Council Attorney, read a comment submitted via Zoom chat from Sam Dove pertaining to an event at New Hope for Families.

Piedmont-Smith noted the upcoming Regular Session.

COUNCIL SCHEDULE [9:54pm]

Lucas mentioned the upcoming Jack Hopkins Social Services Funding committee meeting.

Piedmont-Smith adjourned the meeting.

ADJOURNMENT [9:55pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2024.

APPROVE:

ATTEST:

Isabel Piedmont-Smith, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington



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

September 4, 2024

Mr. Brent Lee

Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Dear Mr. Lee,

On behalf of the Bloomington City Council, I write to express support for the proposed Community Leadership Grant project to be directed by the Community Foundation of Bloomington and Monroe County (CFBMC) and its partners. We are grateful to the Lilly Endowment for this opportunity through the Giving Indiana Funds for Tomorrow (GIFT) VII grant process.

The Bloomington City Council is the nine-member legislative body of the city. We are elected to represent all residents of the community and to further Bloomington's social, economic, and environmental well-being. We also oversee the finances of the city government, approving the annual budget, bonding, and all other appropriations. We aim to promote the health, safety, and welfare of Bloomington's residents and to foster an inclusive and accessible environment for all.

As described in the grant proposal, homelessness has risen to a crisis level in Bloomington and Monroe County over the last few years. The city government has prioritized incentives and a broad range of options for affordable housing and has consistently partnered with social service organizations to support their efforts, both financially and logistically, to prevent homelessness and to help those who are unhoused. Through the process of revising and relaunching the Heading Home plan in 2021, the city reinvigorated partnerships with the Community Foundation of Bloomington and Monroe County, emergency day and night shelter providers, township and county government offices, and experts in the community. The City Council has since approved \$2.7 million in ARPA funds toward implementation of the 2021 Heading Home Plan.

We are very supportive of the proposal that the Community Foundation has drafted and believe it will go a long way to achieve the Heading Home goal of making homelessness brief, rare, and non-repeating. Addressing homelessness not only improves the quality of life for those directly affected but also benefits the broader community by reducing strain on emergency services, enhancing public safety, and fostering a more inclusive and compassionate city.

With clear intent and an evidence-based approach, the Community Foundation and its impressive array of community partners have proposed a sound path forward. By addressing the city's housing crisis, the Council can help ensure that all residents have access to stable housing—fundamental to achieving overall community well-being and economic stability.

The Council enthusiastically supports the proposed project. On behalf of the City of Bloomington, thank you for your consideration.

Sincerely,

City of Bloomington Common Council

Isabel Piedmont-Smith, President
Bloomington Common Council

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47404-5163

TEL 812/333/9016
FAX 812/333/1153

CFBMC.ORG

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April 30, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Dear Brent,

We are pleased to submit a Leadership Implementation Concept Paper for Monroe County. This GIFT VIII initiative offers our foundation the opportunity to expand our leadership in an area of growing importance and concern related to the health and prosperity of our community and its residents.

Our foundation's board of directors and staff have been engaged in thoughtful strategic planning over the last six months. Stakeholders, partners, donors, and board members have been working alongside staff to define areas for community leadership over the next decade. Our community consistently tells us that the Foundation needs to grow its leadership role in addressing housing security, street homelessness, and housing availability for people of all incomes.

Our foundation and its partners have been deeply engaged in addressing the short- and long-term challenges of housing insecurity in our county for more than a decade. Today, Monroe County has many of the pieces in place to reverse escalating trends in housing insecurity and street homelessness. We have committed city leadership, a collaborating set of essential stakeholders, and data-driven foundational practices in place.

With additional resources, a reimagined structure for case management and housing diversion outlined in this concept paper will provide short-term, intensive supports to stabilize the system and build long-term, sustainable solutions to prevent those on the brink of homelessness from reaching a housing crisis.

Our community foundation has a unique role to play in advancing the strategies detailed in the concept paper. We have the capacity to bring key leaders and partners to the table, to marshal the resources of our sister organizations like CDFI Friendly Bloomington and ROI to help, to support ancillary organizations to develop capabilities complementary to new programming, to grow the \$1.3 million endowment for housing insecurity, to sustain a guiding team for the length of the project, and to manage grant dollars effectively.

We are, as always, grateful to the Endowment and for the opportunity.

Sincerely,



Jeff Wuslich
Board Chair



Tina Peterson
President and CEO



GIFT VIII Leadership: Implementation Grant Executive Summary

During the last decade, community leaders, including the Community Foundation, have been collaborating to address housing insecurity. These efforts, along with motivated stakeholders and elected officials, position Monroe County to seize upon existing momentum and launch a catalytic effort to stabilize our unsheltered neighbors and those teetering on the precipice of housing insecurity.

While we have made significant progress, Monroe County has seen an alarming increase in housing-insecure households that is stretching community resources beyond capacity. The Community Foundation and its partners are focusing on an innovative solution that will not only help those experiencing homelessness in the short term but allow this community to better serve both those in crisis and those whose stability can be preserved if appropriate supports are provided. By reimaging traditional case management and implementing an innovative and team-based approach, complete with wrap-around supports and a “no wrong door” culture, we aim to reduce unsheltered homelessness by two-thirds during the course of this grant.

Additionally, this proposal seeks to go beyond the crisis of unsheltered homelessness by prioritizing diversion case management to prevent housing-insecure families and individuals from falling into homelessness in the first place. With creative methods such as individualized, strengths-based planning, strong partnerships with partner agencies, community-based volunteer support teams, and an innovative economic advancement income supplement, our objective is for more families to be diverted from homelessness and increase their overall financial stability.

We propose a five-year path to building a better solution to housing insecurity. Central to this solution is a team of skilled professionals who will be responsible for 1) diverting households from experiencing homelessness, 2) housing individuals experiencing unsheltered homelessness, 3) creating individualized case conferencing teams through diverse community partnerships, and 4) providing intensive case management to housing insecure households for a period of up to three years. As the immediate crisis is mitigated, case management supports for the unsheltered homeless are projected to taper beginning in year four. Diversion case management efforts will be sustained throughout the grant period and then beyond, with the addition of new funding streams and partnerships.

Heading Home of South Central Indiana, the entity established as an outcome of previous leadership work facilitated by the Community Foundation, will serve as the employer of the team of case management professionals and track progress towards proposed outcomes. Key community stakeholders, including South Central Housing Network, City of Bloomington, South Central Community Action Program, and Bloomington Health Foundation, are committed to this work and ready to align their efforts. The Community Foundation will provide leadership in developing and establishing strategies, convening, and securing sustainable funding.

Monroe County is poised for this opportunity to re-invent our approach to serving our neighbors experiencing homelessness.

GIFT VIII Leadership: Implementation Grant Narrative

Purpose and Rationale

Like many Indiana communities, Monroe County is faced with escalating challenges related to homelessness. However, years of strong community leadership position Monroe County to seize upon existing momentum and launch a catalytic effort to stabilize our unsheltered neighbors and those teetering on the precipice of housing insecurity.

Housing insecurity has been a critical area of community focus for many years. The Community Foundation of Bloomington and Monroe County (CFBMC) was a leader and a funder in a collaborative effort that produced the first “Heading Home” plan in 2013, published by the South Central Housing Network (SCHN). The COVID-19 crisis triggered a critical revisiting of the original plan by a cross-sector group of relevant stakeholders, including those with lived experience. This effort culminated in an updated plan entitled “The Heading Home Plan: A Regional Strategy for Making Homelessness Rare, Brief, and Non-repeating.” Its recommendations were grounded in an updated landscape analysis, a commitment to data-supported strategies, and research in promising practices. Perhaps most significantly, the plan called for the creation of a new community-based entity to coordinate strategies for strengthening housing security, decreasing homelessness, and deploying community resources for diversion and prevention. Four years later, that entity, Heading Home of South Central Indiana (Heading Home), has a staff of two and a board of directors populated by leaders representing local government (City of Bloomington, Monroe County, and local townships), housing (South Central Housing Network), and philanthropy (CFMBC and United Way of South Central Indiana).

Heading Home has made significant advancements in addressing systemic barriers to housing security. Of particular significance, Monroe County has become a Built for Zero community – the first in Indiana – utilizing a nationally recognized framework for helping communities achieve “functional zero” homelessness, tackling one specific population at a time. The first focus is the veteran population. Heading Home created a “case conference” team that talks across agencies to support homeless veterans in moving to housing security. Since beginning in January 2023, 32 veterans¹ have moved into housing and three additional veterans were diverted from a homeless shelter to a longer-term housing solution.

Key organizations on the Heading Home board have also worked intensely with local sheltering and social service agencies to collect data and information, enhancing Coordinated Entry Systems in the region and the ability to create data-driven solutions.

These developments have been instrumental in activating Monroe County’s commitment to measurably ending homelessness. However, the population of unsheltered and housing-insecure households has unfortunately grown by 217% since 2019. The unhoused population and encampments are growing across the community and have stretched community resources beyond capacity. Community climate is deteriorating as a result.

Now is the time to rethink a system that is overwhelmed, under-resourced, and often ineffective in addressing the breadth of needs that exist. While the community collaborates through city, county, and social service efforts to create the housing needed, case management is the barrier to reducing the rate of homelessness and increasing success rates. A 2023 National Institute of Health study² showed that intensive case management reduces the number of days someone is homeless, increases client well-being in a variety of categories, and improves long-term housing stability. In the current environment, the shortage of case

¹Current progress, like that occurring with veterans, and other key metrics are captured on Heading Home’s Data Dashboard, which provides data from the local Homeless Management Information System. See more at: <https://headinghomeindiana.org/data-dashboard/>

²Exploring the effect of case management in homelessness per components: A systematic review of effectiveness and implementation, with meta analysis and thematic synthesis, Weightman, Kelsen, Thomas, Mann, Searchfield, Willis, Hannigan, Smith, Cordiner, 2023.

management personnel coupled with unmanageable caseloads is constraining the county's ability to stabilize the ecosystem and adequately support those in crisis or nearing a crisis point. Stakeholders concur that a concentrated, time-bound initiative to reduce backlogs in case management would allow for more capacity to serve people in crisis. Many never receive services because of their position on the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT), which prioritizes those in the most severe situations and, as a result, leaves those who could be diverted from crisis without housing. This proposal will help this community better serve those whose stability can be preserved and those in crisis.

Several community-based efforts will enrich our proposed implementation activities, including CFBMC's GIFT VIII planning grant, which is in process, to design "next-level" versions of enhanced case management, the Bloomington Health Foundation's new system of navigators for those experiencing mental health challenges and substance use disorders, and city leadership that is exploring a locally-based income supplement to serve people at or approaching the Asset Limited, Income Constrained, Employed (ALICE) threshold of financial survival.

Proposed Activities

To address the pressing housing instability crisis in Monroe County, we propose a partnership between local organizations to provide intensive housing case management to any individual/family experiencing unsheltered homelessness and diversion case management to any household experiencing significant housing instability. We will establish a "no wrong door" culture that allows community members impacted by housing crises to be served quickly through an innovative case management model that draws on the strengths of existing community partners from multiple social service agencies. Finally, we will assist households in achieving housing stability as quickly as possible, followed by up to three years of individualized case management to address underlying causes and ensure lasting stability.

To achieve these goals, we propose the creation of a team of skilled professionals who will be responsible for 1) diverting households from experiencing homelessness, 2) housing individuals experiencing unsheltered homelessness, 3) creating individualized case conferencing teams through diverse community partnerships, and 4) providing intensive case management to housing insecure households for a period of up to three years, according to the needs of the household.

The innovative team we propose will consist of one Project Lead, six Housing Case Managers, and five Diversion Case Managers. Each case manager will curate a skilled support team committed to addressing each individual or family's specific needs and personal goals, and case managers will follow clients until both the client and team feel confident that stability can be maintained. This skilled support team may include service providers, volunteers, family members, and faith community partners, and will work closely with the Bloomington Health Foundation's new mental health navigator program.

Unsheltered Homelessness Case Management

Each year, communities across the country complete a Point in Time (PIT) Count to understand the number of people experiencing homelessness on one night in late January. The local PIT Count is conducted in Monroe, Morgan, and Lawrence Counties, with most of the households experiencing homelessness in Monroe County. The following table represents the number of people experiencing unsheltered homelessness in Region 10, which includes Monroe County, over the past six years.

Unsheltered Homeless Count

	2019	2020	2021	2022	2023	2024
Region 10	29	36	69*	54*	69*	124**
Monroe County	29	36	55	44	51	92

* In 2021-2023, an unsheltered count was conducted in 2 counties.

** In 2024, the unsheltered count was conducted in 3 counties

As the table above indicates, the number of people experiencing unsheltered homelessness in Monroe County has more than tripled from 2019 to 2024, with the majority of that increase between 2023 and 2024. While Indiana overall has seen an increase in the number of unsheltered individuals, there has not been an equal increase in federal or state funding to address this problem. We see the number of people experiencing unsheltered homelessness in Monroe County as a public emergency.

Currently, our county is home to two adult shelters, one family shelter, and one domestic violence shelter. Each shelter has case managers who guide that agency’s clients through homelessness and into stability. A client exiting any of the shelters without housing or having never engaged with a shelter is unlikely to have consistent case management services. The typical model of crisis case management offers drop-in, one-time support. It does not provide ongoing support to address underlying causes of homelessness or work to prevent recurrences.

