



# CITY OF BLOOMINGTON COMMON COUNCIL

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

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

<https://bloomington.zoom.us/j/87637389174?pwd=Qv4p1jAUCLbXF6J9SfVf8bC6qn8ADu.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **MINUTES FOR APPROVAL - None**
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
  - A. Councilmembers
  - B. The Mayor and City Offices
    - a. Commission on Aging – 2024 Annual Report
    - b. Commission on the Status of Women – 2024 Annual Report
  - C. Council Committees – Report from Committee on Council Processes
  - D. Public\*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
6. **LEGISLATION FOR FIRST READINGS**
  - A. Ordinance 2025-21 – Authorizing and Approving a Payment in Lieu of Taxes (“PILOT”) Agreement with Cambridge Square of Bloomington, LP
  - B. Ordinance 2025-22 – Authorizing and Approving a Payment in Lieu of Taxes (“PILOT”) Agreement with Henderson Court Housing, LP
7. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
  - A. Ordinance 2025-11 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20
  - B. Ordinance 2025-12 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.02 and 20.04

\*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](mailto:council@bloomington.in.gov).

Posted: May 15, 2025

- C. Ordinance 2025-13 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.03
- D. Ordinance 2025-14 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amendments and Updates Set Forth in BMC 20.05, 20.06, and 20.07
- E. Appropriation Ordinance 2025-06 – Ordinance to Appropriate Food and Beverage Tax Funds to the Monroe County Capital Improvement Board
- F. Resolution 2025-09 – Authorizing the Allocation of the Jack Hopkins Social Services Program Funds for the Year 2025 and Related Matters

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

9. **COUNCIL SCHEDULE**

10. **ADJOURNMENT**

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

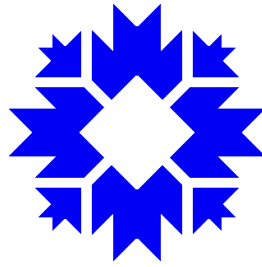
- Community Action Television Services (CATS) – <https://catvstv.net>
- YouTube – <https://youtube.com/@citybloomington>

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

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Posted: May 15, 2025



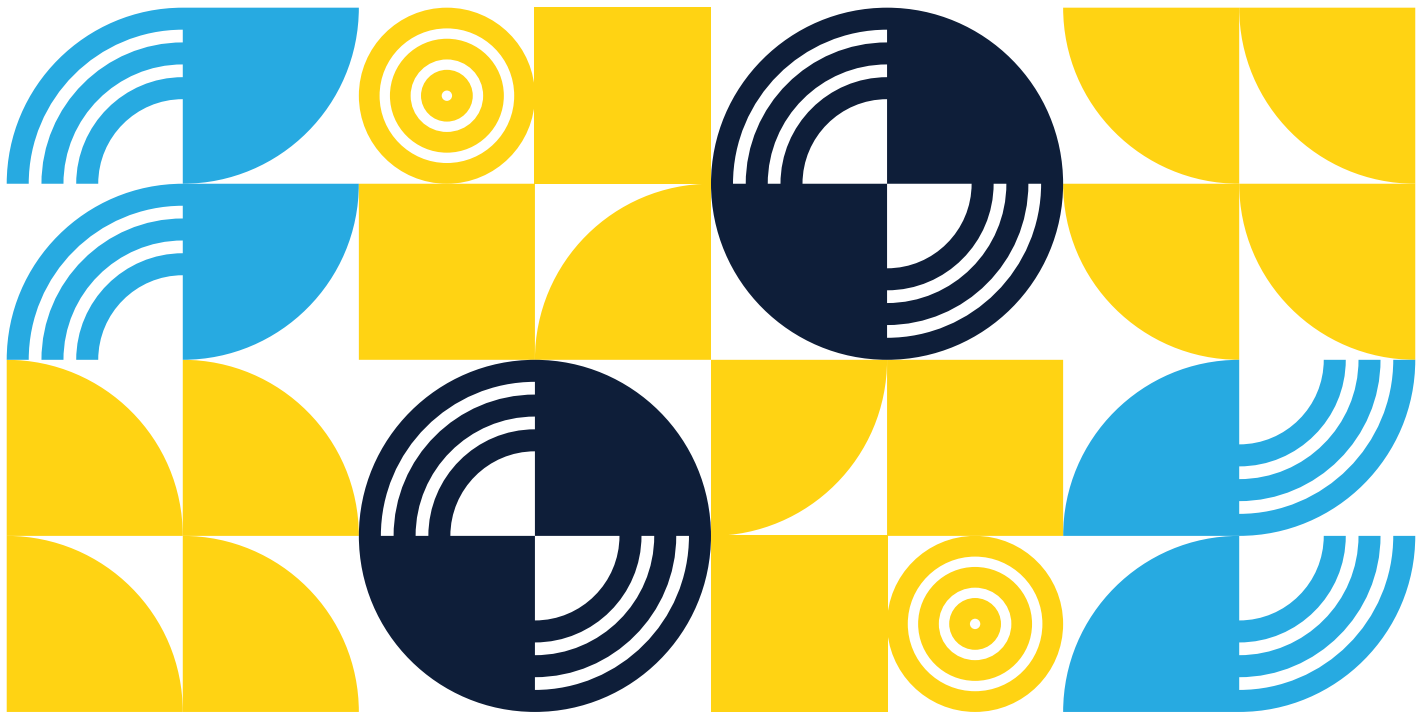
# City of Bloomington Common Council

## Legislative Packet

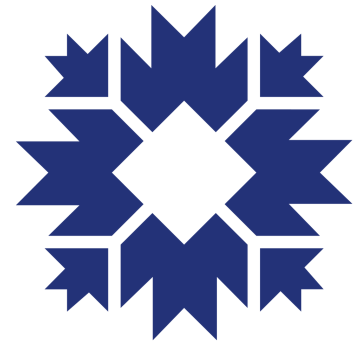
Containing legislative materials related to:

Wednesday, 21 May 2025

Regular Session at 6:30pm



**City of Bloomington**  
**Commission on Aging**



**CITY OF BLOOMINGTON**  
Commission on Aging

# 2024 Annual Report

**PREPARED BY :**

**Marissa Parr- Scott**

Liaison, Commission on the Status of  
Women

[marissa.parrscott@bloomington.in.gov](mailto:marissa.parrscott@bloomington.in.gov)  
812-349-3468

**CITY OF BLOOMINGTON**

401 N Morton Street,  
Suite 260

Bloomington, IN, 47403

[BLOOMINGTON.IN.GOV/BOARDS/AGING](http://BLOOMINGTON.IN.GOV/BOARDS/AGING)





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## **Message from the Chair**

Dayna Thompson

The city of Bloomington has always aimed to be a retirement destination. Boasting culture, nature, and an amazing array of international cuisine, it has excelled in this pursuit in many ways. There is more to retirement, and to aging than these things, though.



As the Commission on Aging, we strive to make Bloomington a place where ALL can age well, regardless of disability status, socioeconomic status, race, gender, or health literacy. I am honored to chair this group of smart and engaged community members who work to shed light on the issues facing Bloomington seniors, promote healthy aging across the lifespan, and connect people to necessary resources.

The Commission on Aging is open to ALL who wish to share in this vision and we invite you to attend our upcoming public meetings and to tell us what is important to you as you age in our City.

I look forward to meeting you,  
Dayna Thompson  
Commission on Aging - Chair

# City of Bloomington

## Commission Aging

## Commission Purpose

### 2024 Annual Report

The Commission on Aging serves as a catalyst for improving public awareness of the senior and aging community. The Commission works in collaboration with diverse community members and organizations to build bridges, open dialogue, celebrate accomplishments, encourage programming, and explore issues and concerns of older adults. The intent is to promote solutions to the problems and challenges and celebrate the contributions of Bloomington's older citizens.

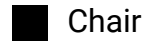


### Purpose and Duties:

Address concerns of seniors in health and wellness, housing, transportation, employment, social services and recreation; encourage the development of programs of particular benefit to senior citizens; and serve as a catalyst to promote positive public and private remedies to the multi-faceted challenges confronting seniors in our community and the resulting effects on the entire community.

# City of Bloomington

## Commission on Aging



## Organizational Overview

### 2024 Annual Report



Rob Council  
Appointed by: Common Council  
Term Expires: 1/31/2027



Robert Deppert  
Appointed by: Common Council  
Term Expires: 1/31/2026



Susan Fleener  
Appointed by: Mayor  
Term Expires: 1/31/2026



Linda Hall  
Appointed by: Mayor  
Term Expires: 1/31/2027



David Jennings  
Appointed by: Common Council  
Term Expires: 1/31/2027



Sandra McGow  
Appointed by: Mayor  
Term Expires: 1/31/2026



Wendy Rubin  
Appointed by: Common Council  
Term Expires: 1/31/2026



Dayna Thompson  
Commission Chair  
Appointed by: Mayor  
Term Expires: 1/31/2026



April Williams  
Appointed by: Mayor  
Resigned: January 2025



Marissa Parr-Scott  
Staff Liaison

### Commission Summary:

The Commission on Aging is composed of nine members, with five appointments by the Mayor, and four from the Common Council. Commission members must be residents of Monroe County. Preference for appointments are given to people with expertise in, or representing, one or more of the following areas: senior issues, health and wellness, recreation, employment, social services, transportation and affordable housing.

City of Bloomington  
Commission on Aging

Key Achievements and Impact

2024 Annual Report

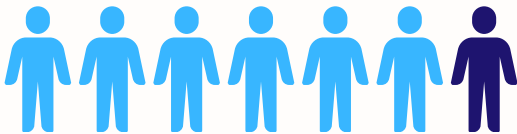
Dementia Friendly Training

- In January 2024, all Commission on Aging commissioners successfully completed Dementia Friendly training, as provided by Dementia Friendly Indiana.



Bloomington Blue Zones Initiative

The Commission on Aging began collaborating with and promoting the Bloomington Blue Zones Initiative, which is a local movement, based on the global Blue Zones Project, to make healthy choices easier and more accessible in Bloomington, Indiana. The Bloomington Blue Zones Initiative launched in early 2024, and has experienced significant growth over the past year.



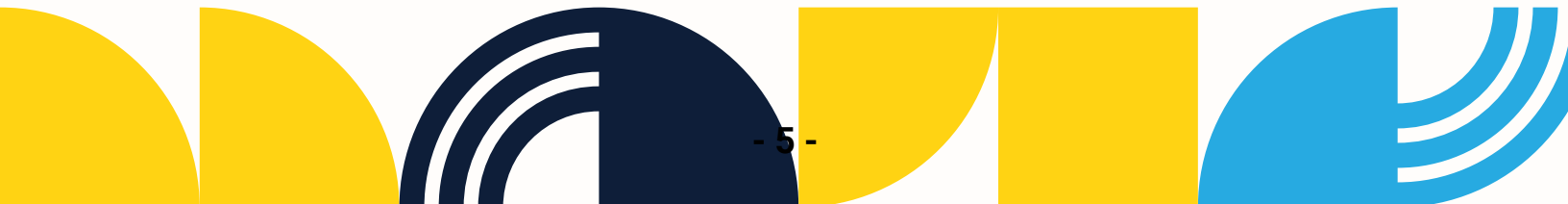
Senior Resource Guide

- The Senior Resource Guide was created in 2023, and updated in 2024. This guide is specific to the aging community, and lists resources pertaining to housing, food, health, transportation, financial assistance, recreation, legal assistance, support groups and memory care.



IWTIU Conference on Aging

- The Commission on Aging was a contributing partner for WTIU’s 2024 Conference on Aging. The WTIU Conference on Aging is a free, virtual conference that was held every Wednesday from noon to 1:00 p.m. during October and November. It featured area experts and resources to help participants find answers to many questions associated with getting older.





# City of Bloomington

## Commission on Aging

## Program and Project Highlights

### 2024 Annual Report

One of the Commission on Aging's biggest projects for 2024 was updating and redistributing the Senior Resource Guide. After the first printed version, we received feedback from our partners and collaborators on how it could be improved. We created an online form for new businesses/organizations to submit their information for inclusion on future versions, as well as for existing resources to be able to notify us of any changes. This has been a tremendous help in allowing us to remain up-to-date with the most current information each time we revise. While it is almost impossible to estimate how many copies of the guide have been distributed in Bloomington and Monroe County, since the printable PDF has been shared in countless emails, newsletters, support groups, and is available on the Commission's webpage, over 600 copies were distributed by hand to attendees at the annual 50+ Expo.

A highlight of 2024 was the launch of the Bloomington Blue Zone Initiative (now known as the BloomingZone Initiative.) In February 2024, the Commission invited BloomingZone Initiative founders, Bridgette DiVohl and Cynthia Schultz, to join us at a monthly meeting to learn more about the project, which was still very much in "development mode." Based on the global Blue Zones Project, which aims to create communities where people live measurably better and longer, this initiative immediately garnered the support of commissioners, who have since helped it grow into a vibrant community group that regularly hosts a book club, cooking classes, walking groups, and other community based events.



One of the Commission's ongoing initiatives is to support the work being done by Dementia Friendly Bloomington, which is part of the Dementia Friendly Indiana Communities organization. Dementia Friendly Bloomington held a conference in October 2024, "Living Well with Dementia," that was attended by Commissioners and commission staff, in addition to being co-hosted by our Commission chair, Dayna Thompson.

# City of Bloomington

## Commission on Aging

## Strategic Goals and Initiatives

### 2024 Annual Report

#### Updated Senior Resource Guide 2.0

- The Senior Resource Guide will be split into two separate guides - one for overall resources, and one for healthcare specific resources. Both of the guides will remain in the same printed, double sided format for easy reference and distribution.

#### Senior Living 101

- The Commission on Aging will host a free Senior Living 101 Seminar in May 2025 for the community. The seminar will include information on the following topics: Independent Living, Assisted Living, Memory Care, Skilled Nursing, Home Health, and Hospice

#### Aging in the Arts

- In November 2025, the Commission on Aging will highlight local senior artists in the City of Bloomington display case

#### Dementia Friendly Bloomington

- The Commission on Aging intends to remain in collaboration with Dementia Friendly Bloomington and to continue supporting its efforts

#### Senior Center

- The Commission on Aging intends to remain in collaboration with Dementia Friendly Bloomington and to continue supporting its efforts

#### Transportation

- The Commission will continue to advocate for and support ways to improve transportation for seniors in our community



### **City of Bloomington** **Commission on Aging**

### **Community and Stakeholder Engagement**

2024 Annual Report

The Commission on Aging strongly values its partnerships and collaborations with the following groups:

- Area 10 Agency on Aging
- WTIU
- IU Health Bloomington
- City of Bloomington
- Bloomington Transit
- Bloomington Blue Zones Initiative (BloomingZones Initiative)
- Dementia Friendly Bloomington





## City of Bloomington Commission on Aging

### 2024 Financial Review - Expenditures

2024 Annual Report

#### Expenditures

\$375.00 - WTIU Conference on Aging Sponsorship

*NOTE: Community and Family Resources Department split the total cost of the sponsorship with the Commission (\$750 total)*

#### Revenue

None

#### Key Financial Supporters

City of Bloomington Community and Family Resources Department

# Get Involved!

For more information on initiatives supported by the Commission on Aging, please visit the links below:

Dementia Friendly Bloomington, please visit:  
<https://dfbloomington.org/>

Global Blue Zones Project, please visit:  
<https://www.bluezones.com/>

BloomingZone Initiative, please visit:  
<https://www.facebook.com/BloomingZoneInitiative>

For volunteer or sponsorship opportunities, please contact Marissa at  
[marissa.parrscott@bloomington.in.gov](mailto:marissa.parrscott@bloomington.in.gov)

**City of Bloomington**  
**Commission on Aging**

**Contact Us**

2024 Annual Report

# Thank you!

The Commission on Aging invites the community to join us for our monthly meetings, on the second Monday of each month, from 3:00 - 4:00 p.m. at City Hall in the McCloskey Conference Room (Room #135).



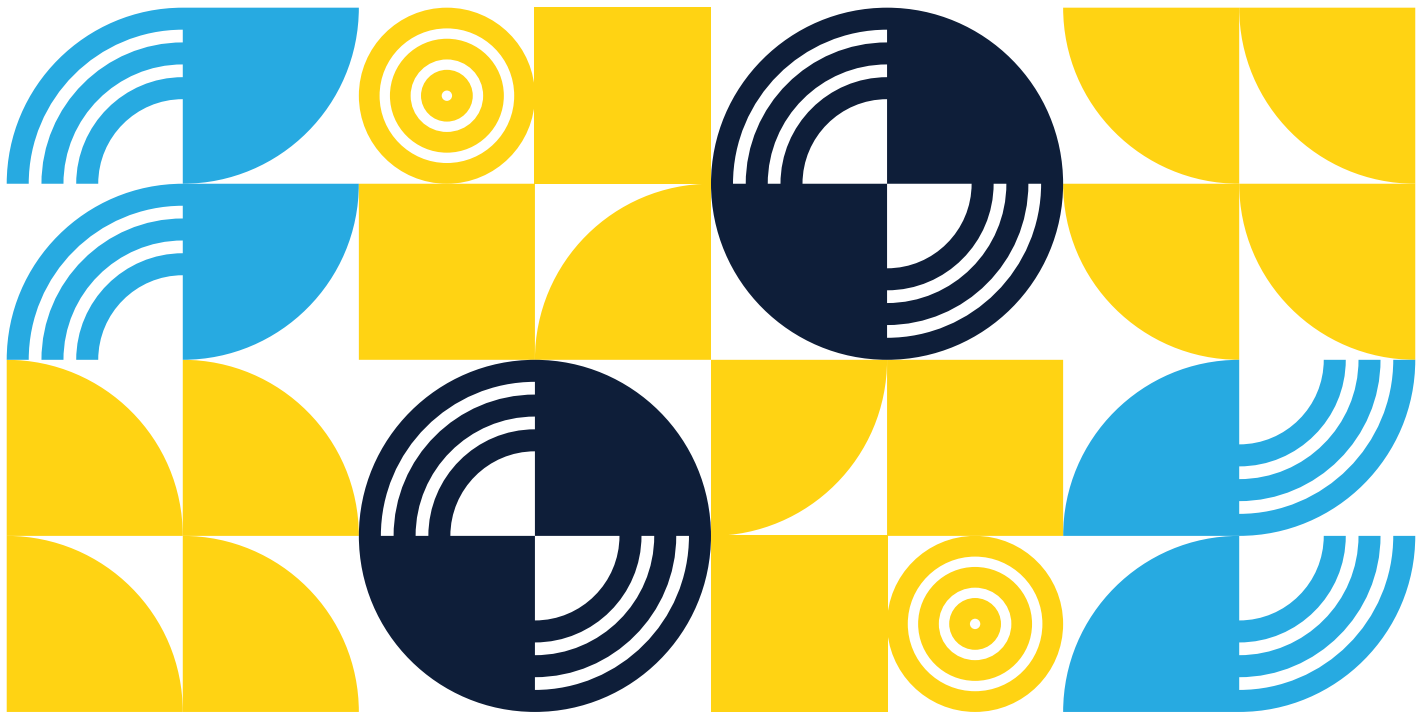
**CITY OF BLOOMINGTON**  
Commission on Aging

Website:  
[bloomington.in.gov/boards/aging](http://bloomington.in.gov/boards/aging)

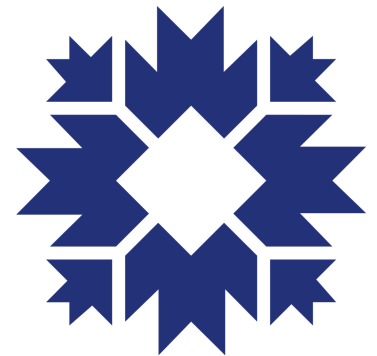
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Number: 812-349-3468

Facebook: [www.facebook.com/CoA4U](http://www.facebook.com/CoA4U)



**City of Bloomington**  
**Commission on the**  
**Status of Women**



**CITY OF BLOOMINGTON**

Commission on the  
Status of Women

**PREPARED BY :**

**Marissa Parr- Scott**

Liaison, Commission on the Status of  
Women

[cfrd@bloomington.in.gov](mailto:cfrd@bloomington.in.gov)

812-349-3468

# 2024 Annual Report

**CITY OF BLOOMINGTON**

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# City of Bloomington

## Commission on the Status of Women

### Message from the Chair

Landry Culp

In 2024, we, as the Bloomington Commission on the Status of Women (BCSW), banded together to provide multiple local events and opportunities to uplift and educate those who identify as a girl / woman in women-focused environments that align with our values.

#### Reflecting Back

The BCSW kicked off the year planning for the 2024 events starting with the Women's History Month luncheon in March that had 261 attendees and 15 vendors. We also recognized our 2024 Women's Achievement Award winners.

The Commission's next event was the Women's Market where we had 32 vendors and was a zero cost event from the Commission. This has been a great opportunity for people attending to put money into the pockets of local women-owned businesses and artists.

Our final event of the year was the Young Women's Leadership Summit. This year we had 82 attendees, 3 presenters, and funded the program solely on donations and grant sponsorships.

#### Looking Forward

After gathering community feedback and evaluating areas for growth, the Bloomington Commission on the Status of Women (BCSW) has identified key priorities for 2025. These include:

- Proactively seeking opportunities to support and collaborate with other identity-focused commissions, with an emphasis on intersectionality (e.g., participating in events like the Black Market).
- Continuing to plan and implement meaningful events, using community feedback to shape and guide our direction.
- Assessing the need for additional informative and educational programming that aligns with the Commission's mission and long-term vision.



**"There is no limit to what we, as women, can accomplish."  
– Michelle Obama**



# City of Bloomington

## Commission on the Status of Women

### Commission Purpose

#### 2024 Annual Report

The Bloomington Commission on the Status of Women is dedicated to advocating for equity and improving opportunities for all who embrace a female identity. We do this by understanding the needs of women, monitoring and reviewing policies (on the federal, state and local levels), encouraging legislation and engaging with our community. Our commission welcomes everyone who identifies as a woman and those who feel our women-focused environment aligns with their values.



The Women's History Luncheon, Women's Market, and Young Women's Leadership Summit all align with the statement above in identifying and assessing needs of local women and providing opportunities to intentionally engage.

City of Bloomington  
Commission on the Status of Women

■ Chair

Organizational Overview

2024 Annual Report



Nicole Bennett  
Chair, Legislative Subcommittee  
Appointed by: Mayor  
Term Expires: 1/31/2026



Eliza Carey  
Appointed by: Common Council  
Resigned: January 2025



Hannah Chudleigh  
Chair, Communications  
Subcommittee  
Appointed by: Mayor  
Term Expires: 1/31/2027



Marisa Churchill  
Appointed by: Mayor  
Resigned: December 2024



Landry Culp  
Commission Chair  
Appointed by: Common Council  
Term Expires: 1/31/2027



Shayla George  
Appointed by: Common Council  
Term Expires: 1/31/2026



Ashley Hazelrig  
Chair, Community Partnerships  
Subcommittee  
Appointed by: Mayor  
Term Expires: 1/31/2026



Debby Herbenick  
Appointed by: Mayor  
Resigned: December 2024



Patty Moon  
Appointed by: Common Council  
Term Expires: 1/31/2026



Marissa Parr-Scott  
Staff Liaison



# City of Bloomington

## Commission on the Status of Women

### Organizational Overview

2024 Annual Report

#### Communications Committee

Chair: Hannah Chudleigh

Members: Patty Moon, Landry Culp

#### **Committee Goal:**

To inform the Bloomington Commission on the Status of Women of opportunities, legislation, and local happenings that impact women in our community.

#### **Relevant Bylaws:**

- Code 2.23.060, Section 1a: To identify the needs of women in the City, the available resources and services meeting those needs, and the gaps in existing services.
- Code 2.23.060, Section 1d: To issue publications, educational materials, and the results of research, legislative reviews, and investigations in order to educate the community about the aims and goals of the Commission.

#### **2024-2025 Objectives:**

1. Develop a quarterly communication plan focused on transparency, community-building, and uplifting the voices of women.
2. Identify and implement opportunities to promote the Commission's work, expanding public awareness and engagement.
3. Collaborate with the Head of Community Partnerships to highlight and celebrate the contributions of women in Bloomington.
4. Assess and address gaps in services and support systems that impact local women.



# City of Bloomington

## Commission on the Status of Women

### Organizational Overview

2024 Annual Report

#### Legislative Committee

**Chair:** Nicole Bennett

**Members:** Debby Herbenick, Eliza Carey

#### **Committee Goal:**

To stay informed and responsive to legislative issues affecting women at the local, state, and national levels in order to make intentional decisions on how the Commission can support and inform women in Bloomington.

#### **Relevant Bylaws:**

- Code 2.23.060, Section 1b: To monitor and review federal, state, and local policy for its impact on City women, and to make recommendations to the Human Resources Department to ensure women's equity.
- Code 2.23.060, Section 1c: To stimulate and encourage legislation for the development of human resources that particularly benefit women in the City and the State.

#### **2024–2025 Objectives:**

- Create position documents for Commission vote on whether to support or oppose significant legislation affecting women.
- Identify participation opportunities for Commission members to engage in legislative advocacy or events.
- Explore legislative pathways the Commission can use to create direct, positive impact on the lives of women in Bloomington.
- Develop educational programming aligned with the needs identified by both the Legislative and Communications Committees.

#### **Planned Events:**

- Educational programming aligned with legislative priorities and community needs.

# City of Bloomington

## Commission on the Status of Women

## Organizational Overview

2024 Annual Report

### Community Partnerships Committee

Chair: Ashley Hazelrig

Members: Marisa Churchill, Shayla George

### Committee Goal:

To collaborate with local individuals and organizations to understand the needs of women and allies and build meaningful relationships that support community well-being.

### Relevant Bylaws:

- Code 2.23.060, Section 1e: To establish and maintain a close working relationship with, and support the efforts of, the Bloomington Human Rights Commission, the Bloomington League of Women Voters, and other relevant city and county commissions, including the Monroe County Women's Commission (MCWC).
- Code 2.23.060, Section 1f: To maintain close liaison with other women's commissions throughout the state; state women's advocacy groups; and other local, state, or federal programs that address the needs, challenges, and opportunities of women



### 2024–2025 Objectives:

1. Build and strengthen relationships with community members and organizations that serve or impact women.
2. Maintain a continual awareness of local events and initiatives relating to women, and identify ways for the Commission to engage and provide support.
3. Deepen collaboration and partnership between the BCSW and the Monroe County Women's Commission (MCWC).

### Planned Events:

- Women's History Month (WHM) Luncheon
- Women's Market
- Educational Programming (as identified)
- Young Women's Leadership Summit (YWLS)

City of Bloomington  
Commission on the Status of Women

Key Achievements and Impact

2024 Annual Report

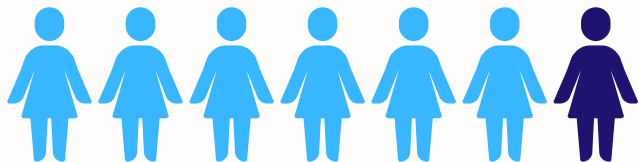
2024 Women’s History Month Luncheon

- The 2024 Women’s History Month Luncheon took place on Thursday, March 28th at the Monroe Convention Center. The national Women’s History Month theme was “Women who Advocate for Diversity, Equity and Inclusion,”



Successful Women’s Market

The second annual Women’s Market was held at City Hall inside the atrium and Council Chambers with over 30 local female identifying vendors and artists



“The award recipients and keynote speaker were powerful, inspiring and empowering. Kudos to the Commission on the Status of Women and City staff for an excellent event.”

-Event feedback, Women’s History Month Luncheon

““Thank you for the event, it was perfect. I had a great experience and it was my first time coming.”

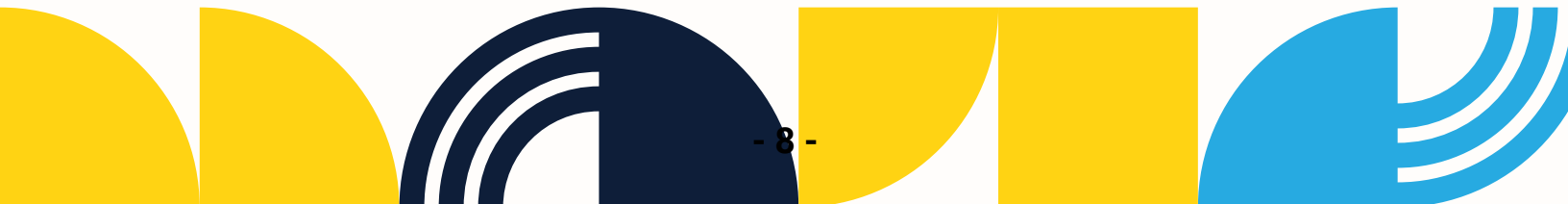
-Event feedback, Young Women’s Leadership Summit

Young Women’s Leadership Summit

- The Commission hosted it’s first Young Women’s Leadership Summit, with 82 attendees from middle and high schools in Bloomington and Monroe County

Implementation of BCSW Subcommittees

- In 2024, the BCSW rolled out sub-committees that align directly with our bylaws and the vision/intent of this commission. The plan is to continue to strategically move forward with these sub-committees and ensure our commission is continually maintaining focus on the WHY rooted in our foundations in order to prioritize and move important work forward.
- 



### City of Bloomington

#### Commission on the Status of Women

## Program and Project Highlights

### 2024 Annual Report

The 2024 Women's History Month Luncheon took place on Thursday, March 28th at the Monroe Convention Center. The national Women's History Month theme was "Women who Advocate for Diversity, Equity and Inclusion," thus our keynote speaker was Karrah Herring, J.D. Ms. Herring was Indiana's first ever Chief Equity, Inclusion and Opportunity Officer.

The Commission also recognized the annual Women's Achievement Award Winners - 2024 Woman of the Year, Marsha Lovejoy; and 2024 Toby Strout Lifetime Contribution, Renee Bridgewaters-Carter.

The 2024 Women's History Month Luncheon had a total of 261 attendees, and had 15 exhibit tables from local organizations and businesses such as Monroe County NOW, Middle Way House, The Persistence Workshop, and All-Options Pregnancy Resource

Center, to name a few. Between sponsorships, ticket sales and exhibit table registrations, the BCSW was able to bring in a revenue of \$13,270. Unfortunately, the total cost of the event was \$16,177.56, leaving us with a deficit of \$2,907.56.

### TOP 3 HIGHLIGHTS

- The event featured a powerful keynote address by Karrah Herring, J.D.
- The BCSW recognized it's 2024 Women's Achievement Award winners, Marsha Lovejoy and Renee Bridgewaters-Carter
- The luncheon featured 15 exhibit tables from local organizations and businesses



Due to rising event costs across the board (food, venue, tech support, etc.), funds were by far our biggest challenge. We have established a remediation plan for 2025 that includes increasing the price of tickets, and revamping our sponsorship packages.



### City of Bloomington

#### Commission on the Status of Women

## Program and Project Highlights

### 2024 Annual Report

**“The ease of set up was great, thank you for providing a table & indoor space. Hours are great, women supporting women is always a good vibe, and pretty consistent traffic from the farmer’s market was good exposure.”**

-Event feedback, Women’s Market

The second annual Women’s Market was held at City Hall inside the atrium and Council Chambers on Saturday, July 27th. After hosting the Women’s Market for the first time in August 2023, the feedback was so overwhelmingly positive that we knew we’d have to bring it back in 2024.

Held on a Saturday morning inside City Hall, while the Bloomington Farmers Market took place outside, the Women’s Market was able to bring together 32 local female identifying vendors to support one another while engaging with the community.

Based on feedback, we’ve heard that this market has created a space where vendors feel welcome and at ease, largely because there is no juried application and we do not require a registration fee.

This has event garnered a lot of praise as being one of the only “women focused” art markets in town.