CFBMC and its partners propose an innovative strategy of targeted, long-term case management for anyone experiencing unsheltered homelessness, even if they are not experiencing chronic homelessness. In this way, we will be able to treat homelessness like the emergency it is, replacing one-time crisis case management with sustained support once individuals are housed and preventing a recurrence of homelessness. To achieve this, we will create a team of six Housing Case Managers tasked with reducing the number of people experiencing unsheltered homelessness in Monroe County by two-thirds over three years and maintaining that reduction. These case managers will be embedded in pairs in each of the three community organizations equipped to do street outreach work: our two adult shelters, Beacon and Wheeler Mission, and HealthNet, our street medicine team.

These case managers will identify people experiencing unsheltered homelessness and utilize a strengths-based, individualized, voluntary services model to help them achieve housing. These Housing Case Managers will partner with local service providers to access resources to achieve housing. They will also have access to client assistance funds designated for rapidly removing barriers to housing. If individuals do not wish to remain in Monroe County, Housing Case Managers may be able to access funds to allow individuals to reunify with friends or family members.

Once housed, case managers will continue to meet with clients at their host agencies and in their homes to identify likely barriers to ongoing stability. Case managers and clients will collaborate in the construction of a case management team of professionals and volunteers who can provide the resources necessary to create lasting stability. These partners may include people dedicated to housing, mental health care, physical health care, childcare, job training, employment, education, legal aid, and more. Meetings will continue according to individual household needs at decreasing intervals over a period of up to three years.

The team of Housing Case Managers will work at full capacity for an initial period of three years. In the following three years, the number of Housing Case Managers will be reduced with ongoing work on sustainability through diversion and outreach done by community partners. Over a period of five years, we anticipate a reduction in the number of people experiencing unsheltered homelessness and an increase in coordinated and collaborative community strategies.

Homelessness Diversion Case Management

According to 2021 data from Prosperity Indiana, 31% of Monroe County households at 50% of Area Median Income (AMI) are severely housing cost burdened (consistently spending 50% of their household income on housing). The number of severely cost-burdened households in Monroe County jumps dramatically to 82% when their income is at 30% AMI or less. Households experiencing housing instability may access assistance from many social service agencies and faith communities, but this support is likely to be limited to a one-time request for a relatively small amount of money to meet a one-time need. Our community has no organization dedicated to providing preventative case management to these families living on the brink of disaster. Creating a proactive solution to prevent people from becoming homeless will not only stabilize an at-risk population but also allow the capacity of the case managers and agencies to be focused on those with the most extreme needs.

We propose creating a team of five Diversion Case Managers to provide households at risk with comprehensive case management to stabilize housing and ensure lasting housing stability. These case managers will work closely with community partners, most likely to encounter people experiencing housing instability, to establish relationships with those at risk of a severe housing crisis.

For this project, we identify the target demographic as households that 1) are consistently spending more than 50% of their household income on housing, 2) have missed two or more rent or mortgage payments in the past 12 months, 3) have missed one rent or mortgage payment in the past 12 months and have experienced a major life event likely to cause further delinquent payments, and 4) are at imminent risk of losing current housing.

Once these households are identified, case managers will work with them to identify barriers to housing security and build an individualized, strengths-based success plan based on each family's goals. Using this plan as a map, case managers will convene a case management team to support the household on their path to housing security. Diversion Case Managers will work collaboratively with other support agencies and will also have access to funds designated for the removal of barriers that aren't easily or quickly eliminated through other channels. We envision case management will be frequent and intensive when a family is identified and will gradually taper off over a period of up to three years. In these cases, specifically, we envision welcoming community members into a partnership to support families with rides to appointments, mentorship, and friendship. These volunteers will become an integral part of the support team for these households.

Additionally, we propose a small pilot to provide a limited number of families (25 in year one, 50 in year two, and 60 in years three to five) with an economic advancement income supplement. This supplement will target ALICE families who have experienced housing instability in Monroe County. In order to receive the supplement, families will be required to participate in diversion case management for a period of three years.

Roles and Responsibilities

The Community Foundation will deploy funds, provide fiscal oversight for the GIFT VIII grant funds, and serve as a convener for broader stakeholder groups. Heading Home will lead in executing this project and provide accountability for its outcomes. CFBMC has a leadership position on Heading Home's Board, with CFBMC's President and CEO serving as co-chair. This board will provide oversight and programmatic guidance on this initiative. Additionally, CFBMC may deploy funding from other sources to ancillary organizations that support individuals and families facing challenges that impact housing stability.

Housing Case Managers, Diversion Case Managers, and their supervisors will be employees of Heading Home, forming a cohort that will meet weekly to conduct case conferencing, discuss best practices, provide training, set cultural norms and assess progress in attaining measurable goals of moving residents into housing and in diverting people from homelessness.

Heading Home Housing and Diversion Case Managers will be embedded within eight community partner organizations throughout Monroe County. Each partner will be responsible for providing office space, daily supervision, and coordination with other staff in their organization. The specific details of these responsibilities will be developed in collaboration with Heading Home.

Partners for six Housing Case Managers (2 FTEs per agency) include:

- Wheeler Mission: Monroe County's men's emergency shelter
- Beacon Inc.: Monroe County's emergency shelter for women and LGBTQ+ residents and the only adult shelter for people of any gender that is not faith-based
- HealthNet's Homeless Initiative Program: Bloomington's only street medicine outreach program

Diversion Case Managers will be hosted at partner organizations as follows:

- South Central Community Action Program (1 FTE): Our CAP agency provides a range of services for low-income families, including the administration of a Housing Choice Voucher program. The HH Diversion Case Manager will spend half their time on diversion case management and half administering housing stability income supplements.
- New Hope for Families (.5 FTE): Monroe County's only family emergency shelter
- Monroe County Public Library (1 FTE): The HH Diversion Case Manager will share time among three library branches serving downtown Bloomington, Ellettsville and the southwest sector of Monroe County.
- Perry Township Trustee (1 FTE): The most urban of Monroe County townships (population ~54,000) and the front line for providing many types of financial assistance for housing stability. The HH Diversion Case Manager embedded with Perry Township will be responsible for outreach to the five southern townships in Monroe County.
- Bloomington Township Trustee (1 FTE): The second-most urban of Monroe County's townships (population ~43,000) provides services that include a food pantry and its representative payee program, which helps residents who are unable to manage their financial decisions for social security, disability, or other benefits. The HH Diversion Case Manager embedded with Bloomington Township will be responsible for outreach to the four northern townships in Monroe County.
- Beacon, Inc. (.5 FTE): Shalom Community Center is a day center for people experiencing extreme poverty.

Heading Home will lead in the recruitment of community partners to support collaborative case management with the end goal of achieving lasting stability. In addition to volunteers from local faith and philanthropic groups, partnering closely with existing service providers and the Bloomington Health Foundation's new health navigator program, will ensure alignment of efforts.

Proposed Outcomes

Our key outcome is to reduce the number of people experiencing unsheltered homelessness by two-thirds over three years. For housing case management, the Community Foundation and partners will track the number of unsheltered homeless who engage in emergency case management and those who become housed. The percentage reduction in unsheltered homeless and of previously unsheltered homeless who retain housing will also serve as important performance indicators.

For diversion case management, important data indicators will include the number of households who engage in diversion case management, the number of households who are diverted from homelessness, the percentage of households who remain housed for three years, the percentage of households that increase income or assets while engaged in case management, and the percentage of households that access a new service to assist in housing stability.

Sustainability

This five-year project proposes to provide intensive case management and diversion for three years to significantly reduce the number of unhoused and housing-insecure residents during this period. During the final two years, the number of Housing Case Managers will be scaled back to reflect decreased need. Diversion case management will continue for the entire grant period. CFBMC will work with others during the grant period to secure sustainable funding, including growing a Housing Security Endowment Fund to support ongoing Heading Home operations. The goal of these efforts will be to fully sustain the Diversion Case Manager expenses after the GIFT VIII implementation grant is expended. After year five, Heading Home will also provide ongoing support for training, case conferencing and outcome assessment.

Risk and Mitigation Strategies

The Monroe County housing market remains highly unpredictable. Any changes that impact housing insecurity, including the continued escalation of housing costs, could affect the ability of this effort to adequately address our community's needs. Heading Home will monitor conditions closely and adjust case management and diversion work to respond to shifts in the the housing market as necessary.

There is also uncertainty related to co-existing risk factors. These include substance use disorders, mental and physical health challenges, and changes to the local labor market. The success of addressing these factors relies on our efforts to partner with organizations that deal directly with these conditions, including harm-reduction agencies, rehab centers, mental health providers, health care providers and economic development entities. CFBMC and Heading Home currently have strong ties in these areas and will continue cultivating relationships to mitigate risk factors contributing to housing insecurity.

Another risk factor is the challenge of building trust with unsheltered residents and housing-insecure people. Without their buy-in for case management, the type of intensive, long-term support we envision will be difficult to sustain. Our approach addresses this by embedding case managers within established agencies with a proven track record of working with unhoused/ housing-insecure individuals and training the case management cohort on best practices for this kind of relationship building.

Our proposed approach to diversion work is new and relies on identifying households experiencing housing instability but not yet in an acute crisis. A potential risk is that we are unable to reach this population in time to divert them from a housing crisis. Heading Home will monitor the number of people that diversion case managers are reaching and, if necessary, adjust where the case managers are embedded and/or how they conduct outreach. Building additional partnerships will also be crucial to help identify households in need of diversion. These partners include Monroe County's two public school systems and food pantries that serve families in poverty, among others.

GIFT VIII Leadership: Implementation Grant Timeline

Grant Period	Activity Description	Q1	Q2	Q3	Q4
Pre-Work (2024)	Develop job descriptions for the Project Lead, Housing Case Managers, and Diversion Case Managers				
	Establish a guiding team comprised of the initiative leadership and essential stakeholders				
	Convene housing partner agencies who will have Housing Case Managers embedded in their organizations				
	Develop Housing Stability Income Supplement (HSIS) eligibility criteria				
	Develop marketing materials for Diversion Case Management				
	Conclude Lilly Endowment GIFT VIII Planning work and identify next-level solutions for addressing street homelessness				
Grant Period	Activity Description	Q1	Q2	Q3	Q4
Year One	Hire staff and complete any needed training				
	Purchase equipment / technology / infrastructure set-up				
	Convene diversion partner agencies and other social service partners (school districts, faith organizations, etc.)				
	Activate unsheltered homelessness case management				
	Activate Diversion case management				

Year One	Recruit volunteers and conduct training for diversion case management initiative				
	Identify HSIS candidates and activate qualification process				
	Identify next subpopulation for Built for Zero and integrate into Housing Case Management				
	Initiate silent phase of the CFBMC Housing Security Endowment Campaign and match				
	Conduct first-year evaluation and determine adjustments to initiatives as needed				
Grant Period	Activity Description	Q1	Q2	Q3	Q4
Year Two	Conduct unsheltered homelessness case management				
	Conduct diversion case management				
	Recruit volunteers and conduct training for diversion case management initiative				
	Identify HSIS candidates and activate qualification process				
	Conduct annual professional development and training				
	Evaluate, refine, determine adjustments to initiatives as needed				
	Initiates public phase of Housing Security Endowment Campaign and match				
	Identify and cultivate partners for additional sustainability funding				

Grant Period	Activity Description	Q1	Q2	Q3	Q4
Year Three	Conduct unsheltered homelessness case management				
	Conduct diversion case management				
	Recruit volunteers and conduct training for diversion case management initiative				
	Identify HSIS candidates and activate qualification process				
	Conduct annual professional development and training				
	Evaluate, refine, determine adjustments to initiatives as needed				
	Continue public phase of Housing Security Endowment Campaign and match				
	Identify and cultivate partners for additional sustainability funding				
Grant Period	Activity Description	Q1	Q2	Q3	Q4
Year Four	Conduct unsheltered homelessness case management				
	Begin tapering of unsheltered homelessness case management down to 50% with the lessening of the caseload backlog				
	Conduct diversion case management				
	Recruit volunteers and conduct training for diversion case management initiative				
	Identify HSIS candidates and activate qualification process				
	Conduct annual professional development and training				
	Evaluate, refine, determine adjustments to initiatives as needed				

Year Four	Continue public phase of Housing Security Endowment Campaign and match				
	Identify and cultivate partners for additional sustainability funding				
Grant Period	Activity Description	Q1	Q2	Q3	Q4
Year Five	Continues 50% of unsheltered housing case management				
	Taper down unsheltered housing case management to 1 FTE				
	Continue diversion case management				
	Recruit volunteers and conduct training for diversion case management initiative				
	Identify HSIS candidates and activate qualification process				
	Conduct annual professional development and training				
	Evaluate, refine, determine adjustments to initiatives as needed				
	Continue public phase of Housing Security Endowment Campaign and match				
	Identify and cultivate partners for additional sustainability funding				

**Lilly Endowment GIFT VIII
Implementation Grant Budget**

Grant Element	2025	2026	2027	2028	2029	Notes
Project Leader	\$66,000	\$68,640	\$71,386	\$74,241	\$77,211	1
Housing Case Managers	\$342,000	\$355,680	\$373,464	\$196,069	\$68,624	2
Diversion Case Managers	\$285,000	\$296,400	\$311,220	\$326,781	\$343,120	3
Reunification Fund	\$35,000	\$25,000	\$15,000	\$10,000	\$10,000	4
Housing Stability Funds	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	5
Rehousing Funds	\$150,000	\$150,000	\$75,000	\$50,000	\$50,000	6
Housing Stability Income Supplement (HSIS)	\$112,500	\$300,000	\$360,000	\$360,000	\$360,000	7
HSIS Administration	\$4,500	\$12,000	\$14,400	\$14,400	\$14,400	8
Equipment and Technology	\$10,000	\$1,500	\$1,500	\$1,500	\$1,500	9
Office Space	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	10
Program Supplies	\$12,000	\$12,000	\$12,000	\$9,000	\$7,000	11
Professional Development	\$5,500	\$5,500	\$5,500	\$4,000	\$3,000	12
Case Conferencing Expenses	\$12,000	\$12,000	\$12,000	\$9,000	\$7,000	13
Sustainability Endowment Matching Funds	\$175,000	\$175,000	\$175,000	\$175,000	\$175,000	14
<i>Subtotal</i>	<i>\$1,327,500</i>	<i>\$1,531,720</i>	<i>\$1,544,470</i>	<i>\$1,347,991</i>	<i>\$1,234,855</i>	
CFBMC Admin Fee (6% fee)	\$79,650	\$91,903	\$92,668	\$80,879	\$74,091	15
Total per year	\$1,407,150	\$1,623,623	\$1,637,138	\$1,428,870	\$1,308,946	
GRAND TOTAL	\$7,405,727					

GIFT VIII Implementation Grant Budget Narrative

The following narrative details the assumptions that serve as the basis for the GIFT VIII Implementation Grant Budget. Note numbers reference line items on the GIFT VIII Implementation Grant Budget.

Note #1: Project Lead

The Project Lead will coordinate and oversee the cohorts of Housing Case Managers and Diversion Case Managers. The person in this position will lead case management efforts and work closely with partner agencies to ensure that case managers effectively address client needs. The Project Lead will provide support and training to case managers, track program outcomes, and assess the effectiveness of case management work.

This position is budgeted at a starting salary of \$55,000 plus benefits for a total of \$66,000 in year one, with a 4% increase in each of the following years.

Note #2: Housing Case Managers

Housing Case Managers (6) will utilize a strengths-based, individualized, voluntary services model to help individuals/families achieve housing. Each will work across the ecosystem and in coordination with their peers to develop the relationships and protocols necessary to identify individuals experiencing homelessness. They will work at full capacity for three years with a goal to decrease the number of individuals experiencing unsheltered homelessness by two-thirds. In the following two years, we will reduce the number of Housing Case Managers to reflect the decreased need.

In year one, six (6) positions are budgeted at starting salaries of \$47,500 plus benefits for a total of \$57,000 per position in year one (\$342,000). The budget includes a 4% increase in each of the following two years. For the final two years of the grant, it is anticipated the program's success will decrease the need for case managers. In the budget, Housing Case Managers are stepped down to three (3) in year four and one (1) in year five.

Note #3: Diversion Case Managers

A team of five (5) Diversion Case Managers will work to identify households in crisis and at risk for housing insecurity. They will provide comprehensive case management to stabilize housing and ensure sufficient supports to create lasting housing stability. These case managers will be embedded with community partner organizations that are likely to encounter individuals and families experiencing housing instability, including township trustees, the Monroe County Public Library, the family emergency shelter, and the South Central Community Action Program.

After housing-insecure households are identified, case managers will work with them to identify barriers to housing security and build an individualized, strengths-based success plan based on each family's goals. Using this plan as a map, case managers will be part of a case conferencing team to support the individual/family progress on their path to housing security.

These five positions are budgeted at starting salaries of \$47,500 plus benefits for a total of \$57,000 per position in year one (\$285,000). The budget reflects a 4% increase in each of the following years.

The Diversion Case Manager at the South Central Community Action Program will work half-time on diversion case management and half-time administering Housing Stability Income Supplement (HSIS) funds.

Note #4: Reunification Fund

In instances when an unhoused individual chooses not to remain in Monroe County, Housing Case Managers may access funds to allow them to reunify with friends or family members in other communities. These funds could cover the cost of bus tickets, gas, or other travel expenses. After year one, as our coordinated approach to addressing housing security is implemented, we anticipate a decreased need for these funds in each subsequent year of the grant.

Note #5: Housing Stability Funds

As part of a proactive solution to prevent at-risk households from becoming homeless, Diversion Case Managers will have access to funds designated for the removal of barriers that aren't easily or quickly eliminated through other channels. Barriers might include health crises, transportation, childcare, change in household status (birth of a child, eldercare, etc.), job loss, and education.

Note #6: Rehousing Funds

To assist unhoused individuals and families as they move into housing, funds will be deployed by Housing Case Managers to pay for apartment application fees, security deposits, and other needs.

This budget calls for \$150,000 in years one and two, when it is anticipated the greatest need will exist. As our coordinated approach is implemented and fewer residents remain unhoused, the need for rehousing funds will decrease. The budget steps down to \$75,000 in year three and \$50,000 in each of the following two years.

Note #7: Housing Stability Income Supplement

We are proposing a small pilot to provide a Housing Stability Income Supplement (HSIS) to a limited number of families. This supplement will target ALICE families in Monroe County experiencing housing instability but not homelessness. In year one, 25 families will each receive a \$3,000 supplement over six months (\$75,000 total). This amount in year one accounts for a partial year of implementation, with qualification and family recruitment taking place in the first part of the year. In year two, 50 families will receive a \$6,000 supplement over 12 months (\$300,000). By year three, the total number of families receiving the supplement will reach 60 (\$360,000). Those same families will continue to receive HSIS through year five. If the pilot proves successful, a sustainable source of funds for the HSIS will be sought.

Families will be required to participate in case management to receive the supplement. The funds will be administered by the South Central Community Action Program, which will track outcomes for each family while receiving the supplement. Outcomes include not missing rent or mortgage payments over the supplement period as well as increased income, effective income, or assets while engaged in case management.

Note #8: HSIS Administration

To administer the Housing Stability Income Supplement, the South Central Community Action Program will receive an administration fee of 4% of the budgeted annual project expense.

Note #9: Equipment & Technology

The Project Lead and 11 case managers will each require laptops, software, cell phones, printers/scanners, and other equipment necessary to do their jobs in a responsive way to meet client needs. The budget reflects an upfront investment of \$10,000 with \$1,500 in expenses for each of the following four years.

Note #10: Office Space

Although the Housing and Diversion Case Managers will be embedded with partner organizations, the Project Lead will need office space. Conference space will also be required for meetings with case managers, partner organizations, and Heading Home staff.

Note #11: Program Supplies

Program supplies for the 11 case managers and Project Lead will cover materials necessary to perform their jobs, including notebooks, printer paper & toner, binders, and other supplies.

Expenses for program supplies will be stepped down in years four and five as the number of Housing Case Managers is anticipated to be reduced.

Note #12: Professional Development

A key component of this project involves building a cohort of case managers who have a shared understanding of best practices in the field of housing insecurity. Attendance at Built for Zero in-person conferences and other opportunities will ensure that this cohort receives adequate training to respond effectively to the housing needs of individuals and families.

As the number of Housing Case Managers declines, professional development expenses will decrease in years four and five.

Note #13: Case Conferencing Expenses

Collaborative case management forms the foundation of this work to strengthen housing security. Case conferencing expenses are intended to include any expenses related to convening the appropriate team to support households. Other expenses related to volunteers may be included as well, such as training, recruitment, and mileage or auto insurance reimbursements for transporting clients to appointments. These expenses will be stepped down in years four and five as the number of Housing Case Managers will be reduced.

Note #14: Sustainability Endowment Matching Funds

The Community Foundation is growing a Housing Security Endowment Fund. With existing funds and a significant lead gift from the county, the endowment currently sits at just over \$1.3 million. The goal is to grow this fund to at least \$4 million to provide a sufficient annual distribution to sustain Heading Home's operations. Included in the budget is a request for \$875,000 that CFBMC would utilize as matching funds to allow for expedited growth of the endowment in the near term. As CFBMC concludes its GIFT VIII Matching Campaign, it will focus on fundraising for the Housing Security Endowment. This endowment would provide sustaining support for grant activities beyond year five. CFBMC anticipates offering a \$1 match for each \$1 donated. This line constitutes \$875,000, or 11.75% of the total funding request.

Note # 15: CFBMC Admin Fee

Six percent of the total grant is budgeted for CFBMC's staffing, programmatic, and administrative costs for grant administration and reporting expenses. As mentioned in the cover

letter, the Foundation will bring critical leaders and partners to the table, marshal the resources of our sister organizations like CDFI Friendly Bloomington and ROI to help, support ancillary organizations, develop capabilities complementary to new programming, sustain a guiding team for the length of the project, and manage grant dollars effectively. Key members of our team will play a role, including the President and CEO, Development Director/COO, Controller, and Program staff.

April 29, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

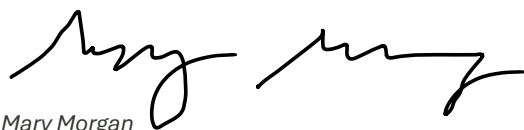
Heading Home of South Central Indiana was formed in 2021 in response to the region's crisis of homelessness and housing insecurity. This collaborative initiative was established to tackle long-term systemwide challenges to help residents of Monroe and five surrounding counties retain their housing and, if they become homeless, to be rehoused quickly and securely.

Soon after our launch, Heading Home led our region's effort to join Built for Zero, a national movement to end homelessness that has received significant funding from the MacArthur Foundation to support its member communities. Working closely with regional agencies, Heading Home established a public data dashboard to track progress, created a cross-agency training program, spearheaded landlord engagement efforts and formed a multi-pronged approach to ending veteran homelessness.

With these and other long-term efforts underway, we also recognize that homeless service providers lack sufficient resources to adequately address the immediate needs of our region's growing housing crisis. The need is overwhelming. It impacts both individuals and the broader community and calls for a new approach.

The innovative solution proposed by the Community Foundation of Bloomington and Monroe County (CFBMC) and its partners, as outlined in its Lilly Endowment Gift VIII concept paper, is a powerful, viable response to both short-term and long-term housing challenges. The proposal calls for a fundamental change in the way our region addresses housing insecurity and identifies intense, strategic interventions that promise a high degree of success. Importantly, it aligns with and strengthens Heading Home's existing work.

As an entity rooted in collaboration with a focus on system improvements, Heading Home is well positioned to manage this initiative. CFBMC played a leadership role in creating Heading Home, garnering strong buy-in from multiple sectors (government, philanthropy, business, nonprofits) and initial funding from the American Rescue Plan Act. The partnerships that Heading Home has developed and strengthened since then will serve as a foundation to successfully launch this transformative program, resulting in better lives for all of our neighbors.



Mary Morgan

Director, Heading Home of South Central Indiana

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April 30, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Dear Brent,

On behalf of the City of Bloomington, I am writing to reflect our support for the Community Foundation's GIFT VIII Implementation Grant concept paper for funding through Lilly Endowment, Inc.

Housing insecurity and unsheltered homelessness has been a long-standing challenge in Bloomington. I've been at the forefront of addressing this challenge even before taking office as Mayor in January, having led our county's Habitat for Humanity affiliate and serving as Director for the Center for Rural Engagement at Indiana University. While progress has been made, we are at a pivotal moment. On my fourth day as Mayor, I went to serve alongside city sanitation crews, social workers, and medical outreach specialists to clear a homeless encampment. As I spoke first-hand with the people camping there, it was apparent that a drastic and innovative solution is required.

This concept paper proposes a "both-and" approach to strengthening the housing security ecosystem in Bloomington. The infusion of comprehensive case management coupled with long-term diversion efforts will not only stabilize our overextended support network, but will alleviate future bottlenecks. The best way we can serve people who are housing insecure is ensure they never become homeless in the first place, and this proposal seeks to establish a new infrastructure to accomplish that. This is a model in which households will not only experience more effective social services, but also build relationships that are long-term, connecting them to volunteers who will support them well beyond the term of this grant.

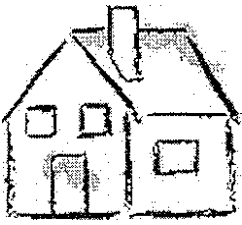
The City of Bloomington has long partnered with the Community Foundation and sought their leadership in key quality of place issues. Our city administration has complete confidence in the Foundation's ability to convene key stakeholders, manage grant funding, and most importantly, deliver impactful results.

I hope you will consider supporting this critical initiative for our Bloomington neighbors in need.

Sincerely,



Kerry Thomson
Mayor, City of Bloomington



THE SOUTH CENTRAL HOUSING NETWORK, INC.

Mission – To provide and coordinate the best possible housing resources and supportive services to those who are most in need.

April 28, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Dear Mr. Lee,

The South Central Housing Network (SCHN) is Indiana's Region 10 Balance of State Coordinating Council, representing Monroe, Morgan, Owen Lawrence, Greene and Martin counties. Our six-county region is seeing unprecedented numbers of unsheltered residents. Every SCHN member is dedicated to understanding the underlying causes and working to ensure all our neighbors can be safely housed.

We have long known that a lack of targeted, sustained case management outside of our region's emergency shelters is a significant gap in our service model. The partnership proposed by the Community Foundation of Bloomington and Monroe County is an exciting and innovative approach to addressing this gap. We enthusiastically support this approach.