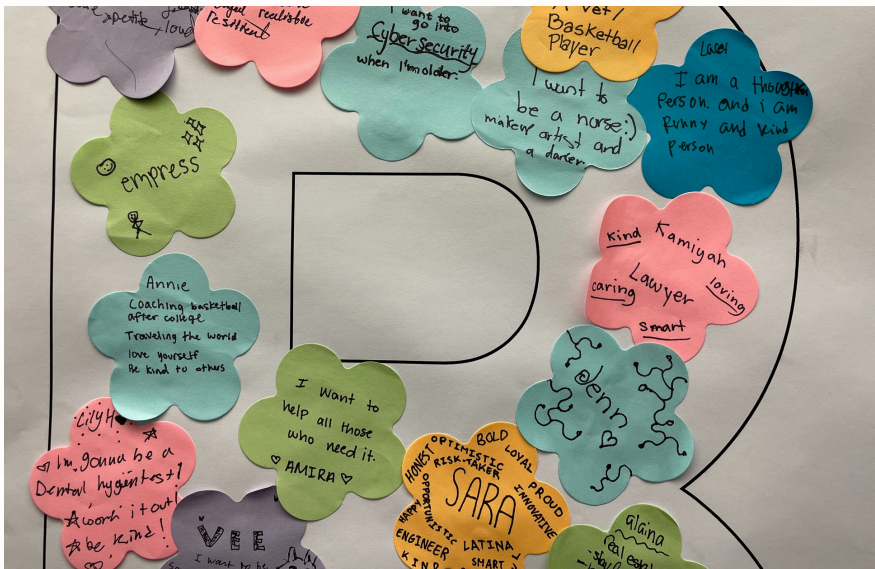
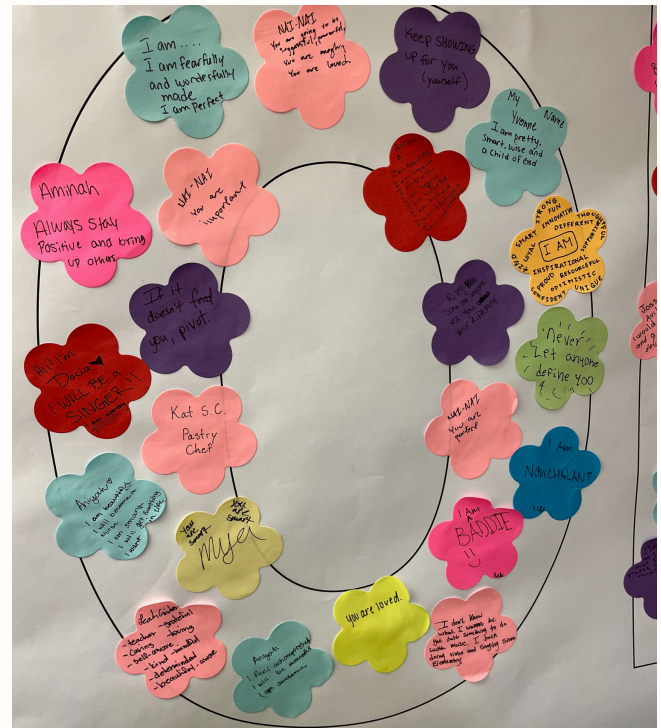


Since this event does not cost money to host, our main challenge is space! We can only fit so many vendors within the atrium and Council Chambers, so we may look at alternate, larger event spaces in the years to come.

## 2024 Annual Report

The summit took place on Thursday, November 14th in Council Chambers, and was attended by 82 middle and high school students from MCCSC and Lighthouse Christian Academy.

The theme was “BLOOM” Growing Into Your Best Self,” and was broken up into 3 different workshops focused on goals, values, supporting one another, and building one’s own future self.



**“You guys were amazing. I wouldn't change a thing. Keep up the amazing and encouraging words because it's helped me a lot”**

## Young Women's Leadership Summit Attendee

- 11 -

# City of Bloomington

## Commission on the Status of Women

### Strategic Goals and Initiatives

#### 2024 Annual Report

#### 2025 Women's History Month Luncheon

- To increase revenue for the 2025 Women's History Month Luncheon, the Commission plans to:
  - Restructure the sponsorship package to attract new and returning supporters
  - Adjust ticket pricing to reflect program value while remaining accessible
  - Increase overall attendance through targeted outreach and promotion

#### 2025 Women's Market

- The BCSW will expand advertising and marketing efforts for the 2025 Women's Market. In addition, we will explore creative solutions to increase vendor participation and optimize use of available space.

#### 2025 Young Women's Leadership Summit (YWLS)

- Building on attendee feedback from the previous year, the BCSW aims to host an even more impactful summit in 2025. A key focus will be increasing collaboration with MCCSC to ensure students at all local middle and high schools are aware of and feel welcomed to attend the event.

#### Continued Implementation of BCSW Subcommittees

- Communications: The Commission will continue monitoring local opportunities, legislation, and events that impact women in our community, ensuring timely and transparent communication.
- Legislative: The Commission will maintain an active focus on legislative issues affecting women at the local, state, and national levels, and will make informed recommendations to support women in Bloomington.
- Community Partnerships: The Commission will strengthen partnerships with local individuals and organizations to better understand community needs and foster lasting relationships with women and allies.





### City of Bloomington

#### Commission on the Status of Women

### Community and Stakeholder Engagement

#### 2024 Annual Report

The Commission would not have been able to do the work they did in 2024 without the support from our key partners and collaborators.

- The City of Bloomington Community and Family Resources Department
- The City of Bloomington Office of the Mayor
- The City of Bloomington Clerk's Office
- SCCAP
- Cook Medical
- Indiana University
- Monroe County Women's Commission
- Local non-profit organizations serving the needs of women (Girls, Inc of Monroe County, Middle Way House, Tandem Birthing Center, Monroe County NOW, All-Options Pregnancy Resource Center, My Sister's Closet)
- Local businesses (PizzaX, Bloomingfoods)
- Buskirk-Chumley Theatre
- Monroe Convention Center



## City of Bloomington

### Commission on the Status of Women

## 2024 Financial Review - Donors and Sponsors

2024 Annual Report

### Community Support and Program Funding

#### Women's History Month Luncheon

City of Bloomington Office of the Clerk - \$1,000

City of Bloomington Community and Family Resources  
Department - \$1,000

City of Bloomington Office of the Mayor - \$1,000

Cook Medical - \$1,000

South Central Community Action Program (SCCAP) - \$1,000

Girls, Inc. of Monroe County - \$500

The Greater Bloomington Chamber of Commerce - \$300

Indiana University Office of the Vice President for Diversity,  
Equity and Inclusion - \$300

#### Young Women's Leadership Summit

Pizza X/One World Catering - \$200

Fresh Thyme - \$200

Bloomingfoods - \$200

Monroe County Circuit Court Probation/JDAI - \$750

City of Bloomington  
Commission on the Status of Women

2024 Financial Review - Expenditures and Revenues  
2024 Annual Report

EXPENSE	EVENT	AMOUNT
Catering - Monroe Convention Center	WHM Luncheon	\$7,956.00
Equipment - Markey's Rental and Staging	WHM Luncheon	\$4,671.56
Room Rental - Monroe Convention Center	WHM Luncheon	\$1,575.00
Vivid Designs	WHM Luncheon	\$1,351.00
The Award Center	WHM Luncheon	\$144.00
Girl Scouts of Central Indiana (Girl Scout Cookies)	WHM Luncheon	\$480.00
	TOTAL	\$16,177.56
REVENUE	EVENT	AMOUNT
Sponsorships	WHM Luncheon	\$6,100.00
Exhibits	WHM Luncheon	\$390.00
Ticket sales	WHM Luncheon	\$6,780.00
	TOTAL	\$13,270.00

**City of Bloomington**  
**Commission on the Status of Women**

**Call to Action**

2024 Annual Report

# Get Involved!

To stay in touch with the BCSW and to receive email communication, opt-in here:  
<https://lp.constantcontactpages.com/sl/a46Teg6/BCSW>

For volunteer or sponsorship opportunities, please contact Marissa at  
[marissa.parrscott@bloomington.in.gov](mailto:marissa.parrscott@bloomington.in.gov)

**City of Bloomington**  
**Commission on the Status of Women**

**Contact Us**

2024 Annual Report

# Thank you!

Join the Commission on the Status of Women for our monthly meeting on the first Thursday of each month from 5:30-7:00 p.m. at City Hall in the Hooker Conference Room (Room #245).



**CITY OF BLOOMINGTON**  
Commission on the  
Status of Women

Website:  
[bloomington.in.gov/boards/status-of-women](http://bloomington.in.gov/boards/status-of-women)

Email:  
[marissa.parrscott@bloomington.in.gov](mailto:marissa.parrscott@bloomington.in.gov)

Number: 812-349-3468

Facebook:  
[www.facebook.com/BloomingtonWomen](http://www.facebook.com/BloomingtonWomen)

To: City Councilmembers

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

Subj: Two proposals from the CCP

Date: May 12, 2025

At its meeting on Monday, May 5, the Committee on Council Processes voted to forward two proposals to the full Council for approval. We ask that the Council consider and vote on these proposals at the regular session on May 21.

**1) Proposal for Councilmember liaisons to boards and commissions**

Please see the proposal attached. Note that, since the CCP voted on the proposal, I have made one change: switching the Community Advisory on Public Safety (CAPS) Commission from Interview Committee B to Interview Committee C – swapping this with the Commission on the Status of Hispanic and Latiné Affairs. My reason for this change is that I would like to serve as the liaison to the CAPS Commission since I have been working closely with this commission for a while now, and the proposal is for me to serve on Interview Committee C. If other Councilmembers similarly find themselves on an Interview Committee, per this proposal, that does not allow them to be liaison to a commission with which they have already been working, please let me know.

**2) Request to the mayor for follow-up on operationalizing equity in city government**

Please see attached explanation written by Councilmember Flaherty, a member of the CCP.

In short, we request a vote on this request to the Mayor's office:

- (a) Please provide an update based on your commitments 9 months ago to "create a team, timeline, and so on" to identify areas for improvement and establish a set of priority outcomes on equity in city government; and
- (b) Please include and collaborate with the Council and community members on this process going forward.

I and the other members of the CCP, Councilmembers Flaherty, Daily, and Zulich, are available in case you have any questions prior to the May 21 meeting. Thank you!

City Council Engagement with Bloomington Boards and Commissions:  
A Proposal for Council Liaisons

*Adopted by the Committee on Council Processes, May 5, 2025*

**Value Statement:** City Council members should be aware of the work that city boards and commissions are doing so they can be well informed of the issues facing our residents and better advocate for legislation that may address these issues. In addition, our resident boards and commissions should have a clear line of communication with the Bloomington City Council to share the results of their work and offer their input on relevant matters that will come before Council.

**Proposal:** Each councilmember should be assigned to 2-3 boards/commissions under the purview of their interview committee. In addition, the Council President shall appoint liaisons to the five boards/commissions listed at the end of this document that don't have Council appointees. No Council Member shall serve as liaison to more than 4 boards/commissions.

A. Expectations for engagement

1. CM liaisons should make initial contact with the Board/Commission Chairs and Staff Liaisons to open lines of communication and check in at least three times per year via email.
2. CM liaisons should attend at least one of each board's/commission's meetings per year.
3. Interview Committees should discuss any resolutions or recommendations passed by their assigned boards and commissions.
4. CM liaisons should apprise board/commission chairs and staff liaisons of any relevant legislation being developed or discussed by the Council, and solicit feedback from the board/commission on said legislation.
5. CM liaisons will also serve as the point of contact, should the staff liaison or Commission Chair need to communicate any activities of the Commission. (Engagement goes both ways.)

B. Process for selection

Each interview committee chair should ask the committee members to indicate which of the boards/commissions under their purview they are interested in serving as Council Liaison. The interview committee chair in each case will act as liaison to two boards/commissions, while the other two interview committee members will each act as liaison to three boards/commissions. Then each interview committee should meet to vote on a slate of liaison assignments prepared by the committee chair.

\*For Boards and Commissions on which a Councilmember already has an ex-officio seat (marked by an asterisk below), the councilmember who serves on the Board/Commission will automatically serve as their liaison to Council. Committee Chairs should keep these appointments in mind when making assignments.

#### C. Assignments of interview committees and interview committee membership

We take this opportunity to propose a reorganization of interview committees' purviews such that commissions with similar interests be grouped together. Also, due to current assignment of ex-officio seats to CMs, the membership of some interview committees may need to be changed as well.

Committee A shall be responsible for the following Boards and Commissions:

1. Animal Control Commission
2. Bloomington Arts Commission
3. Bloomington/Monroe County Human Rights Commission
4. Board of Zoning Appeals
5. Commission on the Status of Black Males
6. MLK Birthday Celebrations Commission
7. Housing Quality Appeals Board
8. Urban Enterprise Association\* Rosenbarger ex-officio

Committee A is currently composed of Rosenbarger (Chair), Asare, and Stosberg. No change in membership recommended.

Committee B shall be responsible for the following Boards and Commissions:

1. Bloomington Digital Underground Advisory Committee
- ~~2. 1. Community Advisory on Public Safety (CAPS) Commission~~
2. Commission on Hispanic and Latiné Affairs
3. Commission on Aging
4. Commission on the Status of Children and Youth
5. Commission on the Status of Women
6. Transportation Commission\* Flaherty ex-officio
7. Public Transportation Corporation
8. Utilities Service Board\* Flaherty ex-officio

Committee B is currently composed of Daily (Chair), Piedmont-Smith, and Ruff. The proposed change is to remove Piedmont-Smith and replace with Flaherty.

Committee C shall be responsible for the following Boards and Commissions:

1. Community Advisory on Public Safety (CAPS) Commission



~~1. Commission on Hispanic and Latiné Affairs~~

2. Tree Commission
3. Environmental Commission
4. Bloomington Commission on Sustainability\* Rollo ex-officio
5. Fire Merit Commission
6. Historic Preservation Commission
7. Redevelopment Commission
8. Monroe County Capital Improvement Board (CIB)

Committee C is currently composed of Zulich (Chair), Rollo, and Flaherty. The proposed change is to remove Flaherty and replace with Piedmont-Smith.

Reminder: From each interview committee, 2 members should each be liaisons to 3 commissions, and the chair of the committee should be a liaison to 2 commissions.

D. Liaison Appointments to Commissions that have no CM appointees

The Council does not make any appointments to the following bodies, but these entities would benefit from having CM liaisons as well. We recommend that the CM liaisons for these bodies be appointed annually by the Council president:

- Board of Public Safety
- Board of Public Works
- Board of Parks Commissioners
- Council on Community Accessibility
- Dispatch Policy Board

## **Operationalizing Equity in City Government - Next Steps**

In 2024, the Council Processes Committee explored how to operationalize equity in council processes, which necessarily involved a more holistic inquiry about how to operationalize equity in city government. A survey of leading cities highlighted a range of options including: hiring dedicated city staff to support equity in operations and policy, ongoing training for city staff, formal adoption of equity frameworks and goals, investments in procedural equity with public engagement, and more. While many of these leading practices would involve aspects of council process, the committee broadly agreed that equity improvements in city government should ideally be pursued more holistically, involving significant collaboration between the mayoral administration, the city council, and the community—especially equity- and justice-focused groups and organizations.

Also in 2024, the city council expressed among its budget priorities for 2025 a focus on equity. Specifically, the council urged the mayor to: "Explore strategies to implement a whole-of-government approach to equity in city operations, budgeting, policy development, and employment practices, including through the potential development of a cabinet-level Chief Equity Officer position."

While the mayor's administration did not take up the council's recommendations, it did suggest some next steps. In a memo responding to the council's budget priorities, the mayor said: "This needs work and planning. We agree on the need for a comprehensive approach to equity and can start to knit together a plan in 2025. A cross-departmental team is needed as a starting point."

In a budget book memo, writing with regard to diversity, equity, inclusion, and belonging, the administration indicated that "we want to clearly identify core areas for improvement and set expectations for outcomes." When asked who is heading this assessment; on what time scale it would occur; and whether the administration would share the assessment's conclusions with the city council, the administration responded: "All of this work is described as a goal because it is in the earliest stages of simply identifying the need. Creating the team, timeline, and so on, is yet to be done. That's all part of the work that has to be done. These questions on accountability are completely appropriate and should be answerable as we actually dig into the work."

In order to take a collaborative and holistic approach to equity in city government, the Council Process Committee recommends that the city council formally request for (1) an update from the mayor's administration based on its commitments 9 months ago to "create[] a team, timeline, and so on" to identify areas for improvement and establish a set of priority outcomes on equity in city government; and (2) request inclusion of and collaboration with the council and community members on this process going forward.

**To:** Hopi Stosberg, President, and members of the Bloomington Common Council

**Cc:** Gretchen Knapp, Deputy Mayor; Lisa Lehner, Council Administrator / Attorney; Margie Rice, Corporation Counsel; Jessica McClellan, Controller; Anna Killion-Hanson, Director of Housing & Neighborhood Development; Kurt Zorn, President, Bloomington Economic Development Commission; Audrey Brittingham, City Attorney; Anna Holmes, Senior Assistant City Attorney

**From:** Jane Kupersmith, Director of Economic & Sustainable Development  
jane.kupersmith@bloomington.in.gov, 812-349-3477

**Date:** May 2, 2025

**Re:** Ordinance 25-21 and 25-22

### **Executive Summary**

The Gene B. Glick Company has approached the City of Bloomington with a request of two Payment In Lieu of Taxes (PILOT) agreements to support the renovation and long term affordability of two sites in Bloomington. The first site is Cambridge Square of Bloomington (307 N. Pete Ellis Drive) and the second is for Henderson Court Apartments (2475 S. Winslow Court). The Glick Company is based in Indiana and has been an owner operator of quality affordable housing for almost 80 years. The company currently has an active PILOT agreement on Countryview Apartments in Bloomington, which they rehabilitated in 2022. They are compliant with the terms of the existing PILOT.

The Bloomington Economic Development Commission recommends Common Council approval of the PILOTs via EDC Resolutions 25-01 and 25-02, which were approved on March 17, 2025.