As a region, we have been dedicated to a Housing First model for more than a decade. We know that Housing First is a nationally recognized best practice as an effective way to end homelessness for our most vulnerable community members. We also recognize that Housing First should not and cannot be housing only.

The day a client signs a lease for a new home is a moment of celebration. It should also be a moment to begin planning for sustainability. Too often, funds for maintaining housing simply are not available. We know that if we want to make homelessness rare, brief and non-repeating, we must be as dedicated to supporting people who have recently transitioned from homelessness into housing as we are to those who don't have a safe place to sleep tonight.

Similarly, we know that the housing market has left many families on the brink of a housing crisis. In order for our system to remain stable, we must begin more coordinated, intentional upstream case management that supports individuals and families after they are housed.

We believe that the CFBMC's proposed approach will work to make homelessness much more rare in our community. We are eager to welcome more robust community partnership from all sectors in this new shared case management and case conferencing model. We feel certain it will best serve our vulnerable neighbors when they need us most.

In partnership,

Emily Pike, Chair
South Central Housing Network



04/29/2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Mr. Lee,

South Central Community Action Program (SCCAP) is a not-for-profit organization designed as the Community Action Agency for Monroe County. Since 1965, the purpose of SCCAP has been to reduce the extent and impact of poverty in our service area.

One of the key factors in reducing poverty is to provide safe and affordable housing for everyone. In the housing realm, SCCAP administers Housing Choice Vouchers, Emergency Rental Assistance, affordable rentals, and other resources to help stabilize housing for individuals and families. SCCAP also collaborates with other organizations and local government to holistically serve those with housing needs.

Despite these efforts, our communities are overwhelmed with those that suffer from housing insecurity. This is why SCCAP supports the innovative solution proposed by the Community Foundation of Bloomington and Monroe County (CFBMC) and its partners. Their plan is a powerful, viable response to both short-term and long-term housing challenges. Their proposal calls for a fundamental change in the way our region addresses housing insecurity and identifies intense, strategic interventions that promise a high degree of success.

SCCAP's mission is to provide opportunities for all people to achieve personal and economic independence to strengthen our community. We look forward to working with CFBMC in achieving these things for Bloomington and Monroe County.

Thank you,

Eddy Riou, Jr.
Executive Director

Monroe County
1500 W. 15th St.
Bloomington, IN 47404
812-339-3447
Fax: 812-334-8366

Brown County
746 Memorial Dr.
Nashville, IN 47448
812-988-6636
Fax: 812-988-8586

Morgan County
159 W. Morgan St.
Martinsville, IN 46151
765-342-1518
Fax: 765-342-3460

Owen County
205 E. Morgan St. Suite D
Spencer, IN 47460
812-829-2279
Fax: 812-829-2505



www.inccap.org

All SCCAP services are provided without regard to race, age, color, religion, sex, gender identity, gender expression, genetic information, sexual orientation, marital status, disability, ~~035~~ personal origin, ancestry or status as a veteran.



Indiana University Health

April 30, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 N. Meridian Street
Indianapolis, IN 46208

Dear Mr. Lee,

On behalf of Indiana University Health South Central Region, I am writing to reflect our support for the Community Foundation's GIFT VIII Implementation Grant concept paper for funding through Lilly Endowment Inc.

As President of the IU Health South Central Region, I see the negative impact housing insecurity has on our community and on IU Health's ability to provide the quality of healthcare our mission demands. Specifically, our emergency department serves as frontline crisis care for many who are unhoused, a role that we are not always ideally situated to play. The innovative and comprehensive case management model proposed in this concept paper is exactly what our community needs to rapidly address the current crises of our unsheltered neighbors, and provide long-term, sustainable systems of care for families who, for these interventions, are tomorrow's unhoused.

This proposal features a collaborative, "all-hands-on-deck" approach to solving a complicated community issue. With the partners representing all aspects of holistic care, I believe we can achieve the goal outcome of reducing homelessness by two-thirds during the grant period. We at IU Health are committed to providing support to ensure the success of this initiative.

IU Health also knows first-hand the high-quality leadership that the Community Foundation provides, as evidenced by our support of the Foundation through our Community Impact Investment (CII) grant program. In 2020, we supported the Foundation's Monroe Smart Start initiative with a CII grant to increase access and quality of early learning in the IU Health South Central Region. The results were impressive—173 newly created seats in the region in just 12 months. When the Community Foundation leads an effort, we trust it will be impactful and effective.

I hope you will consider supporting this critical initiative for our Monroe County neighbors in need.

Sincerely,

A handwritten signature in black ink, appearing to read "Denzil-Ross", written over a white background.

Denzil-Ross
South Central Region President
IU Health

IU Health South Central Region
Administrative Office Building
2905 N. Stone Carver Drive
Bloomington, IN 47404

iuhealth.org/bloomington



**BLOOMINGTON
HEALTH
FOUNDATION**

PO Box 249
Bloomington, IN
47402

April 29, 2024

Mr. Brent Lee
Program Director, Community Development
Lilly Endowment, Inc.
2801 North Meridian Street
Indianapolis, IN 46208

Dear Brent,

It is without reservation that I offer my endorsement and support of the Gift VIII Leadership: Implementation Grant submitted by Community Foundation of Bloomington and Monroe County (CFBMC). As President and CEO of Bloomington Health Foundation, I have had the privilege of witnessing firsthand efforts undertaken by CFBMC to advance quality of life and quality of place in and around South-Central Indiana. I am confident if awarded Gift VIII funding, the proposed “no wrong door” concept will have a significant impact on coordinating existing resources aimed at reducing homelessness in our region.

We recognize no one organization can tackle the homeless crisis alone. We believe the proposed concept compliments our current efforts to employ non-licensed Community Health Navigators to be the first point of contact in the community where those impacted by mental health and addiction can access the resources, skills, and support they need. The funding of licensed case managers working directly with the homeless population will ensure our community really is a “no wrong door” approach to overcoming barriers and creating lasting change.

Thank you in advance for considering our letter of support. Please feel free to contact me at (812) 558-2547, or mgilchrist@bloomhf.org if you require any additional information.

Michelle Gilchrist

President and CEO



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Interim Council Attorney

Date: August 30, 2024

Re: Ordinance 2024-17 – To Amend Title 20 of the Bloomington Municipal Code – Amendment and updates related to grading permit and alignment with Title 13 and BMC 20.04 related to steep slopes

Relevant Materials

- Ordinance 2024-17
- Certification form from Plan Commission
- Attachment A & staff memo, with redline amendments showing proposed changes

Background

On August 12, 2024, the Plan Commission considered a proposal brought forward by city planning staff to make amendments to the UDO to remove language that regulates stormwater management that is now regulated by Title 13, a new Title of the Bloomington Municipal Code which was passed at the May 8, 2024 Regular Session through adoption of Ordinance 2024-08. The proposal also includes amendments related to steep slopes in alignment with state law.

The Plan Commission Case ZO-30-24 was given a recommendation of approval by a vote of 8-0-0. The August Plan Commission meeting can be viewed online on CATS TV (<https://catstv.net/m.php?q=13677>). The proposal was certified on August 14, 2024, giving the Council until November 12, 2024, 90 days from the date of certification, to act on the proposal pursuant to state law.

General Information about UDO Updates:

General information about the UDO, including the complete text of the current UDO, can be found at the Unified Development Ordinance webpage (<https://bloomington.in.gov/planning/udo>). Information about the Council's 2019 repeal and replacement of the UDO, the history of the Council review of the City's Unified Development Ordinance is also available online (<https://bloomington.in.gov/council/plan-schedule>). Finally, the City's Comprehensive Plan is also available online (<https://bloomington.in.gov/planning/comprehensive-plan>).

Proposals to amend the text of the UDO are governed by state law under Indiana Code (IC) 36-7-4 in the "600 Series – Zoning Ordinance." State law (IC 36-7-4-201) provides that the purpose of the local planning and zoning laws are "to encourage units to improve the



health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

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

In considering UDO text amendments, both state code ([IC 36-7-4-603](#)) and local code ([BMC 20.06.070\(d\)\(4\)](#)) require the legislative body to pay reasonable regard to:

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

These are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (Ind. 2005) (interpreting [IC 36-7-4-603](#)).

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

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. All four proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider these Commission recommendations before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.



City of Bloomington Indiana

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

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

- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification (deadlines listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject, or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

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

Contact

Jacqueline Scanlan, Development Services Manager, Planning & Transportation, 812-349-3423, scanlanj@bloomington.in.gov

David Hittle, Director, Planning & Transportation, 812-349-3423, david.hittle@bloomington.in.gov

ORDINANCE 2024-17
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –

**Re: Amendments and updates related to grading permit and alignment with Title 13 and
BMC 20.04 related to steep slopes**

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

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

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

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

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

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

WHEREAS, on August 12, 2024, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on August 14, 2024; and

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

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

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

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

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-30-24 (hereinafter “Attachment A”)
 - (B) Any Council amendments thereto (“Attachment B”)

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

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

this ordinance are declared to be severable.

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

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

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This petition contains amendments throughout Title 20 related to changes to the grading permit and other erosion control regulations and amendments to 20.04 related to steep slopes to align with State regulations.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2024-17 is a true and complete copy of Plan Commission Case Number ZO-30-24 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on August 12, 2024.



Date: August 14, 2024

David Hittle, Secretary
Plan Commission

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

Nicole Bolden, City Clerk

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

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

Signature of Controller

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

Yes _____ No _____ XX

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

Approval of case ZO-30-24 amends the Unified Development Ordinance (UDO), with amendments and updates related to alignment with Bloomington Municipal Code Title 13 and House Enrolled Act 1108, 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-30-24 Memo

To: Bloomington Common Council

From: Jackie Scanlan, AICP Development Services Manager

Date: August 14, 2024

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case #ZO-30-24 on August 12, 2024 and voted to send the petition to the Common Council with a positive recommendation with a vote of 8-0. The report and documents submitted to the Plan Commission by the Planning and Transportation Department are below.

The Planning and Transportation Department proposes an update to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code, in order to address two legislative changes that affect this Title.

Title 13 was approved by the Bloomington Common Council on May 8, 2024 and signed into law by Mayor Thomson on May 13, 2024. Title 13 went into effect on July 1, 2024. Title 13, Stormwater, addresses stormwater permitting requirements enacted by the Indiana Department of Environmental Management. Stormwater management was previously, in part, regulated by Title 20. This Ordinance seeks to amend Title 20 in order to align it with approved Title 13. The changes to Title 20 include a removal of the grading permit and a reconfiguration of permitting the rest of the site improvements, including parking, landscaping, bicycle parking, etc. that were previously reviewed for permitting in through the grading permit process. There are also updates in the parking section related to stormwater treatment in parking lots, as well as the removal of the Erosion and Siltation section. All items removed from Title 20 are now covered by the permitting process in Title 13.

The second legislative change was approved by the State of Indiana legislature and is related to steep slope regulation. The regulations related to development on steep slopes is contained within Title 20. This Ordinance seeks to amend Title 20 in order to align it with the new State regulations. Title 20 is proposed to change the outlying slope percentage from 18 percent to less than 25 percent.

BLOOMINGTON INDIANA



UNIFIED DEVELOPMENT ORDINANCE

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(b) Effect of Change in the Law after Filing of Complete Petition

- (1) For any petition filed with the city prior to the effective date of this UDO for any permit or approval listed in Section 20.01.040(b)(3), the effect of any change in the applicable law after submittal of such petition but prior to the grant or denial of the permit or approval sought shall be governed by the transition rules of the prior zoning ordinance that was in effect on the date of petition submittal.
- (2) Whenever a complete petition is filed with the city on or after the effective date of this UDO for any of the permits or approvals listed in Section 20.01.040(b)(3), the grant or denial of such permit or approval, and the grant or denial of any secondary, additional or related permit or approval required by the city with respect to the general subject matter of the first complete petition, shall be governed by the statutes, ordinances, rules, development standards, and regulations applicable to the property in question ("Requirements") that were in effect at the time of the first complete petition, for the time periods listed in Section 20.01.040(b)(4), notwithstanding any change in such requirements that occurs after such first petition but prior to the grant or denial of such permit or approval, except as otherwise provided herein.
- (3) The permits and approvals covered by this section are:
 - (A) Section 20.06.050(a) (Site Plan Review);
 - (B) Section 20.06.050(b) (Conditional Use Permit);
 - (C) Section 20.06.060(b) (Primary Plat);
 - (D) Section 20.06.060(c) (Secondary Plat);
 - (E) Section 20.06.050(e) (~~Site Development Permit~~Grading Permit);
 - (F) Section 20.06.050(f) (Certificate of Zoning Compliance);
 - (G) Section 20.06.070(c) (Rezoning to Planned Unit Development).
- (4) The requirements in effect at the time of the first complete petition submittal for a permit or approval described in Section 20.01.040(b)(2) shall continue to govern such first complete petition and any secondary, additional or related permits described in that subsection for a period of at least three years from the date of the first complete petition. If no construction or other activity to which the permit or approval relates is commenced within that three-year period, then after that period the renewal of any expired permit, and the grant or denial of any new petition for any secondary, additional or related permit, shall be governed by then current regulations if the Planning and Transportation Director, based upon advice from the City Legal Department, determines that such action is lawful and does not deprive the owner or petitioner of any vested right. Moreover, if construction or other activity to which the permit or approval relates is not completed within 10 years of the date upon which such construction or other activity commenced, then after that period the renewal of any expired permit, and the grant or denial of any new petition for any secondary, additional or related permit, shall be governed by then current regulations if the Planning and Transportation Director, based upon advice from the City Legal Department, determines that such action is lawful and does not deprive the owner or petitioner of any vested right.
- (5) Where a permit or approval is rendered pursuant to this section, any construction, use or other activity authorized by such permit or approval shall be treated as lawfully nonconforming to the extent such activity does not conform to the current requirements of this UDO and shall be subject to the provisions of Section 20.06.090 (Nonconformities).