### **Background**

The Cambridge Square and Henderson Court PILOT agreements would fix the tax liability at a percentage of the baseline assessed value for 17 years, increase at 3% annually, and allow the developer to close their financing gap and ensure affordability of the property during the term of the agreement. The PILOTs would tie affordability of the units to the term of the PILOT agreement, however other incentives related to the renovation ensure longer term affordability for both locations, which is described in detail below. Both projects are rehabilitation projects for which the developer has been awarded Low Income Housing Tax Credit (LIHTC) funds.

Applicable state code is as follows:

*IN Code § 6-1.1-10-16.7 (2024)*

*Sec. 16.7. (a) Except as otherwise provided in this section, for assessment dates after December 31, 2021, all or part of real property is exempt from property taxation if:*

*(1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42;*

*(2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana housing and community development authority; and*

*(3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.2 (before its expiration), IC 36-2-6-22 (before its expiration), IC 36-3-2-11 (before its expiration), IC 36-1-8-14.3, IC 36-2-6-23, or IC 36-3-2-12.*

Given that rent rates are a combination of a percentage of tenant income and what is allowable by Housing and Urban Development (HUD), the developer is unable to raise rents to fund the rehabilitation of units. The PILOTs ensure that the rehabilitations can be fully executed, *and* they contribute to the long term protection of these units as affordable in Bloomington core neighborhoods.

### **Property details**

#### **Cambridge Square of Bloomington:**

307 N. Pete Ellis Drive

Built by Glick Company 45 years ago.

153 units; all 1-BR; serving residents 62+ or differently abled; 60% AMI

Requested payment: \$29,376 with 3% annual increase

Annual subsidy amount: \$35,841

Lifetime projected per unit subsidy: \$3,068

Developer contribution: \$4.8 million

Term of PILOT: 17 years

Term of affordability: 45 years based on additional IHCD agreements

Scope of project:

Use of funds: savings from the PILOT will increase the amount of work that is able to be executed on the project, including the following: New HVAC systems, meeting energy efficiency requirements, and replacement of electrical panels for some.

#### **Henderson Court:**

2475 South Winslow Court

Acquired by Glick in 2024.

150 units; 1-, 2-, and 3-bedrooms; HUD Section 8 HAP; 60% AMI. Last renovated in 2008.

Requested payment: \$80,400 with 3% annual increase

Annual base subsidy amount: \$98,206

Lifetime projected per unit subsidy: \$8,577

Developer contribution: \$6.7 million

Term of PILOT: 17 years

Term of affordability: 45 years based on additional IHCD and HUD requirements

Use of funds: Savings from the PILOT facilitates the hiring of an on-site service coordinator as well as increasing the amount of work that can be done on-site, including the addition of new energy efficient washer and dryers to be installed in town house units (\$150,000) as well as the replacement of all HVAC units (\$579,000).

### **Fiscal Impact Statement**

Impact analysis was prepared by the Controller and shows scenarios with payments set at 45% of tax liability at 2023 pay 2024 and 2024 pay 2025 assessments. The proposed legislation and draft agreements use 2024 pay 2025 as the base amount. The projected lifetime reduction in revenue over the life of the Cambridge Square PILOT is \$469,421. For Henderson Court the projected reduction in revenue over the life of the PILOT is \$1,286,669.

### **Recommendation**

Staff supports this request and proposes Ordinance 25-21 for the Cambridge Square PILOT agreement and Ordinance 25-22 for the Henderson Court PILOT agreement. Impact analysis, proposed legislation, and draft agreements follow.

## ORDINANCE 2025-21

### AUTHORIZING AND APPROVING A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH CAMBRIDGE SQUARE OF BLOOMINGTON, LP

WHEREAS, The City of Bloomington, Indiana (“City”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the “Council”); and

WHEREAS, CAMBRIDGE SQUARE OF BLOOMINGTON, LP, (“Owner”) owns certain real estate in Bloomington, Indiana, located at 307 North Pete Ellis Drive, Bloomington, Indiana, (the “Real Estate”), upon which Owner wishes to rehabilitate, renovate, and operate an affordable housing facility consisting of 153-unit community of flats for residents 62+ or differently abled (collectively with the Real Estate, the “Project”); and

WHEREAS, The Project will be improved, renovated, and operated for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program in 26 U.S.C. 42 (“Low Income Housing Tax Credit Property”) and the applicable State of Indiana Qualified Allocation Plan; and

WHEREAS, the Project, as a Low Income Housing Tax Credit Property, will be subject to an extended use agreement under 26 U.S.C. 42 (“Extended Use Agreement”) as administered by the Indiana Housing and Community Development Authority (the “IHCD”) for a period of at least thirty (30) years; and

WHEREAS, pursuant to the Extended Use Agreement, the Project, as a Low Income Housing Tax Credit Property, will only be permitted to rent to residents whose incomes are 60% or less of the area median gross income (the “Restricted Residents”); and

WHEREAS, pursuant to the Extended Use Agreement, the Project, as Low Income Housing Tax Credit Property, will be limited to charging rents as determined in accordance with the Extended Use Agreement (the “Restricted Rents”); and

WHEREAS, the Developer will qualify as a “property owner” under Indiana Code §36-1-8-14.3(d) of real property; and

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following requirements are satisfied: (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42; (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority; and (3) the owner of the property seeks to enter into an agreement to make payments in lieu of taxes under IC 36-1-8-14.3 and the City and the owner have documented that agreement in a written agreement (the “PILOT Agreement”); and

WHEREAS, the terms and conditions of the PILOT are contained in **Exhibit A** (“the PILOT Agreement”), which include without limitation an annual payment an amount equal to the “Base Amount” of TWENTY NINE THOUSAND THREE HUNDRED AND SEVENTY SIX AND 00/100 DOLLARS (\$29,376) (\$192 per unit or 45% of the prior tax amount) in two equal installments due and payable on or before May 10th and November 10th for each assessment year after the closing of the Project, in accordance with Section 1.4 of the Agreement. The Base Amount shall increase 3% annually for a term of 17 years; and

WHEREAS, any payments received under the PILOT Agreement shall be deposited in the City's affordable housing fund; and

WHEREAS, the PILOT Agreement is attached to this Ordinance as **Exhibit A**.

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

SECTION 1. The Common Council hereby authorizes and approves the PILOT Agreement and authorizes its execution by the Mayor on behalf of the City after it has been finalized by the City and Owner.

SECTION 2. In accordance with Indiana Code §36-1-8-14.3(e), the Owner has consented to this Ordinance and the PILOT Agreement, which shall be illustrated by the City and the Owner executing the PILOT Agreement in substantially the same form as the attached. The Ordinance shall remain in full force and effect until the end of the 17 year period outlined in the PILOT Agreement, unless repealed or modified by the governing body prior to the end of the PILOT Agreement, subject to the approval of the property owner.

SECTION 3. The City Clerk is hereby directed to record an executed copy of this Ordinance and a copy of the executed PILOT Agreement with the Monroe County Recorder's Office.

SECTION 4. By adopting this ordinance, authorizing the City and Mayor to finalize and execute the PILOT Agreement and authorizing the payments contemplated by the PILOT Agreement, the City has undertaken all required municipal action contained within Indiana Code §36-1-8-14.3.

SECTION 5. 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 6. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

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

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Hopi Stosberg, President  
Bloomington Common Council

ATTEST:

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NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon This \_\_\_\_\_ day of \_\_\_\_\_, 2025.



NICOLE BOLDEN, Clerk  
City of Bloomington

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

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

## **SYNOPSIS**

The Indiana Code provides the opportunity for municipalities and owner/developers to partner in the development of affordable housing through a Payment in Lieu of Taxes (PILOT) agreement (IC 36-1-8-14.3). This agreement ensures that the city receives some taxes from the property owner on real property subject to a tax exemption under state law. The Indiana Code requires the developer to agree to the terms of the PILOT, including the amounts and timing of the payments to the city. The Common Council must approve the PILOT by passing an Ordinance.

If approved, the Cambridge Square PILOT will result in the rehabilitation of a 153-unit community of flats designed for residents 62 + or differently abled whose incomes are 60% or below the area median income.

## EXHIBIT “A”

## **PAYMENT IN LIEU OF TAXES AGREEMENT**

**THIS PAYMENT IN LIEU OF TAXES AGREEMENT** (this “PILOT Agreement”) is entered into as of this \_\_\_\_\_th day of \_\_\_\_\_, 2025 (the “Effective Date”), by and among the CITY OF BLOOMINGTON, INDIANA, (the “City”), and CAMBRIDGE SQUARE OF BLOOMINGTON, LP, and its permitted successors and assigns (“Owner”).

### **RECITALS**

WHEREAS, Owner owns certain real estate in Bloomington, Indiana, located at 307 North Pete Ellis Drive, Bloomington, Indiana, and identified as Parcel Number 53-05-35-300-059.000-005 (the “Real Estate”), and upon which Owner desires to rehabilitate a 153-unit affordable apartment community (collectively with the Real Estate, the “Project”), which Owner has represented will be owned and operated as an affordable housing facility pursuant to the federal low income housing tax credit program under Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”) and the applicable State of Indiana Qualified Allocation Plan; and

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following requirements are satisfied: (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42; (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority; and (3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.3;

WHEREAS, the Owner anticipates and has provided the City with documentation showing that the improvements on the Real Estate will be rehabilitated utilizing the federal low-income housing tax credit program under 26 U.S.C. 42 and furthermore that the Project will be subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority;

WHEREAS, Owner represents and warrants that an extended use agreement to provide affordable housing for a period of at least thirty (30) years will be entered into with Indiana Housing and Community Development Authority will be entered into and recorded;

WHEREAS, Owner further represents and warrants that the Owner’s General Partner is owned and controlled by Gene B. Glick Housing Foundation, Inc. (the “Housing Foundation”), and they will ensure the Project is operated as an affordable housing project as further detailed in Revenue Procedure 96-32 as published by the Internal Revenue Service for as long as the Housing Foundation owns and controls the Owner’s General Partner.

WHEREAS, this Agreement has been drafted to comply with the requirements under IC 36-1-8-14.3 (the “PILOT Statute”);

WHEREAS, the City represents that it has or will undertake all necessary and appropriate actions within its control contained within IC 36-1-8-14.3 to ensure this PILOT Agreement satisfies all necessary requirements of the PILOT Statute so as to permit the Owner to successfully obtain property tax exemption under IC 6-1.1-10-16.7;

WHEREAS, Owner represents that it has timely filed or will timely file its application (the “Property Tax Exemption Application”) with the Monroe County Assessor requesting an exemption, pursuant to IC 6-1.1-10-16.7,

from its obligation to pay real property taxes and that it will timely file any applications to renew any exemption if required by law to do so; and

WHEREAS, Owner has agreed (1) to make payments in lieu of taxes to the City; (2) and ensure the Project is properly maintained; and

WHEREAS, City and Owner have agreed that, if the real property contained on Real Estate becomes fully exempt from the payment of property taxes under IC 6-1.1-10-16.7, Owner will make payments to the City pursuant to the terms of this PILOT Agreement; and

NOW, THEREFORE, in consideration of the foregoing premises, mutual covenants and the sum of Twenty-Five and 00/100 Dollars (\$25.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

## **AGREEMENT**

### **Section 1.      Payments in Lieu of Taxes.**

**Section 1.1.** (a) Owner represents and warrants that it has or will undertake all appropriate action for the real property of the Real Estate to be exempt under IC 6-1.1-10-16.7, and during the term of this Agreement, Owner covenants and agrees it shall at all times comply with the requirements of IC 6-1.1-10-16.7, as applicable to Owner and the Project.

(b) Owner agrees to maintain the Project as an affordable housing facility as described by Internal Revenue Service Revenue Procedure 96-32 consisting of a 153-unit apartment community for residents 62+ or differently abled

(c) Owner agrees to maintain a clean premises in accordance with applicable local, state, and federal codes, rules, and regulations at the Project.

(d) Owner acknowledges that this PILOT Agreement in and of itself does not confer any property tax exemption on the Project and that in order to obtain any such property tax exemption or partial exemption, Owner must timely file its Property Tax Exemption Application, including renewal applications, if any are required, with the Monroe County Assessor requesting an exemption pursuant to IC 6-1.1-10-16.7 from Owner's obligation to pay all or a portion of its property taxes on the Project. The City agrees to use best efforts to assist the Owner in ensuring the real property at the Project is fully exempt from property tax if the Owner has satisfied all requirements to obtain exemption under IC 6-1.1-10-16.7.

**Section 1.2.** Owner shall annually pay an amount equal to the "Base Amount" of \$29,376 (\$192 per unit or 45% of the prior tax amount) in accordance with Section 1.4 for each assessment year after the closing of the Project, which is anticipated to be in the fourth quarter of 2025. The Base Amount shall increase 3% annually for a term of 17 years as described in the following table. Notwithstanding the foregoing and pursuant to IC 36-1-8-14.3(f)(3), to the extent that the amount of real property taxes that would have been received by the City for the Project had the Project not been exempt from property tax pursuant to IC 6-1.1-10-16.7 is less than the Base Amount, then the Base Amount shall be reduced for the applicable assessment year to the amount that would have been received by the City had the Project not been exempt from real property tax.

Annual PILOT Calculation Table

Year	Amount	Year	Amount
1	\$29,376	10	\$38,329
2	\$30,257	11	\$39,479
3	\$31,165	12	\$40,633
4	\$32,100	13	\$41,883
5	\$33,063	14	\$43,140
6	\$34,055	15	\$44,434
7	\$35,076	16	\$45,767
8	\$36,129	17	\$47,140
9	\$37,213		

**Section 1.3.** The payments referenced under Section 1.2 shall each be referred to as a “PILOT Payment.” The PILOT Payment shall be paid in lieu of property taxes for the tax year in question that would have been payable by Owner if Owner was a non-exempt taxpayer.

Remedies for Owner’s failure to satisfy the requirements of Section 1.1 and/or Section 1.4 are outlined in Section 3 of this Agreement.

The PILOT Payment and any additional Supplemental Payment required by Section 3 of this Agreement shall only become due if all the real property at the Project has been exempt from property tax under IC 6-1.1-10-16.7. To the extent that the real property at the Project is not fully exempt in any year of the Payment Period, the Owner shall have no obligation to make the PILOT Payment or Supplemental Payment for such year, the parties will move through the cure period and termination outlined in Section 3 and Owner must pay the regular tax rate under applicable law.

**Section 1.4.** The annual PILOT Payment shall be payable in two equal installments due and payable on or before May 10th and November 10th of each successive calendar year following the applicable assessment date, commencing with the first semi-annual installment due and payable on or before the first May 10<sup>th</sup> after the requirements of Section 1.2 are satisfied (each an “In Lieu of Payment”) and continuing for seventeen (17) years thereafter (the “Payment Period”). For purposes of clarity and avoidance of doubt, the Project is anticipated to close in the third quarter of 2025, and therefore under such circumstances, the PILOT Payment would first be due for the January 1, 2026 Assessment Year and accordingly the first In Lieu of Payment would be due and payable on or before May 10, 2027.

**Section 1.5.** Owner hereby reserves the right to contest and to appeal the amount of any tax assessment of the Project. Any such challenge will not affect the timely payment of the annual In Lieu of Amount described in Section 1.2.

**Section 1.6.** Owner shall be liable for prompt payment of all In Lieu of Payments when due. Owner shall be liable for all penalties, costs and expenses imposed under IC 6-1.1-22-1 *et seq.* and IC 6-1.1-37-1 *et seq.* or any statute which amends or replaces them for delinquent In Lieu of Payments.

## **Section 2.      Recording of PILOT.**

**Section 2.1.** This PILOT Agreement may be recorded with the appropriate office in Monroe County, Indiana, to



preserve and protect fully the rights of the City with respect to the Owner's obligation to pay each In Lieu of Payment during the Payment Period and all subsequent penalties, interest and costs resulting from any delinquency related thereto.

### **Section 3. Failure to Perform; Cure Period; and Termination.**

**Section 3.1. Automatic Termination.** This PILOT Agreement shall automatically terminate, by no action of the parties, and shall be of no force or effect between or among the parties upon the expiration of the Payment Period and the remittance of all In Lieu of Payments due and payable pursuant to Section 1 hereof. Notwithstanding the foregoing, the City and Owner may mutually agree to extend this PILOT Agreement in writing prior to the expiration of the Payment Period.

**Section 3.2. Conveyance of Property.** Upon conveyance of Owner's title to the Project to any party which meets the requirements of IC 6-1.1-10-16.7, the PILOT Agreement shall remain in full force and effect. The City acknowledges and agrees the Owner may assign this PILOT Agreement and the obligations thereunder as a part of the sale of the Project. The Owner's obligation to pay In Lieu of Payments and Supplemental Payments shall terminate upon Owner's conveyance of its title to the Project. Upon conveyance of fee title to the Project to any other entity that does not meet the requirements of IC 6-1.1-10-16.7, this PILOT Agreement shall become null and void and of no further force or effect; provided, however, Owner shall remain obligated for payment of the applicable pro rata amount of the In Lieu of Payments with respect to the Project up to the date when a purchaser either assumes the obligations hereunder or the real property is no longer exempt under IC 6-1.1-10-16.7. Notwithstanding anything herein to the contrary, City acknowledges that Owner may collaterally assign the PILOT Agreement to an Institutional Lender, and its successors and assigns, as security for one or more loan (each, a "Loan") encumbering the Project. City agrees that the tax exemption authorized by the PILOT Agreement shall not terminate due to a foreclosure or a deed in lieu of foreclosure of any mortgage or deed of trust in favor of Institutional Lender (a "Foreclosure Action"), provided that the transferee (i) is an Institutional Lender or controlled by an Institutional Lender or (ii) otherwise complies with the terms of this PILOT Agreement subsequent to the Foreclosure Action. As used herein, "Institutional Lender" means (i) Merchants Bank of Indiana, (ii) Merchants Capital Corp., (iii) Fannie Mae and (iv) any other entity that is a federal, state, or local housing finance agency, a state or local governmental entity, a bank (including savings and loan association or insured credit union), a mortgage company, an insurance company. Any entity not listed here is not considered an "Institutional Lender."

All foreclosure protections listed herein only apply to lenders who notify the City prior to any such assignment or transfer and who agree in writing to honor this PILOT Agreement's terms. However, Owner shall not be released from responsibilities listed in this PILOT Agreement until such time that a new Institutional Lender has issued a formal assumption of obligation. In the event any Institutional Lender refuses to assume the terms of this PILOT Agreement, the Owner remains responsible until the PILOT Agreement is terminated pursuant to section 3.4.

**Section 3.3. Breach and Cure.** In the event that Owner fails to make a timely payment pursuant to Section 1.4, Owner shall pay to the City an additional ten percent (10%) of the PILOT payment due and payable for the applicable year (the "Supplemental Payment") no later than December 31st in the calendar year in which late payment occurs. Owner shall have sixty days from when the original payment is due to make the PILOT payment outlined in Section 1.4, and sixty days to make the Supplemental Payment outlined in this Section 3.3. If Owner fails to make the required payment within sixty (60) days, the City may in its sole discretion elect to extend the repayment period in writing and/or terminate this PILOT Agreement.

In the event Owner fails to satisfy any other requirements listed in Section 1.1 and/or Section 1.4, the City shall notify Owner in writing of such default. Owner then shall have sixty (60) days from the effective date of the notice to cure the reason for default (the "Cure Period"). The City may in its sole discretion elect to extend the Cure Period

in writing. Following the Cure Period, this PILOT Agreement shall automatically terminate upon written notice from the City to the Owner that such default has not been cured within the Cure Period.

Upon an event of default, so long as Merchants Capital Corp., and/or Fannie Mae ("Fannie Mae Lender"), its successors, assigns, nominee and/or designee, holds a mortgage on the Project, the City agrees to deliver a copy the written notice set forth in this Section 3.3 above to Fannie Mae Lender and Fannie Mae Lender will have the right, but not the obligation, to cure such violation within thirty (30) days after the expiration of the cure period provided to Owner hereunder.

**Section 3.4. Mutual Termination.** The parties hereto may mutually agree to terminate this PILOT Agreement at any time. Such termination agreement shall be in writing and executed by all parties hereto. Upon mutual termination pursuant to this Section 3.4, this PILOT Agreement shall become null and void, and of no further force or effect between or among the parties; provided, however, Owner shall pay the applicable pro rata amount of In Lieu of Payments for the year in which such termination occurs to the extent that the real property remains fully exempt from property tax under IC 6-1.1-10-16.7.

**Section 3.5. Pro Rata Payment Upon Termination.** Upon termination of this PILOT Agreement for any reason, Owner shall pay the applicable pro rata amount of In Lieu of Payments for the year in which such termination occurs up to the date of termination to the extent that the real property remains fully exempt from property tax under IC 6-1.1-10-16.7 for such year, and receive a credit for all In Lieu of Payments already paid for such year. Upon termination of this PILOT Agreement, the parties hereto agree that that all other provisions of this PILOT Agreement, except for this Section 3.5, shall become null and void, and of no further force or effect between the parties.

#### **Section 4. General Provisions.**

**Section 4.1. Captions; Incorporation and Exhibit.** The captions and headings of various Articles, Sections and Exhibits referenced herein are for convenience only and are not to be considered as defining or limiting in any way, the scope or intent of the provisions hereof. Notwithstanding the foregoing, each of the Recitals referenced herein are incorporated and expressly made a part hereof.

**Section 4.2. Entire PILOT Agreement.** This PILOT Agreement constitutes the entire agreement of the parties, and all prior discussions, negotiations and document drafts are merged herein.

**Section 4.3. Notices.** Any notice, demand, request or other communication which any party hereto may be required or may desire to give hereunder shall be in writing, addressed as follows and shall be deemed to have been properly given if hand delivered (effective upon delivery), if sent by reputable overnight courier, charges prepaid (effective the business day following delivery to such courier) or if mailed by United States registered or certified mail, postage prepaid, return receipt requested (effective two business days after mailing):

If to Owner:            Cambridge Square, LP  
c/o Gene B. Glick Housing Foundation, Inc. 8801 River  
Crossing Blvd #200  
Indianapolis, IN 46240

If to City:            City of Bloomington  
c/o Director, Economic & Sustainable Development  
Department  
401 North Morton Street, Suite 150  
Bloomington, Indiana 47404

or at such other address as the party to be served with notice may have furnished in writing to the party seeking or desiring to serve notice as a place for the service of notice. Notices given in any other manner shall be deemed effective only upon receipt.

**Section 4.4. Modification, Amendment or Waiver.** No modification, waiver, amendment, discharge or change of this PILOT Agreement shall be valid unless the same is in writing and signed by all parties to this PILOT Agreement.

**Section 4.5. Governing Law.** This PILOT Agreement shall be governed by and construed under the laws of the State of Indiana, without giving effect to any conflict-of-law principle that would result in the laws of any other jurisdiction governing this PILOT Agreement. Any action or proceeding arising out of this PILOT Agreement will be litigated in the courts located in Monroe County, Indiana. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Monroe County, Indiana.

**Section 4.6. Time is of the Essence.** Time is hereby declared to be of the essence of this PILOT Agreement and of every part hereof.

**Section 4.7. Counterparts.** This PILOT Agreement and any amendments hereof may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed to be an original, and all of which taken together shall constitute one and the same instrument.

**Section 4.8. Severability.** If any provision of this PILOT Agreement is determined by a court having jurisdiction to be illegal, invalid or unenforceable under any present or future law, the remainder of this PILOT Agreement will not be affected thereby. It is the intention of the parties that if any provision is so held to be illegal, invalid or unenforceable, there will be added in lieu thereof a provision as similar in terms to such provision as is possible that is legal, valid and enforceable. Notwithstanding the foregoing, to the extent that the real property is not fully exempt from property tax, this Section 4.8 is null and void.

**Section 4.9. No Joint Venture.** Nothing contained in this PILOT Agreement will be construed to constitute any party as a joint venturer with the City or to constitute a partnership between any party and the City.

**Section 4.10. Construction.** The parties acknowledge that each party and each party's counsel have reviewed and revised this PILOT Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this PILOT Agreement or any amendments or exhibits hereto.

**Section 4.11. Authorization.** The persons executing and delivering this PILOT Agreement on behalf of the parties hereto represent and warrant to the other party that such person is duly authorized to act for and on behalf of said party, and execute and deliver this PILOT Agreement in such capacity as is indicated below.

**Section 4.12. Assignment/Successor.** This PILOT Agreement shall be binding upon City, and Owner, and all successor, grantees or assignees of Owner with respect to the Project (or any portion thereof) which would otherwise qualify for PILOT under applicable state law and be entitled to claim an exemption for real property taxes imposed on the Project. Any assignment or transfer of the PILOT Agreement as a security for one or more loans must be approved by the City in writing prior to the assignment or transfer, regardless of this Agreement's contemplation of such possible assignment or transfer.

**Section 4.13. Recording.** The Owner will cause, at Owner's expense, this PILOT Agreement and any other instruments of further assurance to be promptly recorded, filed and registered, and at all times to be recorded, filed and registered, in such manner and in such places as may be required by law to preserve and protect fully the rights

of the City hereunder as to all of the mortgaged property.

*[Remainder of this page intentionally left blank]*

**IN WITNESS WHEREOF**, the undersigned parties have caused the execution of this PILOT Agreement by their duly authorized officers as of the Effective Date.

**CITY OF BLOOMINGTON, INDIANA**

By: \_\_\_\_\_  
Kerry Thomson, Mayor

[illegible]

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Kerry Thomson, City of Bloomington Mayor, , who executed the above and foregoing instrument as their voluntary act and deed for the purposes therein stated.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

---

Printed Name \_\_\_\_\_

Notary Number \_\_\_\_\_

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

This instrument prepared by: Audrey Brittingham, Attorney at Law, Bloomington, IN

**CAMBRIDGE SQUARE**

By: \_\_\_\_\_  
David O Barrett, President and CEO  
Gene B. Glick Housing LP

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared \_\_\_\_\_, who executed the above and foregoing instrument as their voluntary act and deed for the purposes therein stated.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

_____	My commission expires:
Notary Public	
_____	_____
Printed Name	
_____	
Notary Number	

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

This instrument prepared by: Audrey Brittingham, Attorney at Law, Bloomington, IN



Cambridge Square 2023 Pay 2024 Tax Liability

\$	43,605.00	PILOT Payment	\$	96,953.00	2023 Pay 2024 Tax Liability
\$	285.00	per unit		45%	
	153	units	\$	43,628.85	

Year	Full Taxes (No PILOT)	PILOT Payment	Annual Tax Savings	Cumulative Full Taxes	Cumulative PILOT	Cumulative Tax Savings
2027	96,953	43,605	53,348	96,953	43,605	53,348
2028	96,953	44,913	52,040	193,906	88,518	105,388
2029	96,953	46,261	50,692	290,859	134,779	156,080
2030	96,953	47,648	49,305	387,812	182,427	205,385
2031	96,953	49,078	47,875	484,765	231,505	253,260
2032	96,953	50,550	46,403	581,718	282,055	299,663
2033	96,953	52,067	44,886	678,671	334,122	344,549
2034	96,953	53,629	43,324	775,624	387,750	387,874
2035	96,953	55,238	41,715	872,577	442,988	429,589
2036	96,953	56,895	40,058	969,530	499,882	469,648
2037	96,953	58,601	38,352	1,066,483	558,484	507,999
2038	96,953	60,360	36,593	1,163,436	618,843	544,593
2039	96,953	62,170	34,783	1,260,389	681,014	579,375
2040	96,953	64,035	32,918	1,357,342	745,049	612,293
2041	96,953	65,956	30,997	1,454,295	811,006	643,289
2042	96,953	67,935	29,018	1,551,248	878,941	672,307
2043	96,953	69,973	26,980	1,648,201	948,914	699,287

Year	Cash Flow (No PILOT)	Cash Flow (With PILOT)	Annual Difference	Cumulative No PILOT	Cumulative With PILOT	Cumulative Difference
2027	327,435.00	283,131.00	(44,304.00)	327,435.00	283,131.00	(44,304.00)
2028	156,370.00	108,039.00	(48,331.00)	483,805.00	391,170.00	(92,635.00)
2029	163,768.00	115,436.00	(48,332.00)	647,573.00	506,606.00	(140,967.00)
2030	170,968.00	122,636.00	(48,332.00)	818,541.00	629,242.00	(189,299.00)
2031	177,956.00	129,624.00	(48,332.00)	996,497.00	758,866.00	(237,631.00)
2032	184,717.00	136,385.00	(48,332.00)	1,181,214.00	895,251.00	(285,963.00)
2033	191,236.00	142,904.00	(48,332.00)	1,372,450.00	1,038,155.00	(334,295.00)
2034	196,257.00	147,926.00	(48,331.00)	1,568,707.00	1,186,081.00	(382,626.00)
2035	202,218.00	153,886.00	(48,332.00)	1,770,925.00	1,339,967.00	(430,958.00)
2036	207,884.00	159,553.00	(48,331.00)	1,978,809.00	1,499,520.00	(479,289.00)
2037	213,239.00	164,908.00	(48,331.00)	2,192,048.00	1,664,428.00	(527,620.00)
2038	218,264.00	169,932.00	(48,332.00)	2,410,312.00	1,834,360.00	(575,952.00)
2039	222,938.00	174,607.00	(48,331.00)	2,633,250.00	2,008,967.00	(624,283.00)
2040	227,241.00	178,910.00	(48,331.00)	2,860,491.00	2,187,877.00	(672,614.00)
2041	231,152.00	182,821.00	(48,331.00)	3,091,643.00	2,370,698.00	(720,945.00)
2042	234,649.00	186,317.00	(48,332.00)	3,326,292.00	2,557,015.00	(769,277.00)
2043	237,708.00	189,376.00	(48,332.00)	3,564,000.00	2,746,391.00	(817,609.00)

2024 Pay 2025 Tax Liability

\$	29,376.00	PILOT Payment	\$	65,217.00	2024 Pay 2025 Tax Liability
\$	192.00	per unit		45%	
	153	units	\$	29,347.65	

Year	Full Taxes (No PILOT)	PILOT Payment	Annual Tax Savings	Cumulative Full Taxes	Cumulative PILOT	Cumulative Tax Savings
2027	65,217	29,376	35,841	65,217	29,376	35,841
2028	65,217	30,257	34,960	130,434	59,633	70,801
2029	65,217	31,165	34,052	195,651	90,798	104,853
2030	65,217	32,100	33,117	260,868	122,898	137,970
2031	65,217	33,063	32,154	326,085	155,961	170,124
2032	65,217	34,055	31,162	391,302	190,016	201,286
2033	65,217	35,076	30,141	456,519	225,092	231,427
2034	65,217	36,129	29,088	521,736	261,221	260,515
2035	65,217	37,213	28,004	586,953	298,434	288,519
2036	65,217	38,329	26,888	652,170	336,763	315,407
2037	65,217	39,479	25,738	717,387	376,242	341,145
2038	65,217	40,663	24,554	782,604	416,905	365,699
2039	65,217	41,883	23,334	847,821	458,788	389,033
2040	65,217	43,140	22,077	913,038	501,928	411,110
2041	65,217	44,434	20,783	978,255	546,362	431,893
2042	65,217	45,767	19,450	1,043,472	592,129	451,343
2043	65,217	47,140	18,077	1,108,689	639,268	469,421

2025 Property Tax Distribution

City	\$	27,422.65	42%
County	\$	9,739.54	15%
Library	\$	2,498.46	4%
School (MCCSC)	\$	23,182.26	36%
Solid Waste & Transit*	\$	1,687.89	3%
Township	\$	686.60	1%
	\$	65,217.40	

*\*This amount is a combined total on the tax bill. More research needed to separate these units' tax distribution.*

## ORDINANCE 2025-22

### AUTHORIZING AND APPROVING A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT WITH HENDERSON COURT HOUSING, LP

WHEREAS, The City of Bloomington, Indiana (“City”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Common Council (the “Council”); and

WHEREAS, HENDERSON COURT HOUSING, LP (“Owner”) owns certain real estate in Bloomington, Indiana, located at 2475 E Winslow Rd, Bloomington, Indiana, (the “Real Estate”), upon which Owner wishes to rehabilitate, renovate, and operate an affordable housing community consisting of 150 affordable apartments units for low income families receiving HUD Section 8 vouchers (collectively with the Real Estate, the “Project”); and

WHEREAS, The Project will be improved, renovated, and operated for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program in 26 U.S.C. 42 (“Low Income Housing Tax Credit Property”) and the applicable State of Indiana Qualified Allocation Plan; and

WHEREAS, the Project, as a Low Income Housing Tax Credit Property, will be subject to an extended use agreement under 26 U.S.C. 42 (“Extended Use Agreement”) as administered by the Indiana Housing and Community Development Authority (the “IHCD”) for a period of at least thirty (30) years; and

WHEREAS, pursuant to the Extended Use Agreement, the Project, as a Low Income Housing Tax Credit Property, will only be permitted to rent to residents whose incomes are 60% or less of the area median gross income and considered low income by HUD (the “Restricted Residents”); and

WHEREAS, pursuant to the Extended Use Agreement, the Project, as Low Income Housing Tax Credit Property, will be limited to charging rents as determined in accordance with the Extended Use Agreement (the “Restricted Rents”); and

WHEREAS, the Developer will qualify as a “property owner” under Indiana Code §36-1-8-14.3(d) of real property; and

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following requirements are satisfied: (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42; (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority; and (3) the owner of the property seeks to enter into an agreement to make payments in lieu of taxes under IC 36-1-8-14.3 and the City and the Owner have documented that agreement in a written agreement (the “PILOT Agreement”); and

WHEREAS, the terms and conditions of the PILOT are contained in **Exhibit A** (the “PILOT Agreement”) which include without limitation an annual payment by Owner in an amount equal to the “Base Amount” of EIGHTY THOUSAND FOUR HUNDRED AND 00/100 DOLLARS (\$80,400) (\$536 per unit or 45% of the prior tax amount) in two equal installments due and payable on or before May 10th and November 10th for each assessment year after the closing of the Project, in accordance with Section 1.4 of the Agreement. The Base Amount shall increase 3% annually for a term of 17 years; and

WHEREAS, any payments received under the PILOT Agreement shall be deposited in the City’s affordable housing fund; and

WHEREAS, the PILOT Agreement is attached to this Ordinance as **Exhibit A**.