Communication facilities	Communication facilities are exempt from height restrictions, subject to the limitations of 20.03.030(f)(1) (Communication Facility).
--------------------------	---

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

(g) Building Floor Plate

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

(h) Minor Modification

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

20.04.030 Environment

(a) Purpose

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

(b) Applicability

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

(c) Steep Slopes

(1) Applicability

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

(2) Slope Measurement

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

(3) **Easements**

All slope areas required to be preserved subject to this section shall be placed within conservation easements pursuant to the standards of Section 20.05.040 (Easements).

(4) **Excessive Slopes**

Areas of land where the pre-development slopes are ~~25 percent or greater~~^{greater than 18 percent} shall not be disturbed for any improvements with the exception of utility lines.

(5) **Steep Slopes**

Any development on slopes between 12 percent and ~~less than 25~~¹⁸ percent shall be allowed a maximum disturbance of 50 percent of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one or more of the following characteristics:

- (A) Presence of highly erodible soils as identified in the Web Soil Survey produced by the National Cooperative Soil Services and operated by the USDA Natural Resources Conservation Service;
- (B) Adjacent to slopes of greater than 18 percent;
- (C) Adjacent to water resources;
- (D) Adjacent to other environmental features that are required to be preserved as part of this UDO;
or
- (E) Presence of tree cover on 50% or more of the surface area of the slope.

(6) **Construction Measures**

Any development on slopes between 12 percent and 18 percent shall incorporate construction measures such as retaining walls and walkout basements as well as current preferred practices for erosion control measures during construction, as provided in ~~Section 20.04.030(d)(3)(A)~~^{Title 13 (Stormwater) of the Bloomington Municipal Code}.

(7) **Street Grades**

Arterial and collector streets shall not exceed grades of six percent and local streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.

(8) **Street Design**

All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) **Soil Constraints**

When unstable or contaminated soils are found, the effect of cutting and filling, alterations to slope, and the stabilization measures required to either avoid or address unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.

(10) **Overlapping Preservation Areas**

Where acreage set aside to fulfill the conservation or buffer requirements in Section ~~20.04.030(d)~~^{20.04.030(e)}, Section ~~20.04.030(f)~~^{20.04.030(g)}, Section ~~20.04.030(g)~~^{20.04.030(h)}, and Section ~~20.04.030(h)~~^{20.04.030(i)} also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.

~~(d) Siltation and Erosion Prevention~~

~~(1) Applicability~~

~~(A) This subsection applies to any land development or land-disturbing activities that include one or more of the following conditions:~~

- ~~i. That disturbs a ground surface of 2,500 square feet or more;~~
- ~~ii. That involves excavation or filling of dirt, sand, or clean fill, including but not limited to single-family development;~~
- ~~iii. That involves street, highway, or bridge construction, enlargement, relocation or reconstruction; or~~
- ~~iv. That involves the laying, repairing, replacing, or enlarging of an underground pipe, facility, or any utility.~~

~~(B) All municipal government departments, including the City Utilities Department, shall comply with this section.~~

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

~~Compliance with the requirements set out in this section shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15 (Article 15), regarding stormwater runoff; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management (IDEM); all applicable provisions of Title 10 (Wastewater) of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding stormwater management practices.~~

~~(3) Erosion and Pollutant Control Requirements~~

~~(A) Current Preferred Practices~~

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

~~(B) Environmental Features~~

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

~~(C) Waste and Material Disposal~~

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

(D) — Tracking

~~Each site shall have sediment control devices or crushed stone streets, access drives, and parking areas of sufficient size and thickness to prevent sediment from being tracked onto public or private streets. Such areas shall be maintained at sufficient size and thickness throughout the duration of the construction activity on site. Any sediment that leaves the site is a violation of this UDO.~~

(E) — Drain Inlet Protection

~~All storm inlets shall be protected with best management practices meeting accepted design criteria, standards and specifications.~~

(F) — Sediment Control

~~Sediment shall be controlled and contained on site, and control measures shall prevent damage to existing vegetation or pavement.~~

(G) — Ground Cover

~~Vacant land held for development shall be planted with grass or other vegetative ground cover that complies with Section 20.04.080(l) (Vacant Lot Landscaping).~~

(H) — Inspection

~~All erosion control measures shall be installed by the developer and inspected and approved by the City Planning and Transportation Department before land-disturbing activity may take place. Where applicable, developers shall follow their self-monitoring inspection program throughout construction as outlined in Bloomington Municipal Code Section 10.21.070(r).~~

(I) — Finished Grade

~~Disturbed areas that are at finished grade with installed utilities shall be permanently seeded or mulched within seven days.~~

(J) — Unfinished Grade

~~Areas that have undergone land-disturbing activities and are not yet at finished grade, and that have no construction activity for 15 days or more, shall be established with temporary vegetation, seed, and/or straw, or other measures approved by the City.~~

(K) — Soil Stockpiles

~~All soil stockpiles shall be protected by erosion control barriers and areas that remain inactive for seven days or more shall be seeded, covered, or protected.~~

(L) — Plastic Netting

~~Under no circumstances shall plastic netting or plastic mesh be used on site for any type of landscaping or erosion control.~~

(M) — Single-Family Lots

~~Single-family lots that remain inactive for 15 days or more shall be established with temporary vegetation.~~

~~(N) Channelized Runoff~~

~~Channelized runoff from off-site areas passing through a construction site shall be diverted around disturbed areas. Sheet flow runoff from off-site areas shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.~~

~~(O) Sequence of Land-Disturbing Activity~~

~~Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing shall be subject to the approval of the City Planning and Transportation Department.~~

~~(e)(d) Drainage~~

(1) Applicability

All proposed site plans submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Exemption

The construction of single-family, duplex, triplex, fourplex, Mobile home, and manufactured home dwellings on existing lots of record where fully engineered drainage infrastructure is in place prior to occupancy of the home shall be exempt from the requirements of this Section 20.04.030 (Environment).

~~(3) Drainage Plan~~

~~All grading permit petitions shall include the submittal of a drainage plan to the City Utilities Department. The drainage plan shall include, but not be limited to, the following items:~~

- ~~(A) Complete construction plan showing all proposed detention and retention facilities, swales, and drainage structures.~~
- ~~(B) All proposed piping including size and location of proposed stormwater lines, as well as plan and profile drawings for all proposed improvements.~~
- ~~(C) Complete and accurate stormwater calculations justifying methodology of the drainage plan in compliance with City Utilities Department standards.~~

~~(4) Stormwater Mitigation Requirements~~

~~Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the site to a location adequate to receive such runoff, and shall:~~

- ~~(A) Be designed and constructed in accordance with City Utilities Department standards.~~
- ~~(B) Be durable, easily maintained, retard sedimentation, and retard erosion, not endanger the public health and safety, and not cause significant damage to property.~~
- ~~(C) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting City Utilities Department standards.~~
- ~~(D) Provide stormwater runoff quality mitigation in compliance with City Utilities Department standards.~~

~~(5)~~(3) **Poorly Drained Sites**

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

~~(6)~~(4) **Dry Hydrants**

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

~~(f)~~(e) **Riparian Buffers**

(1) **Applicability**

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

(2) **Adjacent Properties**

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

(3) **Easements**

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

(4) **Graduated Buffer Zones**

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

(A) **Streamside Zone (Zone 1).**

The primary function of the streamside zone is to ensure stream-bank stabilization.

(B) **Intermediate Zone (Zone 2)**

The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.

(C) **Fringe Zone (Zone 3).**

The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.

(5) **Streamside Zone Design**

The streamside zone (Zone 1) shall be designed as follows:

(A) **Location**

Immediately adjacent to the stream channel.

(B) **Buffer Width**

The width of this zone shall be a minimum of 25 feet on each side of the stream, measured from the centerline of the stream.

(C) **Vegetation Requirements**

All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.

(D) **Disturbance Activities**

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

- i. Utility installation; if no alternative location is available;
- ii. Street crossings, where necessary to achieve connectivity;
- iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
- iv. Connector path and multi-use trail constructed with a permeable surface.

(6) **Intermediate Zone Design**

The intermediate zone (Zone 2) shall be designed as follows:

(A) **Location**

Immediately outside the streamside zone (Zone 1).

(B) **Buffer Width**

The required width shall be a minimum 25 feet on each side, measured perpendicularly from the outer boundary of Zone 1.

- (B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.
- (C) In order to ensure vegetative diversity, a minimum of nine different plant species shall be used within the overall riparian buffer area. At least three of these species shall be trees selected from Section 20.04.080(d) (Permitted Plant Species).
- (D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.

(9) Riparian Buffer Maintenance

Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3 but shall be prohibited in Zones 1 and 2.

~~(g)~~(f) Karst Geology

(1) Applicability

- (A) This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.
- (B) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City Senior Environmental Planner.

(2) Adjacent Properties

Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, the buffer zones required by this subsection ~~(f)~~(g) shall be established.

(3) Compound Karst Features

For the purposes of this subsection, compound karst features shall be defined as any two or more karst features where the last closed contour of the features are located within 100 feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour at its widest point of each individual karst feature with a tangential line.

(4) Karst Conservancy Easement (KCE)

All karst features shall be protected by Karst Conservancy Easements (KCE). Such easements shall be established in accordance with the following standards:

- (A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.
- (B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.

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

~~(h)~~(g) Wetlands

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

(5) Wetland Conservancy Easement

A wetland buffer area extending 25 feet from a delineated wetland shall be placed within a conservancy easement consistent with the standards of Section 20.05.040 (Easements) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.

(6) Draining

Draining of a delineated wetland is prohibited.

(7) Stormwater Discharge

Stormwater discharge into a wetland shall not be increased over, or substantially reduced below, its preexisting rate.

(+)(h) Tree and Forest Preservation

(1) Applicability

This section shall apply to all land-disturbing activities on properties containing closed-canopy wooded areas.

(2) Retention of Existing Canopy

The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 04-8: Minimum Required Vegetation Canopy

Baseline Canopy Cover	Retained Canopy Cover
80—100%	0.50 × Baseline canopy cover
60—79%	0.60 × Baseline canopy cover
40—59%	0.70 × Baseline canopy cover
20—39%	0.80 × Baseline canopy cover
0—19%	0.90 × Baseline canopy cover

Example:

For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least seven acres (10 acres × 0.70) of canopy cover.

(3) Preference to Stands of Vegetation

The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than 10 percent of the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (h)(+). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

(4) Smaller Parcels

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

(5) Overlapping Preservation Areas

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

(6) Conservancy or Tree Preservation Easement

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

(7) Tree Protection During Construction

A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged and unmoved during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individual plan for tree protection.

(j)(i) Lake Watershed Areas

(1) Applicability

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

(2) Exception

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

(3) Geotechnical Report

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

(4) Site Design

Site design shall locate structures and land-disturbing activities so as to avoid tree concentrations. Streets, parking areas, and building pads shall conform closely to existing contours and minimize grading.

(h) Adjustments to Maximum Parking Allowance

No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 04-10: Maximum Vehicle Parking Allowance, unless approved by the City Planning and Transportation Department based on the following:

- (1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;
- (2) The petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 04-10: Maximum Vehicle Parking Allowance, and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and
- (3) Any parking provided above the maximum required in Table 04-10: Maximum Vehicle Parking Allowance, is constructed in a parking structure or with approved pervious surfaces.

(i) Vehicle Parking Location and Design**(1) Applicability**

The standards in 20.04.060(i) shall apply to all surface and aboveground vehicle parking and maneuvering areas.

(2) Location**(A) Generally**

- i. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served, unless otherwise allowed pursuant to 20.04.060(g)(1).
- ii. Parking areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.
- ~~iii. For surface parking lots with 100 or more parking spaces, landscaped bioretention areas located below the surface level of the parking spaces, shall be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.~~
- ~~iv.iii.~~ No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.
- ~~v.iv.~~ All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).
- ~~vi.v.~~ For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.
- ~~vii.vi.~~ No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

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

(4) Stacked Parking

Stacked parking arrangements are permitted.

(5) Back-out Parking

(A) Generally

All on site vehicle parking areas shall be designed to avoid the need for vehicles to back onto public streets when exiting the parking space, unless otherwise stated in this UDO.

(B) Exceptions

Single-family, duplex, triplex, and fourplex uses in any zoning district shall be permitted to back-out directly onto an alley or a public street, other than an arterial street.

(C) Back-out Parking Waiver

Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

- i. The lot in question does not exceed 20,000 feet in area;
- ii. A maximum of eight back-out parking spaces are permitted per site; and
- iii. Parking shall directly access an improved alley.

(6) Stormwater Drainage

~~(A) Parking lots shall be constructed such that all surface water is directed into an approved landscape bumpout, island, or endcap per Section 20.04.080(h)(2) (Landscape Bumpouts, Islands, and Endcaps). Stormwater run-off that cannot be directed into approved landscape bumpouts, islands, or endcaps shall be treated using one or more of the best management practices prescribed in Section 20.04.060(i)(6)(E) or directed into the stormwater drainage system.~~

~~(B)~~(A) Water draining from a parking lot shall not flow across a sidewalk.