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

SECTION 1. The Common Council hereby authorizes and approves the PILOT Agreement and authorizes its execution by the Mayor on behalf of the City after it has been finalized by the City and Owner.

SECTION 2. In accordance with Indiana Code §36-1-8-14.3(e), the Owner has consented to this Ordinance and the PILOT Agreement, which shall be illustrated by the City and the Owner executing the PILOT Agreement in substantially the same form of the attached. The Ordinance shall remain in full force and effect until the end of the 17 year period outlined in the PILOT Agreement, unless repealed or modified by the governing body prior to the end of the PILOT Agreement, subject to approval of the Owner.

SECTION 3. The City Clerk is hereby directed to record an executed copy of this Ordinance and a copy of the executed PILOT Agreement with the Monroe County Recorder's Office.

SECTION 4. By adopting this ordinance, authorizing the City and Mayor to finalize and execute the PILOT Agreement and authorizing the payments contemplated by the PILOT Agreement, the City has undertaken all required municipal action contained within Indiana Code §36-1-8-14.3.

SECTION 5. 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 6. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and all other requirements of the Indiana Code.

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

\_\_\_\_\_  
Hopi Stosberg, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

NICOLE BOLDEN, Clerk  
City of Bloomington

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

KERRY THOMSON, Mayor  
City of Bloomington

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## **SYNOPSIS**

The Indiana Code provides the opportunity for municipalities and owner/developers to partner in the development of affordable housing through a Payment in Lieu of Taxes (PILOT) agreement (IC 36-1-8-14.3). This agreement ensures that the city receives some taxes from the property owner on real property subject to a tax exemption under state law. The Indiana Code requires the developer to agree to the terms of the PILOT, including the amounts and timing of the payments to the city. The Common Council must approve the PILOT by passing an Ordinance.

If approved, the Henderson Court PILOT will result in the rehabilitation of 150 affordable apartment units in an affordable housing community. The PILOT will serve families whose household income is 60% or below the area median income.

## EXHIBIT “A”



## **PAYMENT IN LIEU OF TAXES AGREEMENT**

**THIS PAYMENT IN LIEU OF TAXES AGREEMENT** (this “PILOT Agreement”) is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2025 (the “Effective Date”), by and among the CITY OF BLOOMINGTON, INDIANA, (the “City”), and HENDERSON COURT HOUSING, LP, and its permitted successors and assigns (“Owner”).

### **RECITALS**

WHEREAS, Owner owns certain real estate in Bloomington, Indiana, located at 2475 South Winslow Court, Bloomington, Indiana, and identified as Parcel Number 53-08-09-405-046.000-009 (the “Real Estate”), and upon which Owner desires to rehabilitate a 150-unit affordable apartment community (collectively with the Real Estate, the “Project”), which Owner has represented will be owned and operated as an affordable housing facility pursuant to the federal low income housing tax credit program under Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”) and the applicable State of Indiana Qualified Allocation Plan; and

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-10-16.7, Owner will be exempt from the requirement to pay property taxes on real property included in the Project if the following requirements are satisfied: (1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42; (2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority; and (3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.3;

WHEREAS, the Owner anticipates and has provided the City with documentation showing that the improvements on the Real Estate will be rehabilitated utilizing the federal low-income housing tax credit program under 26 U.S.C. 42 and furthermore that the Project will be subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana Housing and Community Development Authority;

WHEREAS, Owner represents and warrants that an extended use agreement to provide affordable housing for a period of at least thirty (30) years will be entered into with Indiana Housing and Community Development Authority will be entered into and recorded;

WHEREAS, Owner further represents and warrants that the Owner’s General Partner is owned and controlled by Gene B. Glick Housing Foundation, Inc. (the “Housing Foundation”), and they will ensure the Project is operated as an affordable housing project as further detailed in Revenue Procedure 96-32 as published by the Internal Revenue Service for as long as the Housing Foundation owns and controls the Owner’s General Partner.

WHEREAS, this Agreement has been drafted to comply with the requirements under IC 36-1-8-14.3 (the “PILOT Statute”);

WHEREAS, the City represents that it has or will undertake all necessary and appropriate actions within its control contained within IC 36-1-8-14.3 to ensure this PILOT Agreement satisfies all necessary requirements of the PILOT Statute so as to permit the Owner to successfully obtain property tax exemption under IC 6-1.1-10-16.7;

WHEREAS, Owner represents that it has timely filed or will timely file its application (the “Property Tax Exemption Application”) with the Monroe County Assessor requesting an exemption, pursuant to IC 6-1.1-10-16.7,

from its obligation to pay real property taxes and that it will timely file any applications to renew any exemption if required by law to do so; and

WHEREAS, Owner has agreed (1) to make payments in lieu of taxes to the City; (2) and ensure the Project is properly maintained; and

WHEREAS, City and Owner have agreed that, if the real property contained on Real Estate becomes fully exempt from the payment of property taxes under IC 6-1.1-10-16.7, Owner will make payments to the City pursuant to the terms of this PILOT Agreement; and

NOW, THEREFORE, in consideration of the foregoing premises, mutual covenants and the sum of Twenty-Five and 00/100 Dollars (\$25.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

## **AGREEMENT**

### **Section 1.      Payments in Lieu of Taxes.**

**Section 1.1.** (a) Owner represents and warrants that it has or will undertake all appropriate action for the real property of the Real Estate to be exempt under IC 6-1.1-10-16.7, and during the term of this Agreement, Owner covenants and agrees it shall at all times comply with the requirements of IC 6-1.1-10-16.7, as applicable to Owner and the Project.

(b) Owner agrees to maintain the Project as an affordable housing facility consisting of a 150-unit affordable apartment community.

(c) Owner agrees to maintain a clean premises in accordance with applicable local, state, and federal codes, rules, and regulations at the Project.

(d) Owner acknowledges that this PILOT Agreement in and of itself does not confer any property tax exemption on the Project and that in order to obtain any such property tax exemption or partial exemption, Owner must timely file its Property Tax Exemption Application, including renewal applications, if any are required, with the Monroe County Assessor requesting an exemption pursuant to IC 6-1.1-10-16.7 from Owner's obligation to pay all or a portion of its property taxes on the Project. The City agrees to use best efforts to assist the Owner in ensuring the real property at the Project is fully exempt from property tax if the Owner has satisfied all requirements to obtain exemption under IC 6-1.1-10-16.7.

**Section 1.2.** Owner shall annually pay an amount equal to the "Base Amount" \$80,400 (\$536 per unit or 45% of the prior tax amount) in accordance with Section 1.4 for each assessment year after the closing of the Project, which is anticipated to be in the fourth quarter of 2025. The Base Amount shall increase 3% annually for a term of 17 years, as described in the following table. Notwithstanding the foregoing and pursuant to IC 36-1-8-14.3(f)(3), to the extent that the amount of real property taxes that would have been received by the City for the Project had the Project not been exempt from property tax pursuant to IC 6-1.1-10-16.7 is less than the Base Amount, then the Base Amount shall be reduced for the applicable assessment year to the amount that would have been received by the City had the Project not been exempt from real property tax.

Annual PILOT Calculation Table

Year	Amount	Year	Amount
1	\$80,400	10	\$104,904
2	\$82,812	11	\$108,051
3	\$85,296	12	\$111,292
4	\$87,855	13	\$114,631
5	\$90,491	14	\$118,070
6	\$93,206	15	\$121,612
7	\$96,002	16	\$125,261
8	\$98,882	17	\$129,018
9	\$101,848		

**Section 1.3.** The payments referenced under Section 1.2 shall each be referred to as a “PILOT Payment.” The PILOT Payment shall be paid in lieu of property taxes for the tax year in question that would have been payable by Owner if Owner was a non-exempt taxpayer.

Remedies for Owner’s failure to satisfy the requirements of Section 1.1 and/or Section 1.4 are outlined in Section 3 of this Agreement.

The PILOT Payment and any additional Supplemental Payment required by Section 3 of this Agreement shall only become due if all the real property at the Project has been exempt from property tax under IC 6-1.1-10-16.7. To the extent that the real property at the Project is not fully exempt in any year of the Payment Period, the Owner shall have no obligation to make the PILOT Payment or Supplemental Payment for such year, the parties will move through the cure period and termination outlined in Section 3 and Owner must pay the regular tax rate under applicable law.

**Section 1.4.** The annual PILOT Payment shall be payable in two equal installments due and payable on or before May 10<sup>th</sup> and November 10<sup>th</sup> of each successive calendar year following the applicable assessment date, commencing with the first semi-annual installment due and payable on or before the first May 10<sup>th</sup> after the requirements of Section 1.2 are satisfied (each an “In Lieu of Payment”) and continuing for seventeen (17) years thereafter (the “Payment Period”). For purposes of clarity and avoidance of doubt, the Project is anticipated to close in the third quarter of 2025, and therefore under such circumstances, the PILOT Payment would first be due for the January 1, 2026 Assessment Year and accordingly the first In Lieu of Payment would be due and payable on or before May 10, 2027.

**Section 1.5.** Owner hereby reserves the right to contest and to appeal the amount of any tax assessment of the Project. Any such challenge will not affect the timely payment of the annual In Lieu of Amount described in Section 1.2.

**Section 1.6.** Owner shall be liable for prompt payment of all In Lieu of Payments when due. Owner shall be liable for all penalties, costs and expenses imposed under IC 6-1.1-22-1 *et seq.* and IC 6-1.1-37-1 *et seq.* or any statute which amends or replaces them for delinquent In Lieu of Payments.

## **Section 2.      Recording of PILOT.**

**Section 2.1.** This PILOT Agreement may be recorded with the appropriate office in Monroe County, Indiana, to preserve and protect fully the rights of the City with respect to the Owner's obligation to pay each In Lieu of Payment during the Payment Period and all subsequent penalties, interest and costs resulting from any delinquency related thereto.

**Section 3.      Failure to Perform; Cure Period; and Termination.**

**Section 3.1. Automatic Termination.** This PILOT Agreement shall automatically terminate, by no action of the parties, and shall be of no force or effect between or among the parties upon the expiration of the Payment Period and the remittance of all In Lieu of Payments due and payable pursuant to Section 1 hereof. Notwithstanding the foregoing, the City and Owner may mutually agree to extend this PILOT Agreement in writing prior to the expiration of the Payment Period.

**Section 3.2. Conveyance of Property.** Upon conveyance of Owner's title to the Project to any party which meets the requirements of IC 6-1.1-10-16.7, the PILOT Agreement shall remain in full force and effect. The City acknowledges and agrees the Owner may assign this PILOT Agreement and the obligations thereunder as a part of the sale of the Project. The Owner's obligation to pay In Lieu of Payments and Supplemental Payments shall terminate upon Owner's conveyance of its title to the Project. Upon conveyance of fee title to the Project to any other entity that does not meet the requirements of IC 6-1.1-10-16.7, this PILOT Agreement shall become null and void and of no further force or effect; provided, however, Owner shall remain obligated for payment of the applicable pro rata amount of the In Lieu of Payments with respect to the Project up to the date when a purchaser either assumes the obligations hereunder or the real property is no longer exempt under IC 6-1.1-10-16.7. Notwithstanding anything herein to the contrary, City acknowledges that Owner may collaterally assign the PILOT Agreement to an Institutional Lender, and its successors and assigns, as security for one or more loan (each, a "Loan") encumbering the Project. City agrees that the tax exemption authorized by the PILOT Agreement shall not terminate due to a foreclosure or a deed in lieu of foreclosure of any mortgage or deed of trust in favor of Institutional Lender (a "Foreclosure Action"), provided that the transferee (i) is an Institutional Lender or controlled by an Institutional Lender or (ii) otherwise complies with the terms of this PILOT Agreement subsequent to the Foreclosure Action. As used herein, "Institutional Lender" means (i) Merchants Bank of Indiana, (ii) Merchants Capital Corp., (iii) Fannie Mae and (iv) any other entity that is a federal, state, or local housing finance agency, a state or local governmental entity, a bank (including savings and loan association or insured credit union), a mortgage company, an insurance company. Any entity not listed here is not considered an "Institutional Lender."

All foreclosure protections listed herein only apply to lenders who notify the City prior to any such assignment or transfer and who agree in writing to honor this PILOT Agreement's terms. However, Owner shall not be released from responsibilities listed in this PILOT Agreement until such time that a new Institutional Lender has issued a formal assumption of obligation. In the event any Institutional Lender refuses to assume the terms of this PILOT Agreement, the Owner remains responsible until the PILOT Agreement is terminated pursuant to section 3.4.

**Section 3.3. Breach and Cure.** In the event that Owner fails to make a timely payment pursuant to Section 1.4, Owner shall pay to the City an additional ten percent (10%) of the PILOT payment due and payable for the applicable year (the "Supplemental Payment") no later than December 31st in the calendar year in which late payment occurs. Owner shall have sixty days from when the original payment is due to make the PILOT payment outlined in Section 1.4, and sixty days to make the Supplemental Payment outlined in this Section 3.3. If Owner fails to make the required payment within sixty (60) days, the City may in its sole discretion elect to extend the repayment period in writing and/or terminate this PILOT Agreement.

Upon an event of default, so long as Merchants Capital Corp., and/or Fannie Mae (“Fannie Mae Lender”), its successors, assigns, nominee and/or designee, holds a mortgage on the Project, the City agrees to deliver a copy the written notice set forth in this Section 3.3 above to Fannie Mae Lender and Fannie Mae Lender will have the right, but not the obligation, to cure such violation within thirty (30) days after the expiration of the cure period provided to Owner hereunder.

**Section 3.5. Pro Rata Payment upon Termination.** Upon termination of this PILOT Agreement for any reason, Owner shall pay the applicable pro rata amount of In Lieu of Payments for the year in which such termination occurs up to the date of termination to the extent that the real property remains fully exempt from property tax under IC 6-1.1-10-16.7 for such year, and receive a credit for all In Lieu of Payments already paid for such year. Upon termination of this PILOT Agreement, the parties hereto agree that that all other provisions of this PILOT Agreement, except for this Section 3.5, shall become null and void, and of no further force or effect between the parties.

**Section 4.1. Captions; Incorporation and Exhibit.** The captions and headings of various Articles, Sections and Exhibits referenced herein are for convenience only and are not to be considered as defining or limiting in any way, the scope or intent of the provisions hereof. Notwithstanding the foregoing, each of the Recitals referenced herein are incorporated and expressly made a part hereof.

**Section 4.3. Notices.** Any notice, demand, request or other communication which any party hereto may be required or may desire to give hereunder shall be in writing, addressed as follows and shall be deemed to have been properly given if hand delivered (effective upon delivery), if sent by reputable overnight courier, charges prepaid (effective the business day following delivery to such courier) or if mailed by United States registered or certified mail, postage prepaid, return receipt requested (effective two business days after mailing):

If to City: City of Bloomington  
c/o Director, Economic & Sustainable Development

Department  
401 North Morton Street, Suite 150  
Bloomington, Indiana 47404

or at such other address as the party to be served with notice may have furnished in writing to the party seeking or desiring to serve notice as a place for the service of notice. Notices given in any other manner shall be deemed effective only upon receipt.

**Section 4.4. Modification, Amendment or Waiver.** No modification, waiver, amendment, discharge or change of this PILOT Agreement shall be valid unless the same is in writing and signed by all parties to this PILOT Agreement.

**Section 4.5. Governing Law.** This PILOT Agreement shall be governed by and construed under the laws of the State of Indiana, without giving effect to any conflict-of-law principle that would result in the laws of any other jurisdiction governing this PILOT Agreement. Any action or proceeding arising out of this PILOT Agreement will be litigated in the courts located in Monroe County, Indiana. Each party consents and submits to the jurisdiction of any local, state, or federal court located in Monroe County, Indiana.

**Section 4.6. Time is of the Essence.** Time is hereby declared to be of the essence of this PILOT Agreement and of every part hereof.

**Section 4.7. Counterparts.** This PILOT Agreement and any amendments hereof may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed to be an original, and all of which taken together shall constitute one and the same instrument.

**Section 4.8. Severability.** If any provision of this PILOT Agreement is determined by a court having jurisdiction to be illegal, invalid or unenforceable under any present or future law, the remainder of this PILOT Agreement will not be affected thereby. It is the intention of the parties that if any provision is so held to be illegal, invalid or unenforceable, there will be added in lieu thereof a provision as similar in terms to such provision as is possible that is legal, valid and enforceable. Notwithstanding the foregoing, to the extent that the real property is not fully exempt from property tax, this Section 4.8 is null and void.

**Section 4.9. No Joint Venture.** Nothing contained in this PILOT Agreement will be construed to constitute any party as a joint venturer with the City or to constitute a partnership between any party and the City.

**Section 4.10. Construction.** The parties acknowledge that each party and each party's counsel have reviewed and revised this PILOT Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this PILOT Agreement or any amendments or exhibits hereto.

**Section 4.11. Authorization.** The persons executing and delivering this PILOT Agreement on behalf of the parties hereto represent and warrant to the other party that such person is duly authorized to act for and on behalf of said party, and execute and deliver this PILOT Agreement in such capacity as is indicated below.

**Section 4.12. Assignment/Successor.** This PILOT Agreement shall be binding upon City, and Owner, and all successor, grantees or assignees of Owner with respect to the Project (or any portion thereof) which would otherwise qualify for PILOT under applicable state law and be entitled to claim an exemption for real property taxes imposed on the Project. Any assignment or transfer of the PILOT Agreement as a security for one or more loans must be approved by the City in writing prior to the assignment or transfer, regardless of this Agreement's contemplation of such possible assignment or transfer.

**Section 4.13. Recording.** The Owner will cause, at Owner's expense, this PILOT Agreement and any other instruments of further assurance to be promptly recorded, filed and registered, and at all times to be recorded, filed and registered, in such manner and in such places as may be required by law to preserve and protect fully the rights of the City hereunder as to all of the mortgaged property.

*[Remainder of this page intentionally left blank]*

**IN WITNESS WHEREOF**, the undersigned parties have caused the execution of this PILOT Agreement by their duly authorized officers as of the Effective Date.

**CITY OF BLOOMINGTON, INDIANA**

By: \_\_\_\_\_  
Kerry Thomson, Mayor

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MONROE )

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared Kerry Thomson, City of Bloomington Mayor, , who executed the above and foregoing instrument as their voluntary act and deed for the purposes therein stated.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

---

Printed Name \_\_\_\_\_

Notary Number \_\_\_\_\_

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

This instrument prepared by: Audrey Brittingham, Attorney at Law, Bloomington, IN



**HENDERSON COURT OF BLOOMINGTON**

By: \_\_\_\_\_

David O Barrett, President and CEO

Gene B. Glick Housing LP

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared \_\_\_\_\_, who executed the above and foregoing instrument as their voluntary act and deed for the purposes therein stated.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Notary Number

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

This instrument prepared by: Audrey Brittingham, Attorney at Law, Bloomington, IN

Henderson Court 2023 Pay 2024 Tax Liability

\$	54,740.00	PILOT Payment	\$	121,581.00	2023 Pay 2024 Tax Liability
\$	365	per unit		45%	
\$	150	units	\$	54,711.45	

Year	Full Taxes (No PILOT)	PILOT Payment	Annual Tax Savings	Cumulative Full Taxes	Cumulative PILOT	Cumulative Tax Savings
2027	121,581	54,750	66,831	121,581	54,750	66,831
2028	121,581	56,393	65,189	243,162	111,143	132,020
2029	121,581	58,084	63,497	364,743	169,227	195,516
2030	121,581	59,827	61,754	486,324	229,054	257,270
2031	121,581	61,622	59,959	607,905	290,675	317,230
2032	121,581	63,470	58,111	729,486	354,145	375,341
2033	121,581	65,374	56,207	851,067	419,520	431,547
2034	121,581	67,336	54,245	972,648	486,855	485,793
2035	121,581	69,356	52,225	1,094,229	556,211	538,018
2036	121,581	71,436	50,145	1,215,810	627,647	588,163
2037	121,581	73,579	48,002	1,337,391	701,227	636,164
2038	121,581	75,787	45,794	1,458,972	777,014	681,958
2039	121,581	78,060	43,521	1,580,553	855,074	725,479
2040	121,581	80,402	41,179	1,702,134	935,476	766,658
2041	121,581	82,814	38,767	1,823,715	1,018,291	805,424
2042	121,581	85,299	36,282	1,945,296	1,103,589	841,707
2043	121,581	87,858	33,723	2,066,877	1,191,447	875,430

Year	Cash Flow (No PILOT)	Cash Flow (With PILOT)	Annual Difference	Cumulative No PILOT	Cumulative With PILOT	Cumulative Difference
2027	362,733	349,058	(13,675)	362,733	349,058	(13,675)
2028	187,175	166,793	(20,382)	549,908	515,851	(34,057)
2029	199,048	181,438	(17,610)	748,956	697,289	(51,667)
2030	210,775	196,019	(14,756)	959,731	893,308	(66,423)
2031	222,339	210,524	(11,815)	1,182,070	1,103,832	(78,238)
2032	233,728	224,941	(8,787)	1,415,798	1,328,773	(87,025)
2033	244,924	239,257	(5,667)	1,660,722	1,568,030	(92,692)
2034	254,672	252,219	(2,453)	1,915,394	1,820,249	(95,145)
2035	265,409	266,265	856	2,180,803	2,086,514	(94,289)
2036	275,901	280,166	4,265	2,456,704	2,366,680	(90,024)
2037	286,131	293,906	7,775	2,742,835	2,660,586	(82,249)
2038	296,077	307,470	11,393	3,038,912	2,968,056	(70,856)
2039	305,722	320,839	15,117	3,344,634	3,288,895	(55,739)
2040	315,042	333,997	18,955	3,659,676	3,622,892	(36,784)
2041	324,017	346,923	22,906	3,983,693	3,969,815	(13,878)
2042	332,624	359,600	26,976	4,316,317	4,329,415	13,098
2043	340,837	372,006	31,169	4,657,154	4,701,421	44,267

2024 Pay 2025 Tax Liability

\$	80,400.00	PILOT Payment	\$	178,606.00	2024 Pay 2025 Tax Li
\$	536	per unit		45%	
\$	150	units	\$	80,372.70	

Year	Full Taxes (No PILOT)	PILOT Payment	Annual Tax Savings	Cumulative Full Taxes	Cumulative PILOT	Cumulative Tax Savings
2027	178,606	80,400	98,206	178,606	80,400	98,206
2028	178,606	82,812	95,794	357,212	163,212	194,000
2029	178,606	85,296	93,310	535,818	248,508	287,309
2030	178,606	87,855	90,751	714,424	336,364	378,060
2031	178,606	90,491	88,115	893,030	426,855	466,175
2032	178,606	93,206	85,400	1,071,636	520,060	551,575
2033	178,606	96,002	82,604	1,250,241	616,062	634,179
2034	178,606	98,882	79,724	1,428,847	714,944	713,904
2035	178,606	101,848	76,758	1,607,453	816,792	790,661
2036	178,606	104,904	73,702	1,786,059	921,696	864,363
2037	178,606	108,051	70,555	1,964,665	1,029,747	934,918
2038	178,606	111,292	67,314	2,143,271	1,141,039	1,002,232
2039	178,606	114,631	63,975	2,321,877	1,255,670	1,066,207
2040	178,606	118,070	60,536	2,500,483	1,373,740	1,126,742
2041	178,606	121,612	56,994	2,679,089	1,495,353	1,183,736
2042	178,606	125,261	53,345	2,857,695	1,620,613	1,237,081
2043	178,606	129,018	49,588	3,036,301	1,749,632	1,286,669

2025 Property Tax Distribution		
City	\$ 75,265.40	42%
County	\$ 26,731.56	15%
Library	\$ 6,857.38	4%
School (MCCSC)	\$ 63,627.05	36%
Solid Waste & Transit*	\$ 4,632.66	3%
Township	\$ 1,491.87	1%
	\$ 178,605.92	

\*This amount is a combined total on the tax bill. More research needed to separate these units' tax distribution.



**City of Bloomington Indiana**

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

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

**MEMO FROM COUNCIL OFFICE:**

**To:** Members of the Common Council

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

**Date:** April 21, 2025

**Re:** **Ordinance 2024-11** through **Ordinance 2024-14** – Four proposals certified to the Council by the Plan Commission to amend the text of Title 20 of the Bloomington Municipal Code (BMC) entitled “Unified Development Ordinance” (UDO)

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**Background**

On March 10, 2025, the Plan Commission considered four proposals brought forward by city planning staff to make various changes to the UDO. The proposals were all certified on March 19, 2025. The following table lists the four proposals and relevant information for each:

Council Ordinance #	Plan Com. Case #	Plan Com. Vote	Date certified to Council	90 days from certification
Ordinance 2025-11 - Technical Corrections	ZO-06-25	6-0-0	March 19, 2025	June 17, 2025
Ordinance 2025-12 – Table of Contents Chapter 2: Zoning Districts Chapter 4: Development Standards & Incentives	ZO-07-25	6-0-0	March 19, 2025	June 17, 2025
Ordinance 2025-13 – Chapter 3: Use Regulations	ZO-08-25	6-0-0	March 19, 2025	June 17, 2025
Ordinance 2025-14 – Chapter 5: Subdivision Standards Chapter 6: Administration & Procedures Chapter 7: Definitions	ZO-09-25	6-0-0	March 19, 2025	June 17, 2025

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

**Relevant Materials**

- Ordinance 2024-11 through Ordinance 2024-14
- Certification forms from Plan Commission for each ordinance
- Attachment A & staff memo, including redline amendments showing changes proposed by each ordinance
- Tables summarizing changes for each ordinance



## City of Bloomington Indiana

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

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

## Contact

Jacqueline Scanlan, Development Services Manager, Planning & Transportation, 812-349-3423, [scanlanj@bloomington.in.gov](mailto:scanlanj@bloomington.in.gov)

## Summary

The administration is proposing text amendments to the city's Unified Development Ordinance ("UDO") as part of an effort to bring regular maintenance updates forward. These proposed changes follow an overhaul of the UDO that began several years ago. General information about the UDO, including the complete text of the current UDO, can be found at the following link: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site: <https://bloomington.in.gov/council/plan-schedule>. Finally, councilmembers and the public can find the city's Comprehensive Plan online at the following link: <https://bloomington.in.gov/planning/comprehensive-plan>.

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

- Ordinance 2025-11 makes administrative, technical corrections to the UDO.
- Ordinance 2025-12 includes changes to Chapter 2 of the UDO related to zoning districts, as well as Chapter 4 regarding design standards and setbacks. City staff notes that many of the changes were necessary to make existing code and practice clearer.
- Ordinance 2025-13 addresses changes to Chapter 3 of the UDO, regarding use regulations. City staff notes that most of the changes clarify standards for particular uses.
- Ordinance 2025-14 makes a variety of changes to Chapters 5, 6, and 7 of the UDO regarding subdivision standards, administration and procedures, and definitions. The changes identified were made to clarify existing processes.

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

Proposals to amend the text of the UDO are governed by state law under [Indiana Code \(IC\) 36-7-4 in the "600 Series – Zoning Ordinance."](#) As a threshold matter, state law ([IC 36-7-4-201](#)) provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

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



**City of Bloomington Indiana**

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

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

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

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

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. All four proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider these Commission recommendations before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification (deadlines listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject, or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.



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- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

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

**ORDINANCE 2025-11**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Technical Corrections Set Forth in BMC 20**

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

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

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

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

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

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

WHEREAS, on March 10, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 19, 2025; and

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

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

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-06-25 (hereinafter “Attachment A”)
  - (B) Any Council amendment thereto (“Attachment B”)

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

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

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

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

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

\_\_\_\_\_  
HOPI STOSBERG, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2025.

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

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2025.

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

SYNOPSIS

This petition contains corrections or clarifications in the UDO, including reference corrections, removal of unnecessary wording, and syncing references across the UDO. There are 7 amendments identified, some appearing multiple times in the code.



## ATTACHMENT “A”

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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-11 is a true and complete copy of Plan Commission Case Number ZO-06-25 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 10, 2025.

Date: March 19, 2025

  
David Hittle, Secretary  
Plan Commission

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

\_\_\_\_\_  
Signature of Controller

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

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

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

Approval of case ZO-06-25 amends the Unified Development Ordinance (UDO), with technical corrections for scrivener's errors, punctuation, references, and/or citations, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-06-25 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Assistant Director

**Date:** March 19, 2025

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

---

The Plan Commission heard case ZO-06-25 on March 10, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last annual UDO Update process was completed in April 2024. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 2025-11:

1. ZO-06-25 | Technical Corrections

ZO-06-25 | Technical Corrections

This petition contains corrections or clarifications to the UDO. These range from missing phrasing to misspelled words. There are 7 amendments identified. These amendments are needed to provide accurate and clear language for use of the code, as well as to sync the code with itself.

**Table 04-10: Maximum Vehicle Parking Allowance**

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
<b>Food, Beverage, and Lodging</b>	
Bar or Dance club	4 spaces per 1,000 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of <u>outdoor seating area</u>
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor seating area: 5 spaces per 1,000 sq. ft. of <u>outdoor seating area</u>
<b>Office, Business, and Professional Services</b>	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	4 spaces per 1,000 sq. ft. GFA
Fitness center, large	4 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA
<b>Retail Sales</b>	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
<b>Vehicles and Equipment</b>	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	1.25 spaces per 0.5 acres
Vehicle fleet operations, small	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fleet operations, large	1.25 spaces per 0.5 acres plus 3.3 spaces per 1,000 sq. ft. GFA
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	1.25 spaces per 0.5 acres
Vehicle repair, major	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle repair, minor	

2. A minimum of one-quarter of the total required bicycle parking spaces as long-term Class I facilities.
- iii. For nonresidential and mixed-use developments with more than 20,000 square feet of gross floor area, all required bicycle parking facilities shall be Class II covered spaces.

**(C) Surface**

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

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**(n) Use of Parking Areas**

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**(1) Exclusive Use**

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

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

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

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

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

**(3) Motor Vehicle Repair**

- (A) Motor vehicle repair work in parking areas shall be permitted in residential districts, provided that the vehicle under repair is owned by the occupant of the residential property; the frequency, duration, and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use.

- (A) Conditions that may justify approval of an alternative landscape plan include:
- i. Unique lot size or configuration;
  - ii. The presence of existing utility or other easements; or
  - iii. Preservation of natural vegetation.
- (B) The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:
- i. Are consistent with the purposes of this Section 20.04.080;
  - ii. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;
  - iii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
  - iv. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

#### (d) Permitted Plant Species

All plant material shall be selected from this Section 20.04.080(d) or from the list of approved species outlined in the City of Bloomington Utilities Department Stormwater Design Manual. Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval.

##### (1) Street Trees

Trees suitable for planting along public streets and highways, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.

##### (2) Interior Trees

Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species ~~Table 04-14: Permitted Street Tree Species~~ may also be used, as interior trees, except the parenthesized trees, which are prohibited for interior trees.

##### (3) Shrubs

Shrubs suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 04-16: Permitted Shrub Species ~~Table 04-16: Permitted Shrub Species~~.

##### (4) Forbs

Forbs, or flowering, nongrassy herbaceous plants suitable for infill, aesthetics, and cover are established in Table 04-17: Permitted Herbaceous Flowering Perennial Plant Species ~~Table 04-15: Permitted Herbaceous Flowering Perennial Plant Species~~.