~~(C)~~(B) Stormwater drainage plans for off-street parking lots shall be reviewed and approved by the City.

~~(D)~~(C) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.

~~(E) For all new parking lots containing 12 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:~~

- ~~i. Permeable pavement materials shall be installed. If such materials are the only practice employed from this list, then they shall cover at least 25 percent of the total parking lot area; or~~
- ~~ii. Treatments such as culvert outfalls, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities shall be installed; or~~

~~iii. Other combinations of best management practices for stormwater infiltration and water quality subject to approval by the City of Bloomington Planning and Transportation and Utilities Departments.~~

(7) Surface Material

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

(8) Electric Vehicle Charging

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

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

(9) Parking Area Landscaping

All development shall comply with Section 20.04.080(h).

(10) Parking Area Lighting

All development shall comply with Section 20.04.090.

(11) Pedestrian and Bicycle Circulation

All development shall comply with Section 20.04.050.

(j) Loading Area Location and Design

(1) Applicability

This Section 20.04.060(j) shall apply to all loading areas.

(4) Vehicles and Trailers

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

(5) Storage, Occupancy, or Similar Uses

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

(o) On-street Parking Standards for Private Streets

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

(1) No Parking Signs

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

(2) Bump-outs

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

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

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

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

(p) Outdoor Storage**(1)**

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

- (A) To provide storage for construction projects during the period of an approved construction project on the same lot or parcel; or
- (B) During the process of being loaded or unloaded, the duration of which may not exceed 72 consecutive hours.

(C) **Vehicular and Pedestrian Movement**

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

(D) **Vision Clearance**

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

(E) **Green Infrastructure**

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

(F) **Installation Prior to Occupancy**

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

(2) **Plant Material Standards**

(A) **Live Plantings**

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

(B) **Species Identification**

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

(C) **Prohibited Plant Species**

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

(D) **Species Diversity**

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

(E) **New Planting Sizes**

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

i. **Deciduous Trees**

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

ii. **Evergreen Trees**

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

iii. **Shrubs**

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

(F) **Substitution**

i. **Public Art**

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

ii. **Existing Vegetation**

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

[a] **Deciduous Trees**

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

[b] **Evergreen Trees**

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

[c] **Shrubs**

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

(G) **Ground Cover**

- i. Except in the PO zoning district, turf grass and other vegetative ground cover shall be used for all landscaped areas, except as listed below. Crushed rock or gravel is not allowed as ground cover.

ii. **Type**

A minimum of 75 percent of the required trees shall be large, canopy trees.

iii. **Location**

Trees shall be planted within 10 feet of the parking lot edge.

(C) **Shrubs**

i. **Number**

Parking lot perimeter areas shall contain a minimum of three shrubs per one parking space.

ii. **Location**

Shrubs shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk immediately adjacent to a parking area, the required shrubs must be within 5' of the edge of the sidewalk.

iii. **Height**

Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) **Landscape Bumpouts, Islands, and Endcaps**

(A) **Number**

Parking lots with 12 or more parking spaces shall provide one landscape bumpout, island, or endcap per every 10 parking spaces.

(B) **Minimum Area**

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

(C) **Minimum Planting**

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

(D) **Stormwater Filtration**

Parking lot bumpouts, islands, or endcaps shall be installed ~~lower than the parking surface to allow stormwater run-off to enter the bumpout, island, or endcap for natural treatment and filtration. Any parking areas with curbing shall incorporate gaps to allow stormwater to enter the bumpout, island, or endcap in order to meet Title 13 (Stormwater) of the Bloomington Municipal Code.~~

(E) **Placement**

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

- 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)~~**(a) Landscaping**

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

- (1) All plant material, including plant material on vegetated roofs, shall be maintained alive, healthy, and free from disease and pests;
- (2) All landscape structures including, but not limited to, vegetated roof infrastructure, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition;
- (3) Ground cover shall be maintained in compliance with Title 6 (Health and Sanitation) of the Bloomington Municipal Code; and
- (4) Public sidewalks shall be maintained in compliance with Title 12 (Streets, Sidewalks, and Storm Sewers) of the Bloomington Municipal Code.

~~(c)~~**(b) Outdoor Lighting**

All lighting fixtures that are required to be shielded shall be installed and maintained so that they maintain compliance with all standards for shielded fixtures as specified in this Section 20.04.090 (Outdoor Lighting).

~~(d)~~**(c) Signs**

All signs and components thereof shall be kept in good repair and in safe, clean, neatly painted, and working condition.

20.05.040 Easements

(a) Applicability

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

(b) General Standards

- (1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.
- (2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.06: (Administration & Procedures), and shall include a definition consistent with Section 20.05.040(e).
- (3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.
- (4) Signs shall not be located within utility easements unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A) (Public Signs), and is further authorized by the city.
- (5) Each easement shall allocate sufficient areas for the utilities, infrastructure, amenities, or features that are the subject of the easement, including but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.

(c) Environmental Features

The following environmental features that are determined to not be developable per Section 20.04.030 (Environment) shall be placed within the appropriate easements on the secondary plat or set aside in easements on a deed where no plat is required or proposed, as identified in Section 20.04.030 (Environment).

- (1) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).
- (2) All karst features and their required buffer zones as defined in Section ~~20.04.030(f)~~20.04.030(g) (Karst Geology).
- (3) All required riparian buffer areas as defined in Section ~~20.04.030(e)~~20.04.030(f) (Riparian Buffers).
- (4) All areas within regulatory floodways and flood fringes as defined in Section 20.04.040 (Floodplain).
- (5) All delineated wetlands and required wetland buffer areas as defined in Section ~~20.04.030(g)~~20.04.030(h) (Wetlands).
- (6) All trees required to be preserved by Section ~~20.04.030(h)~~20.04.030(i) (Tree and Forest Preservation).

(d) Maintenance

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

iii. **Slope**

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

iv. **Perimeter Access**

1. A buffer area around the full circumference of the facility of at least 25 feet from the top of bank shall be available as open space.
2. This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.

(D) **Regulated Floodplain**

The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(E) **Other**

Other common areas set aside to meet open space requirements.

(h) **Storm Water**

(1) **Applicability**

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

(2) **Drainage Plan**

All subdivision requests shall include the submittal of a drainage plan to the City Utilities Department, ~~and are subject to the requirements of Title 13 (Stormwater) of the Bloomington Municipal Code.~~ ~~The drainage plan shall include, but not be limited to, the following items:~~

~~Complete grading plan showing all proposed detention and retention facilities, swales, and drainage structures;~~

~~All proposed piping including size and location of proposed stormwater lines, as well as plan and profile drawings for all proposed improvements;~~

~~Complete and accurate stormwater calculations justifying methodology of the drainage plan in compliance with City Utilities Department standards; and~~

~~The finish floor elevation of all proposed structures.~~

~~Stormwater Mitigation Requirements~~

~~Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the proposed subdivision to a location adequate to receive such runoff. Furthermore, drainage facilities shall:~~

~~Be designed and constructed in accordance with City Utilities Department standards.~~

~~Be durable, easily maintained, retard sedimentation, and retard erosion. Facilities shall not endanger the public health and safety or cause significant damage to property.~~

~~Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting City Utilities Department standards.~~

~~Provide stormwater runoff quality mitigation in compliance with City Utilities Department standards.~~

(3) **Common Area**

Engineered and built drainage improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to City Utilities Department standards, ~~and a Facilities Maintenance Plan shall be required pursuant to the Administrative Manual.~~

(4) **Easements**

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

(i) **Flood Damage Mitigation**

All subdivision proposals shall:

- (1) Be consistent with the need to minimize flood damage.
- (2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) Have adequate drainage provided to reduce exposure to flood hazards.

(j) **Streets and Rights-of-Way**

(1) **Applicability**

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

(2) **Private Streets**

- (A) Unless approved by the Plan Commission and the Board of Public Works, private streets are not permitted. All proposed streets shall have right-of-way dedicated as indicated on the Transportation Plan.
- (B) All private streets shall be constructed to the public street standards established in this UDO and other applicable City standards.

(3) **Dedication of Right-of-Way**

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

(4) **Construction and Installation Standards for Streets**

- (A) All street improvements are to be designed, constructed and installed per the City Planning and Transportation Department Standards and Specifications.
- (B) Any new development that includes the construction of a new or widened public street shall be required to install underground telecommunications conduit to extend the City's fiber optic network, known as the Bloomington Digital Underground (BDU). Conduit installation shall be in accordance with BDU specifications and permit requirements of the City of Bloomington. This requirement shall not apply if the Planning and Transportation Director determines that the installation of underground telecommunications conduit is not necessary after review by the City's Director of Information and Technology Services.

- (A) Primary plats;
- (B) Secondary plats;
- (C) Requests for vacation of plats or parts of plats.

(2) **Procedures**

The Plat Committee shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule.

20.06.030 Summary Table of Review Procedures

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

Table 06-1: Summary Table of Review Procedures

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

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

Table 06-1: Summary Table of Review Procedures

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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
Secondary Plat	20.06.060(c)							R / D	D/A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*/A	D*				
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓						R	R*			D*		
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Rezoning to Planned Unit Development (PUD)	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Zoning Text Amendment	20.06.070(d)	✓	✓		✓			R	R*			D*		
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			D*/A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓	✓					R			D*			

20.06.040 Common Review Procedures

(a) General

- (1) The common review procedures in this Section 20.06.040 provide the foundation for specific review and approval procedures identified in Section 20.06.050 through Section 20.06.080. The common review procedures are illustrated in Figure 06.04-1. Tailored versions of this illustration appear in each of the specific petition types.
- (2) Not all common review procedures apply to every development petition type. Sections 20.06.050 through Section 20.06.080 identify how these common review procedures are applied to specific petition types, and identify additional procedures and requirements beyond the common review procedures.

iv. Creation or expansion of any vehicular parking area.

(B) Activities Exempt from Site Plan Review

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO and building permit review:

- i. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings; and
- ii. Construction or erection of accessory buildings, fences, hedges, or walls; and
- iii. Interior tenant alterations or improvements that do not increase parking requirements or alter exterior building appearances.
- iv. Projects that fall below the thresholds for minor site plan review in Section 20.06.050(a)(2)(C)i).

~~v. Activities that require a grading permit but do not require any site improvements.~~

(C) Thresholds for Minor and Major Site Plan Review

Site plan review is conducted by the Planning and Transportation Director or the Plan Commission, based on the thresholds below:

i. Minor Site Plan Review

Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B), or the project meets or exceeds the thresholds requiring major site plan review under Section 20.06.050(a)(2)(C)ii:

1. A change in use that involves or requires site improvements;
2. Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in Section 20.06.090(f)(2) (Limited Compliance), and falls below the thresholds for major site plan review in Section 20.06.050(a)(2)(C)(ii).
3. Development that contains 20,000 square feet or less of new non-residential gross floor area;
4. Development that contains 50 dwelling units or less;
5. The alteration of any vehicular parking area;
6. Petitions for a site development grading permit ~~where site improvements are required~~; or
7. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district or such project does not contain more than 75 dwelling units.

ii. Major Site Plan Review

Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B):

(C) **Staff Review and Action**

i. **Generally**

1. The Planning and Transportation Director shall review the minor site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).
2. Alternatively, the Planning and Transportation Director may refer the petition to the Plan Commission pursuant to Section 20.06.040(d)(2) (Petition Routing).

ii. **Commitments**

The Planning and Transportation Director may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. **Additional Review for Drainage and Floodplain**

Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

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

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. **Notification of Findings**

The Planning and Transportation Director shall make and sign written findings concerning each decision to approve or disapprove a minor site plan, and such written findings shall be made available to the petitioner.

ii. **Expiration of Approval**

Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Planning and Transportation Director grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. **Modification or Amendment of Approval**

An approved minor site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

(D) Scheduling and Notice of Public Hearings

The major site plan petition shall be scheduled for a public hearing before the Plan Commission and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

i. Generally

The Plan Commission shall review the major site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. Commitments

The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain

Any projects that are determined by the Planning and Transportation Department to be located within an identified floodway, flood fringe, or within the floodplain shall also meet the criteria in Section 20.04.040 (Floodplain).

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Notification of Findings

The Plan Commission shall make written findings concerning each decision to approve or disapprove a major site plan, and such findings shall be made available to the petitioner.

ii. Expiration of Approval

Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval). A site plan approval will be considered expired if no Site Development/Grading Permit has been approved related to the site plan within the one year period or the approved extended time period. Or, in the case where no Site Development/Grading Permit is required, no Certificate of Zoning Compliance for a building permit on the site plan has been approved related to the approval within the one year period, or the approved extended time period.

iii. Modification or Amendment of Approval

An approved major site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

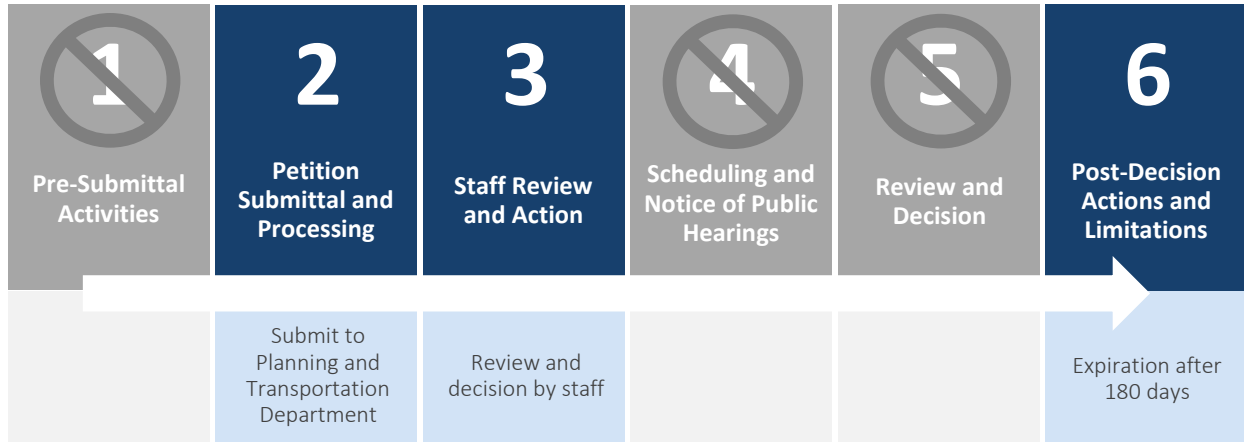
(2) Applicability

- (A) No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management grading permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.
- (B) Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state law and all other applicable rules, regulations, standards and specifications of the City regarding development within a floodplain.

(3) Floodplain development permit Review Process

Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to floodplain development permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-5: Summary of Floodplain development permit Procedure



(A) Petition Submittal and Processing

The floodplain development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements

The petition shall include, but not be limited to, the following documents:

1. A description of the proposed development;
2. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
3. A legal description of the property site;
4. A site development plan showing existing and proposed development locations and existing and proposed land grades;
5. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;

iv. **Revocation of Permits**

1. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
2. The Floodplain Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.

(e) **Site Development Grading Permit**

(1) **Purpose**

The site development grading permit procedure is intended to ~~mitigate the environmental impact of site development and to protect the water quality of the City of Bloomington, Monroe County, and surrounding areas, and to~~ provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all site development grading activities.

(2) **Applicability**

No site development ~~land-disturbing~~ activity shall occur on platted or unplatted lands in any zoning district, unless a site development grading permit for such activity has been issued.

(A) **Exemptions**

- ~~i. Land-disturbing activity covering an area less than 2,500 square feet;~~
- i. Site development ~~land-disturbing~~ activity on lots containing the uses: dwelling, single-family (attached); dwelling, single-family (detached); dwelling, duplex; dwelling, triplex; or dwelling, fourplex.
- ii. Site development activity containing only new buildings or changes, alterations, or additions to an existing building, with no additional improvements required.
- iii. Site development activity containing only new signs, or changes, alterations, or additions to a sign.
- ~~ii.iv. Site development activity containing related to an approved temporary use.~~
~~Land-disturbing activity solely for new foundations for buildings or additions with a footprint of 5,000 square feet or less.~~

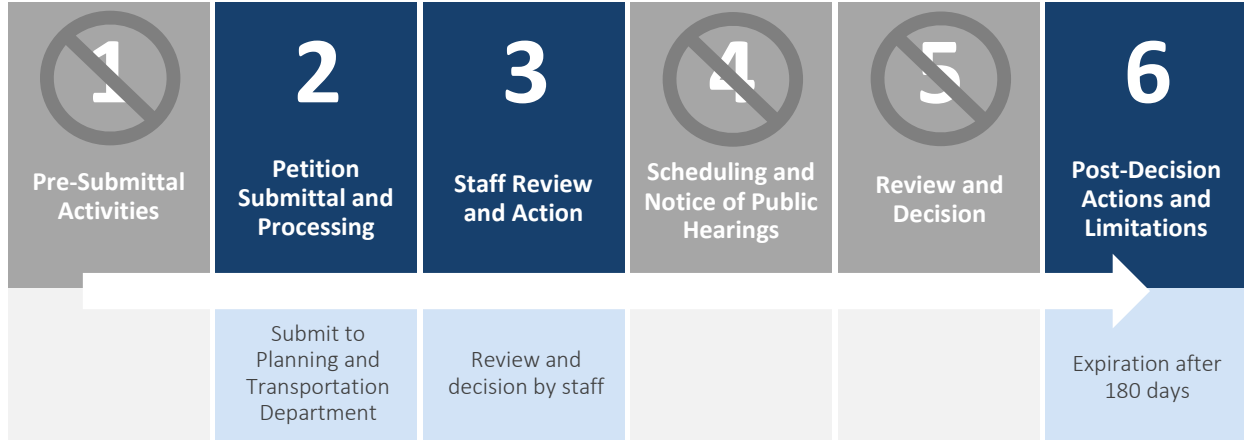
~~(B) Additional Requirements~~

~~Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5, and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10 (Wastewater) of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the City Utilities Department regarding stormwater management practices.~~

(3) **Site Development Grading Permit Review Process**

Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to site development grading permit review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-6: Summary of Site Development Grading Permit Procedure



(A) **Petition Submittal and Processing**

The site development grading permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. **Petition Submittal Requirements**

The petition shall include, but not be limited to, the following documents:

1. Verification of site plan approval when such approval is required;
- ~~2. Construction plan including all proposed site improvements;~~
- ~~2. Estimate prepared by a licensed engineer of erosion control features for erosion control measures based on fair market price;~~
3. Topography of the site - proposed and existing two-foot contours;
4. Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.

(B) **Staff Review and Action**

The planning and transportation staff shall review the site development grading permit petition and approve, approve with conditions, or deny the petition within 20 working days of the receipt of a complete petition and all supportive documents in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria.

i. Construction Plan

~~The construction plans shall include all required and proposed environmental protections including but not limited to: tree protection zones, easements and setbacks from environmental features and conservation areas; as well as all required and proposed site improvements. The requirements are further detailed in the Administrative Manual. As required by Title 10 (Wastewater), of the Bloomington Municipal Code, a construction plan including the stormwater pollution prevention plan for the site shall be approved by the appropriate local, state, and federal authorities prior to the issuance of a grading permit.~~

ii. Planned Unit Development Approval

An approved final plan shall be in place prior to the issuance of a grading permit.

iii. Stormwater Permit

~~If required by Title 13 (Stormwater) in the Bloomington Municipal Code, petitioner must submit an application for a stormwater management permit to the City of Bloomington Utilities Department at the time of application for the site development permit.~~

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Duration

- ~~1. Site development~~Grading permits shall be valid for a period of 180 days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.
2. At the written request of the petitioner, the city may extend the period one or more times for up to a maximum of an additional 180 days. ~~The city may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this UDO.~~

ii. Changes or Amendments

1. The petitioner may submit revisions or amendments to an approved ~~site development~~grading permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved ~~site development~~grading permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.
2. Changes to the ~~site development~~grading permit shall be approved in writing.

iii. Financial Bond Required

- ~~1. In conjunction with the approval of grading permit, the petitioner shall provide a financial guarantee for erosion control measures, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that all erosion control measures required under the provisions of this UDO and Planning and Transportation Department requirements shall be completed.~~

- ~~2. If the City draws on the erosion control bond to stabilize and reestablish the site, either the erosion control estimate prepared by the licensed engineer or the documented actual dollar per acre amount for reestablishment of the site, whichever is greater, shall be used.~~
- ~~3. The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.~~

(f) Certificate of Zoning Compliance

(1) Purpose

The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability

(A) Generally

- i. A Certificate of Zoning Compliance shall be required for any of the following activities:
 1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;
 2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change in Use));
 3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;
 4. ~~Site Grading, development~~, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.
 5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section 20.06.050(a) (Site Plan Review), and shall comply with the requirements of Section ~~20.04.030(h)~~~~20.04.030(i)~~ (Tree and Forest Preservation).
 6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of Historic Preservation Commission or its staff.

1. Construction under a valid site development grading permit or building permit has commenced and is ongoing; or
2. Upon petition, the Planning and Transportation Director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration of Approval).

(g) Certificate of Occupancy

(1) Purpose

The Certificate of Occupancy procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability

(A) Generally

A Certificate of Occupancy shall be obtained prior to a building or structure being occupied or used in each of the following situations, except for detached single-family dwellings:

- i. Occupancy or use of any new building or structure;
- ii. Re-use or re-occupancy of any existing building or structure that requires either a permit from the County Building Department or a Certificate of Zoning Compliance from the Planning and Transportation Department;
- iii. Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.

(B) Certificate of Occupancy Required

If a certificate of occupancy is required pursuant to subsection (A) above, it is unlawful and a violation of this UDO for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until a temporary or final Certificate of Occupancy has been granted. Any violation of this provision shall be subject to a stop work order, mitigation, and/or fines and penalties as specified in Section 20.06.100 (Enforcement and Penalties).

(3) Certificate of Occupancy Review Process

- iii. More than a 10 percent change to the proportion of housing types;
- iv. Substantial increase in the building envelope;
- v. More than a one percent reduction of proposed open space;
- vi. Changes in functional uses of open space, where such change constitutes an intensification of open space usage;
- vii. Substantial change in the ratio of off-street parking spaces to use;
- viii. Substantial changes in standards, continuity, or general location of roads, utilities, or stormwater management features; or
- ix. Substantive changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by this UDO.

ii. **Final Plan**

1. **Effect of Approval**

- [a] No permit of any kind shall be issued for any purpose within a Planned Unit Development zoning district except in accordance with the approved final plan. Any material deviation from the final plan is subject to appropriate enforcement action.
- [b] No permit of any kind shall be issued until the final plan has been approved.

2. **Duration**

[a] **Abandonment**

The final plan shall be considered abandoned if no [site development/grading](#) permits or building permits have been obtained and are still valid for the area contained in the final plan within three years after final plan approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this UDO.

[b] **Extension**

An extension, not to exceed 12 months, may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one 12-month extension.

3. **Changes or Amendments**

[a] **Minor Changes**

The Planning and Transportation Director may approve minor changes to an approved final plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to Section 20.06.070(c)(3)(E)ii.4). This shall include the following:

- i. Minor changes in the location and siting of buildings and structures;
- ii. Changes in height of less than one story, but not over eight feet in any case;

- [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 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.

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

i. **Effect of Approval**

1. The granting of a variance from the development standards authorizes the development and establishes the terms of use.
2. Variances are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits shall be obtained before any site developmentgrading, construction, or use commences.

- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in Section 20.06.100(e) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.
- (3) Any violation shall be subject to the penalties and remedies provided in this Section 20.06.100, and the City shall have recourse to any remedy available in law or equity.
- (4) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected. Correction includes, but is not limited to:
 - (A) Cessation of an unlawful practice;
 - (B) Removal of a building, structure, or other improvement;
 - (C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;
 - (D) Any other remedy specified in this UDO; and/or
 - (E) Other remedy acceptable to the City.
- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 20.06.100(e)(5); and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this UDO or any condition, requirement, or commitment established in connection with this UDO or any development approval hereunder.
- (6) In addition to all other penalties and remedies provided for herein, if a building or structure is demolished (which shall include partial demolition) in violation of Section 20.06.050(c) (Demolition Delay Permit), then, for a period of two years following such demolition, no new certificate of zoning compliance authorizing any use or any release of a building or demolition permit shall be issued for any activity upon the lot of record upon which the building or structure was located, or any adjoining lot of record under common ownership or control, except for an approved restoration or replacement of the demolished building or structure, or as otherwise agreed to by the City or ordered by the Court in enforcement proceedings. The Planning and Transportation Director shall be authorized to execute and record in the Office of the Monroe County Recorder a sworn statement containing these restrictions upon the properties affected thereby.
- (7) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section ~~20.04.030(h)~~20.04.030(i) (Tree and Forest Preservation), the responsible party shall be required to meet the following requirements:
 - (A) Replace the removed trees with healthy trees of similar species.
 - i. The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the Planning and Transportation Director.
 - ii. The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Interim Council Administrator/Attorney

Date: August 30, 2024

Re: Appropriation Ordinance 2024-03 - To Additionally Appropriate From the Public Works General Fund for Personnel Expenditures; and Appropriation Ordinance 2024-04 - To Additionally Appropriate From the Public Works General Fund for Debris Removal

Background

This memo addresses two appropriation ordinances brought forward by the administration that would appropriate funds from the Public Works General Fund for two different reasons. To avoid a division of the question, the administration is bringing them forth in two different appropriation ordinances.

Synopses

Appropriation Ordinance 2024-03: This appropriation ordinance funds the position authorized in Ordinance 2024-10 to add a Facilities Asset and Operations Coordinator.

Appropriation Ordinance 2024-04: On June 25, 2024 the City of Bloomington was struck by a super-cell storm and incurred costs to a third-party hired to perform debris clean-up and removal. The Public Works Department is requesting an additional appropriation to cover the cost paid to the third-party vendor.

Relevant Materials

- Staff Memo from Corporation Counsel Margie Rice
- Appropriation Ordinance 2024-03 and Appropriation Ordinance 2024-04

Summary

Appropriation Ordinance 2024-03 would appropriate additional money from the Public Works General Fund for personnel expenditures in order to fund the additional position that was included in an amended salary ordinance, Ordinance 2024-10, which was passed at the May 8, 2024 Regular Session.

Appropriation Ordinance 2024-04 would appropriate money from the same fund in order to pay for tree debris cleanup and removal following [a supercell storm](#) that hit the city on June 25, 2024. The Public Works Department is requesting an additional appropriation to cover the cost paid to a third party vendor to accomplish the clean-up.

[Indiana Code 36-4-7-8](#) provides that the legislative body may, on the recommendation of the city executive, make further or additional appropriations by ordinance, as long as the result does not increase the City's tax levy that was set as part of the annual budgeting process. The additional appropriations requested by Appropriation Ordinance 2024-03 and Appropriation Ordinance 2024-04 should not result in such an increase to the City's tax levy.



City of Bloomington Indiana

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[Indiana Code 6-1.1-17-3](#) requires a public hearing to be held before additional appropriations can be made, with a notice to taxpayers sent out at least ten (10) days before the public hearing. The public hearing for this appropriation ordinance is set for the Regular Session on September 18, 2024.

Contacts

Jessica McClellan, Controller, 812-349-3412, jessica.mcclellan@bloomington.in.gov

Margie Rice, Corporation Counsel, 812-349-3426, margie.rice@bloomington.in.gov

Adam Wason, Director, Public Works, 812-349-3410, wasona@bloomington.in.gov



Memorandum

TO: Members of the City of Bloomington Common Council (“Council”)
FROM: Margie Rice, Corporation Counsel
CC: Kerry Thomson, Mayor
Gretchen Knapp, Deputy Mayor
Jessica McClellan, City Controller
Adam Wason, Public Works Director
Council Staff
RE: Appropriation Ordinances 24-03 and 24-04
DATE: July 26, 2024

Summary

Circumstances have arisen requiring Public Works to need additional funds appropriated for both Personnel expenses (Category 1) and for Services (Category 3). As such, Legal has prepared Ordinances 24-03 and 24-04 and requests the approval of the Common Council of the City of Bloomington (“Council”).

PERSONNEL – Category 1

Public Works now employs a Facilities Operations and Asset Specialist. This is a new position in 2024, and it was previously authorized by the Council; however, the funding was not put in place at that time. There is an employee in place, and in order to cover payroll expense for the remainder of the year and additional \$72,000 is necessary.

OTHER SERVICES AND CHARGES – Category 3

Bloomington saw one of its worst storms on June 25, 2024, resulting in substantial damage to private and public trees caused by strong winds. Almost immediately, members of the public began asking if the City would be able to assist in picking up, at their curbs, debris left on their properties caused by the storm. In order to be responsive to City residents and to assist the City with its own clean-up and removal of debris, the City utilized a special purchasing provision under Indiana Code 36-4-8-14 and Bloomington Municipal Code 2.26.085 to address these immediate and emergent needs. The City hired a third-party vendor to assist them. This appropriation is requested to pay the vendor and to supplement the Public Works’ budget, as they incurred additional expenses that were not anticipated in 2024.

APPROPRIATION ORDINANCE 2024-03

**TO ADDITIONALLY APPROPRIATE FROM THE PUBLIC WORKS
GENERAL FUND FOR PERSONNEL EXPENDITURES**

WHEREAS, Salary Ordinance 23-25 was amended by the Ordinance 2024-10 to add a Facilities Asset and Operations Coordinator; and

WHEREAS, the Director of the City of Bloomington Public Works Department was authorized to hire a Facilities Operations and Asset Specialist; and

WHEREAS, the City of Bloomington Administration (“City”) has determined that additional funds must be appropriated in order to fully fund this position in 2024; and

WHEREAS, the Common Council of the City of Bloomington (“Council”) is empowered to authorize an additional appropriation; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance to Indiana law;

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

SECTION 1: For the expenses of the City the following additional sums of money are hereby additionally appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

General Fund 101-19 - Public Works - Facilities

Classification – 1 Personnel	\$ 72,000
Total General Fund – Facilities Maintenance	\$ 72,000

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

Isabel Piedmont-Smith, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This appropriation ordinance funds the position authorized in Ordinance 2024-10 to add a
Facilities Asset and Operations Coordinator.

APPROPRIATION ORDINANCE 2024-04

**TO ADDITIONALLY APPROPRIATE FROM THE PUBLIC WORKS
GENERAL FUND FOR DEBRIS REMOVAL**

WHEREAS, the Public Works Department desires to transfer funds from the General Fund into its budget for expenditures not included in the 2024 adopted budget; and

WHEREAS, on June 25, 2024 the City of Bloomington (“City”) incurred unanticipated costs related to payment to a third-party for tree debris clean-up and removal due to a super-cell event that struck Bloomington; and

WHEREAS, the Common Council of the City of Bloomington (“Council”) is empowered to authorize an additional appropriation; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing an additional appropriation of the City have been complied with in accordance with Indiana law;

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

SECTION 1. For the expenses of said Municipal Corporation the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

General Fund 101-02 - Public Works Administration

Classification - 3 Services and Charges	\$500,000
Total General Fund - Public Works Administration	\$500,000

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

Isabel Piedmont-Smith, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

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

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

On June 25, 2024 the City of Bloomington was struck by a super-cell storm and incurred costs to a third-party hired to perform debris clean-up and removal. The Public Works Department is requesting an additional appropriation to cover the cost paid to the third-party vendor.



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Interim Council Administrator/Attorney

Date: August 30, 2024

Re: [Resolution 2024-17](#) - Requesting the Food and Beverage Tax Advisory Commission to Make a Recommendation for Expenditure of Food and Beverage Tax Revenues

Synopsis

This resolution is a request from the Common Council for the Food and Beverage Tax Advisory Commission to recommend expenditures of food and beverage tax revenues toward a 2025 budget for the Capital Improvement Board.

Relevant Materials

- [Resolution 2024-17](#)
- Exhibit A – Proposed 2025 Capital Improvement Board Budget and Memo

Summary

In 2017, through [Resolution 17-38](#), the Bloomington Common Council supported the passage of a county-wide food and beverage tax to fund expansion of the Monroe County Convention Center. Shortly thereafter, the Monroe County Council adopted an ordinance imposing a food and beverage tax, which has been collected since that time. The tax is authorized by state law ([Indiana Code 6-9-41](#)) and may be used only to finance, refinance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects (I.C. 6-9-41-15(a)).

Under state law (I.C. 6-9-41-15(b)), the city is required to develop a written plan before December 1 each year and submit that plan to the state with the following information:

1. Proposed use of food and beverage tax funds for the upcoming calendar year;
2. Detailed use of funds in the current and prior calendar years; and
3. Fund balance as of January 1 of the current calendar year.

A plan for 2025 city anticipated use of food and beverage tax revenues is forthcoming and Corporation Counsel expects to work on it in conjunction with the Controller later this year.

State law (I.C. 6-9-41-15(c)) requires that the city spend its food and beverage tax receipts according to this written plan. If the county and the city fail to spend money from their respective food and beverage tax receipts funds in accordance with these written plans before July 1, 2025, the ordinance establishing the food and beverage tax becomes void and no new revenue would be collected. (I.C. 6-9-41-15.5)



City of Bloomington Indiana

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Under an interlocal cooperation agreement with the county (recently approved via [Resolution 2024-02](#)), the CIB has authority to determine its budget solely with the Common Council, using city food and beverage tax revenues or any other city-designated funds needed to pay for the hiring/retention of relevant support staff.

The CIB has submitted a 2025 budget request for the Council’s consideration. However, state law (I.C. 6-9-41-16(b)) also requires the Common Council, as legislative body of the City, to “request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds”. This resolution would make such a request for a recommendation from the [Food and Beverage Tax Advisory Commission](#) (FABTAC). After the FABTAC is able to meet and provide a recommendation, the Council will be asked to approve of the CIB budget through an appropriation ordinance.

This process was followed for the approval of the 2024 CIB budget. The initial resolution, [Resolution 2024-06](#), passed at the March 27, 2024 Regular Session, requested the FABTAC’s recommendation to expend food and beverage tax revenues toward the 2024 CIB budget. After the FABTAC met on March 28, 2024, it recommended approving using city food and beverage tax dollars toward the CIB 2024 budget. Then the Council passed [Resolution 2024-10](#) at the April 10, 2024 Regular Session, which approved of the 2024 CIB budget. An appropriation ordinance was not needed at the time because the funds had already been appropriated by adoption of [Appropriation Ordinance 23-05](#) that included an appropriation of \$250,000 from the Food and Beverage Tax City Fund within the 2024 Civil City adopted budget.

This process began again when the CIB requested an amended 2024 budget. The Council passed [Resolution 2024-15](#) at its June 18, 2024 Regular Session, which requested the FABTAC’s recommendation to expend food and beverage tax revenues toward a revised 2024 CIB budget. FABTAC met on July 22, 2024 and approved the request. Then Council passed [Appropriation Ordinance 2024-02](#) at the August 7, 2024 Regular Session to approve of said revised budget.

The process will continue along the same lines this year for considering the CIB’s 2025 budget request. This resolution is the first step, asking FABTAC to make a recommendation. Should FABTAC make a recommendation approving using city food and beverage tax dollars toward this 2025 CIB budget request, approval of the CIB’s 2025 budget will come back to Council in the 2025 Civil City Budget Appropriation Ordinance, which is one of the three appropriation ordinances the Council will consider in a Special Session on September 25, 2024 and again for second reading and a vote on October 9, 2024.

Contact

Margie Rice, Corporation Counsel, margie.rice@bloomington.in.gov, (812) 349-3426

James Witlatch, Bunger & Robertson, Attorney for CIB, jwhit@lawbr.com, (812) 332-9295

RESOLUTION 2024-17

REQUESTING THE FOOD AND BEVERAGE TAX ADVISORY COMMISSION TO MAKE A RECOMMENDATION FOR EXPENDITURE OF FOOD AND BEVERAGE TAX REVENUES

- WHEREAS, the City of Bloomington (“City”) and Monroe County (“County”) are collaborating on a project to expand the Monroe County Convention Center (the “Project”); and
- WHEREAS, a Capital Improvement Board (“CIB”) was established in July 2023 by the County through adoption of County Commissioner Ordinance 2023-24 for the purpose of managing and directing the affairs of the Project; and
- WHEREAS, the City and the County have since executed an Interlocal Cooperation Agreement (“Agreement”) for the operation of the CIB and the Convention and Visitors Commission; and
- WHEREAS, in the Agreement, the City and County agreed that, during the Project design and construction period, the CIB has authority to determine its budget solely with the Common Council, using City food and beverage tax revenues or any other city-designated funds needed to pay for the hiring/retention of relevant support staff; and
- WHEREAS, Indiana Code § 6-9-41-15 requires that the City develop a written plan before December 1 of each year that includes, among other things, the proposed use of food and beverage tax funds for the upcoming calendar year; and
- WHEREAS, according to Indiana Code § 6-9-41-15, “money deposited in the city food and beverage tax receipts fund may be used only to finance, construct, operate, or maintain a convention center, a conference center, or related tourism or economic development projects;” and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds”; and
- WHEREAS the CIB has submitted a proposed 2025 budget, attached hereto as Exhibit A, for the Common Council’s review and approval;

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

SECTION 1. The Common Council, under Indiana Code § 6-9-41-16(b), hereby requests the Food and Beverage Tax Advisory Commission to consider and adopt written recommendations regarding the CIB’s proposed 2025 budget to be funded from the City’s portion of food and beverage tax revenues.

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

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

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

NICOLE BOLDEN, Clerk
City of Bloomington

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

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution is a request from the Common Council for the Food and Beverage Tax Advisory Commission to recommend expenditures of food and beverage tax revenues toward a 2025 budget for the Capital Improvement Board.

Monroe County Capital Improvement Board
2025

					Other	
				Total	Testing & Environmental	200,000
Category 1 - Personnel Services				0	Commissioning	60,000
					Utility Connections	<u>100,000</u>
Category 2 - Supplies				1,000		
					Total	<u>360,000</u>
Category 3 - Services						
Professional Fees-Internal	Legal	144,900				
	Controller	71,500	216,400			
Professional Fees - External	Owner's Rep		320,000			
Website			2,000			
Other*			360,000			
Category 4 - Capital				<u>0</u>		
Total				<u>899,400</u>		

Monroe County Capital Improvement Board

2025 BUDGET MEMORANDUM

To: Members of the City of Bloomington Common Council

From: John Whikehart, President

Eric Spoonmore, Treasurer

Jeffrey Underwood, Controller/Assistant Treasurer

Re: 2025 Budget

We are pleased to present the 2025 budget for your review. In coordination with the Council and Administration we seek a resolution from the Council on September 4, 2024. Upon your approval we would then work with the City Council and Administration to submit the request to the Monroe County Food & Beverage Tax Advisory Council for their review and recommendation. Assuming a positive recommendation we would then seek formal adoption of our request along with the City's 2025 budget.

The total proposed budget is \$899,400 broken down as follows”

Category 1 – Personnel Services:	\$0
Category 2 – Supplies:	\$1,000
Category 3 – Services:	\$898,400
Category 4 – Capital	\$0

Much of this request is contained in Category 3 – Services:

Professional Services-Internal includes services that would be provided by the Board's Attorney and Controller as follows:

Legal	144,900
Controller	71,500

Professional Services-External includes services such as Owner's Representative as follows:

Owner's Rep	320,000
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“Other” includes services such as, but not limited to, design and maintenance of Website, Testing and Environmental services, Commissioning and Utility Connection fees as follows:

Website	1.000
Testing & Environmental	200,000
Commissioning	60,000
Utility Connections	100,000

We are happy to answer your questions and thank you for your consideration of our request.