**Table 04-1745: Permitted Herbaceous Flowering Perennial Plant Species**

Bold text indicates evergreen species

Common Name	Scientific Name
<b>Flowering Perennials</b>	
Purple giant hyssop	<i>Agastache scrophulariaefolia</i>
Nodding wild onion	<i>Allium cernuum</i>
Lead plant	<i>Amorpha canescens</i>
Bluestar	<i>Amsonia tabernaemontana</i>
Canada Anemone	<i>Anemone canadensis</i>
Thimbleflower	<i>Anemone virginiana</i>
Wild Columbine	<i>Aquilegia canadensis</i>
Pale Indiana Plantain	<i>Arnoglossum atriplicifolium</i>
Goatsbeard	<i>Aruncus dioicus</i>
Poke milkweed	<i>Asclepias exaltata</i>
Tall green milkweed	<i>Asclepias hirtella</i>
Swamp or Marsh Milkweed	<i>Asclepias incarnata</i>
Purple Milkweed	<i>Asclepias purpurascens</i>
Showy milkweed	<i>Asclepias speciosa</i>
Prairie milkweed	<i>Asclepias sullivantii</i>
Common Milkweed	<i>Asclepias syriaca</i>
Butterflyweed	<i>Asclepias tuberosa</i>
Whorled milkweed	<i>Asclepias verticillata</i>
Spider milkweed	<i>Asclepias virdis</i>
Lindley's Heard-leave Aster	<i>Aster ciliolatum</i> ( <i>Symphyotrichum ciliolatum</i> )
Blue Wood Aster	<i>Aster cordifolius</i>
Heath Aster	<i>Aster ericoides</i> ( <i>Symphyotrichum ericoides</i> )
Smooth Aster	<i>Aster laevis</i>
New England Aster	<i>Aster novae-angliae</i> ( <i>Symphyotrichum novae-angliae</i> )
Aromatic Aster	<i>Aster oblongifolius</i> ( <i>Symphyotrichum oblongifolium</i> )
Sky-blue Aster	<i>Aster oolentangiensis</i> ( <i>Symphyotrichum oolentangiensis</i> )
Swamp Aster	<i>Aster puniceus</i> ( <i>Symphyotrichum puniceum</i> )
Short's Aster	<i>Aster shortii</i> ( <i>Symphyotrichum shortii</i> )
Flat-topped Aster	<i>Aster umbellatus</i> ( <i>Doellingeria umbellata</i> )
False White Indigo	<i>Baptisia alba</i>
False Blue Indigo	<i>Baptisia australis</i>
False Yellow Indigo	<i>Baptisia tinctoria</i>
Downy wood mint	<i>Blephilia ciliata</i>
Hairy wood mint	<i>Blephilia hirsuta</i>
False chamomile or false aster	<i>Boltonia asteroides</i>

**Table 04-1745: Permitted Herbaceous Flowering Perennial Plant Species**

Bold text indicates evergreen species

Common Name	Scientific Name
Creeping Phlox	<i>Phlox subulata</i>
Partridge Berry	<i>Mitchella repens</i>
Wild Stonecrop	<i>Sedum ternatum</i>
Violet	<i>Viola sororia</i>
<b>Vines</b>	
Wooly Douchman's Pipe	<i>Aristolochia tomentosa</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Creeper	<i>Campsis radicans</i>
Virgin's Bower (native clematis)	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Yellow Passionflower	<i>Passiflora lutea</i>
<b>Ferns</b>	
Maidenhair Fern	<i>Adiantum pedatum</i>
Lady Fern	<i>Athyrium filix-femina</i>
Giant Wood Fern or Goldie's Fern	<i>Dryopteris goldiana</i>
Evergreen Shield Fern	<i>Dryopteris marginalis</i>
Ostrich Fern	<i>Matteuccia struthiopteris</i>
Sensitive Fern	<i>Onoclea sensibilis</i>
Cinnamon Fern	<i>Osmunda cinnamomea</i>
Royal Fern	<i>Osmunda regalis</i>
Christmas Fern	<i>Polystichum acrostichoides</i>
<b>Graminoids</b>	
Big Bluestem	<i>Andropogon gerardii</i>
Broomsedge	<i>Andropogon virginicus</i>
Side-Oats Gramma	<i>Bouteloua curtipendula</i>
Oak Sedge	<i>Carex albicans</i>
Yellow Fox Sedge	<i>Carex annectens</i>
Appalachian Sedge	<i>Carex appalachia</i>
Plains Oval Sedge	<i>Carex brevior</i>
Fringed Sedge	<i>Carex crinita</i>
Crested Sedge	<i>Carex cristatella</i>
Blue Wood Sedge	<i>Carex flaccosperma</i>
Gray's Sedge	<i>Carex grayii</i>
Hop Sedge	<i>Carex lupulina</i>
Palm Sedge	<i>Carex muskingumensis</i>
Pennsylvania Sedge	<i>Carex pennsylvanica</i>
Seersucker Sedge	<i>Carex plantaginea</i>



**Table 04-1745: Permitted Herbaceous Flowering Perennial Plant Species**

**Bold** text indicates evergreen species

Common Name	Scientific Name
Eastern Star Sedge or Straight-Styled Wood Sedge	<i>Carex radiata</i>
Lanced-fruited, or Broom Sedge	<i>Carex scoparia</i>
Short's Sedge	<i>Carex shortiana</i>
Brown Fox Sedge	<i>Carex vulpinoidea</i>
Indian Seaoats or River Oats	<i>Chasmanthium latifolium</i>
Tufted Hair Grass	<i>Deschampsia caespitosa</i>
Canada Wild Rye	<i>Elymus canadensis</i>
Bottlebrush Grass	<i>Elymus hystrix</i>
Silky Wild rye	<i>Elymus villosus</i>
Virginia Wild Rye	<i>Elymus virginicus</i>
Purple Love Grass	<i>Eragrostis spectabilis</i>
Soft Rush	<i>Juncus effuses</i>
Torrey's Rush	<i>Juncus torreyi</i>
Switchgrass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Dark Green Bulrush	<i>Scirpus atrovirens</i>
Woolgrass	<i>Scirpus cyperinus</i>
Georgia Bulrush	<i>Scirpus georgianus</i>
Indian grass	<i>Sorghastrum nutans</i> , <i>syn. Andropogon nutans</i>
Prairie Cordgrass	<i>Spartina pectinata</i>
Prairie Dropseed	<i>Sporobolus heterolepis</i>

### (e) Prohibited Plant Species

Species identified in Table 04-18: Prohibited Plant Species are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and **YY**/or abundant litter.

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

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

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

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

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

Common Name	Scientific Name
<b>Prohibited Invasive Trees</b>	
Hedge Maple	<i>Acer campestre</i>
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Sycamore Maple	<i>Acer pseudoplatanus</i>
Tree-of-Heaven	<i>Ailanthus altissima</i> ^

**(C) Separation**

The spacing between adjacent street trees shall be no less than 10 feet from the center of one tree to the next. Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.

**(D) Tree Grates**

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

**(E) Planting**

All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual.

**(F) Vision Clearance**

- i. Street trees shall be planted outside the vision clearance triangle, as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.
- ii. Low-branching species shall not be allowed within 50 feet of an intersection.
- iii. Locations for street trees within 50 feet of an intersection shall be approved by the City Engineering Department.
- iv. Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

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

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

**(B) Alternatives**

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

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

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**(g) Buffer Yards**

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**(1) Purpose**

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

Chapter	Citation	Current Language	Proposed Language	Synopsis
4	Table 04-10	Restaurant: Outdoor seating area: 5 spaces per 1,000 sq. ft. of	Outdoor seating area: 5 spaces per 1,000 sq. ft. of <b>outdoor seating area</b>	Adds missing label to use when calculating
4	Table 04-10	Brewpub, distillery, or winery: Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of	Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of <b>outdoor seating area</b>	Adds missing label to use when calculating
4	20.04.060(n)(2)	i. Vehicles and trailers shall not be stored or parked on an unimproved surface. ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk. iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials	i. <b>A.</b> Vehicles and trailers shall not be stored or parked on an unimproved surface. ii. <b>B.</b> Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk. iii. <b>C.</b> Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.	Fixes incorrect numbering
4	20.04.080 Table 04-15; and 20.04.080(d)(4)	Table 04-15: <i>Permitted Herbaceous Flowering</i> Perennial Plant Species	Table 04- <del>45</del> <b>17</b> : Permitted Herbaceous Flowering <b><i>Perennial Plant Species</i></b> and Rename table to <b>Table 04-17</b>	Fixes incorrect table number
4	20.04.080 Table 04-15	Prairie Dropseed <i>Sporobolus heterolepsis</i>	Prairie Dropseed <del><i>Sporobolus heterolepsis</i></del> <b><i>Sporobolus heterolepsis</i></b>	Fixes incorrect spelling
4	20.04.080 Table 04-15	Royal Fern <i>Osunda regalis</i>	Royal Fern <del><i>Osunda</i></del> <b><i>Osmunda regalis</i></b>	Fixes incorrect spelling
4	20.04.080(f)(3)(C)	The spacing between adjacent street trees shall be no less than 10 feet from the center of one tree to the next... Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.	The spacing between adjacent street trees shall be no less than 10 feet from the center of one tree to the next... Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as <del>utility</del> <b>utility</b> or driveway location.	Fixes typographical errors

**ORDINANCE 2025-12**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20.02 and 20.04**

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

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

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

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

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

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

WHEREAS, on March 10, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 19, 2025; and

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

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

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-07-25 (hereinafter “Attachment A”)
  - (B) Any Council amendment thereto (“Attachment B”)

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

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

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

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

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

\_\_\_\_\_  
HOPI STOSBERG, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2025.

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

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2025.

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

#### SYNOPSIS

This petition contains amendments in the UDO related to design standards in Chapters 2 and 4. There are 58 amendments identified.

## ATTACHMENT “A”

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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-12 is a true and complete copy of Plan Commission Case Number ZO-07-25 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 10, 2025.

Date: March 19, 2025

David Hittle  
David Hittle, Secretary  
Plan Commission

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

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

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

Type of Legislation:

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

\_\_\_\_\_

\_\_\_\_\_

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

\_\_\_\_\_  
Signature of Controller

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

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

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

Approval of case ZO-07-25 amends the Unified Development Ordinance (UDO), with amendments and updates to design standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-07-25 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Assistant Director

**Date:** March 19, 2025

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

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The Plan Commission heard case ZO-07-25 on March 10, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0, as amended. The Plan Commission voted to remove a reference change that would have moved responsibility related to tree grates from the Engineering Department and given to the Urban Forester. Internal discussions will continue to verify how best that process should work.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last annual UDO Update process was completed in April 2024. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 2025-12:

1. ZO-07-25 | Chapter 2: Zoning Districts and Chapter 4: Development Standards & Incentives

### ZO-07-25 | Chapter 2: Zoning Districts and Chapter 4: Development Standards & Incentives

This petition contains amendments for Chapter 2 related to zoning districts and Chapter 4 related to design standards. The Chapter 2 changes are related to various design standards including how to determine particular setbacks. The Chapter 4 proposal is quite varied ranging from more setback clarification to driveway separation clarifications to EV charging station standards. The update includes landscaping and architectural clarifications, as well as a number of sign standards clarifications including the inclusion of height maxes that were previously not present and clarifications related to awning signs. Some of the changes involve updating wording to be more accurate or clarifying how specific standards are already administered by adding more information. There are a total of 57 amendments in Chapters 2 and 4. The changes are necessary for various reasons. Many of the changes are simply trying to make existing code and practice clearer for those using the UDO, with some changes to amount of landscaping required or clarification on signage and lighting requirements, as well as other changes.



**(2) Dimensional Standards**

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

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

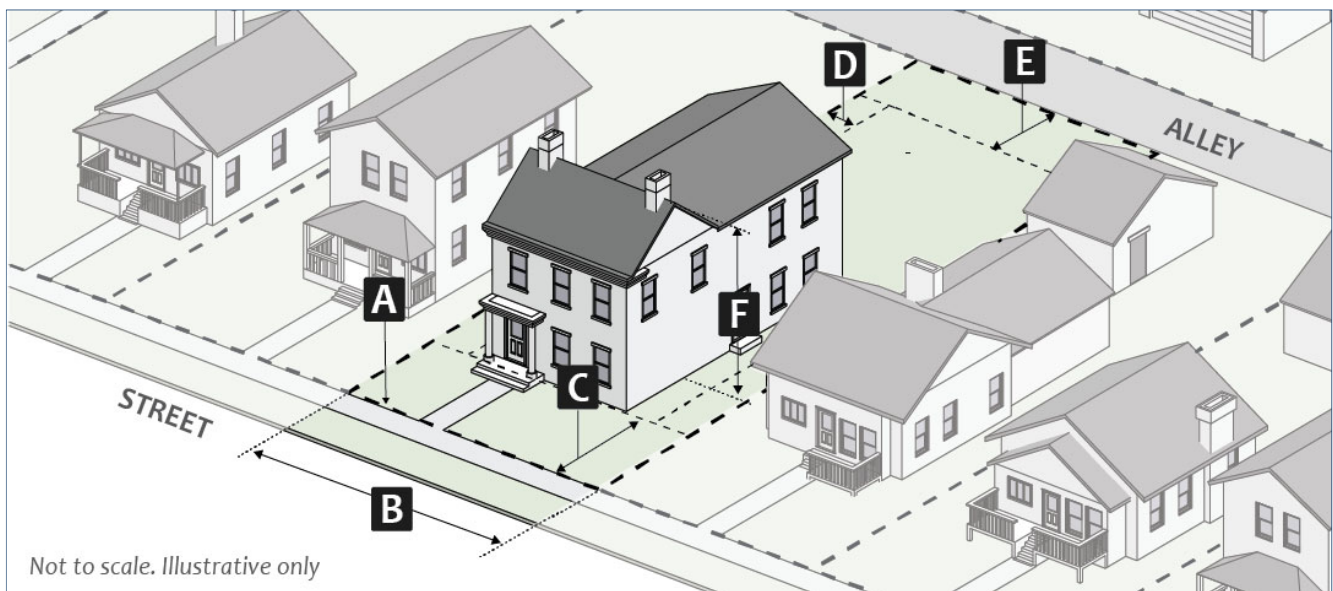
Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	5,000 square feet (0.115 acres) [1]
<b>B</b>	Lot width	50 feet [1]
Building Setbacks (Minimum)		
<b>C</b>	Front build-to line	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
<b>D</b>	Side	First floor: 6 feet [2] <a href="#">[3]</a> Each story above the ground floor: 10 feet [1] [2] <a href="#">[3]</a>
<b>E</b>	Rear	25 feet [1] <a href="#">[3]</a>
Other Standards		
	Impervious surface coverage (maximum)	45%
<b>F</b>	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

**Notes:**

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

[2] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

[\[3\] Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.](#)



**Figure 6: R3 Dimensional Standards**

**(2) Dimensional Standards**

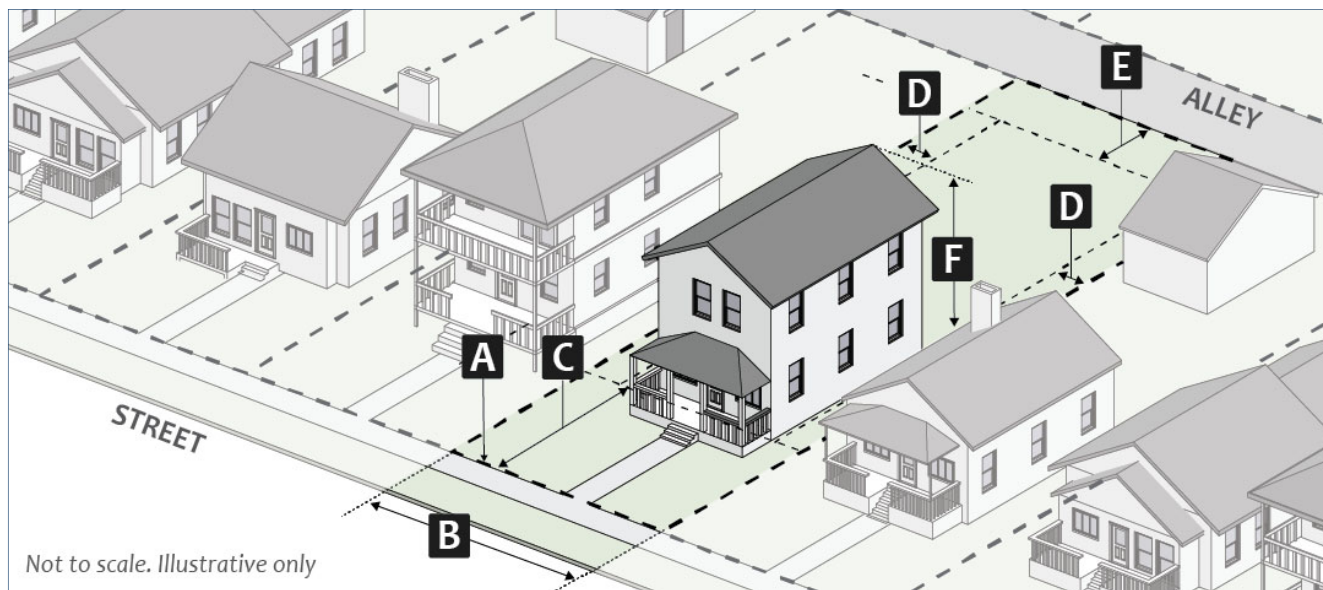
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020 (Dimensional Standards) also apply.

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

Lot Dimensions (Minimum, only for lots created after the effective date)		
<b>A</b>	Lot area	4,000 square feet (0.092 acres)
<b>B</b>	Lot width	35 feet
Building Setbacks (Minimum)		
<b>C</b>	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
<b>D</b>	Side	5 feet <a href="#">[1]</a>
<b>E</b>	Rear	25 feet <a href="#">[1]</a>
Other Standards		
	Impervious surface coverage (maximum)	50%
<b>F</b>	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

**Notes:**

[\[1\] Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.](#)

**Figure 8: R4 Dimensional Standards**

**(2) Dimensional Standards**

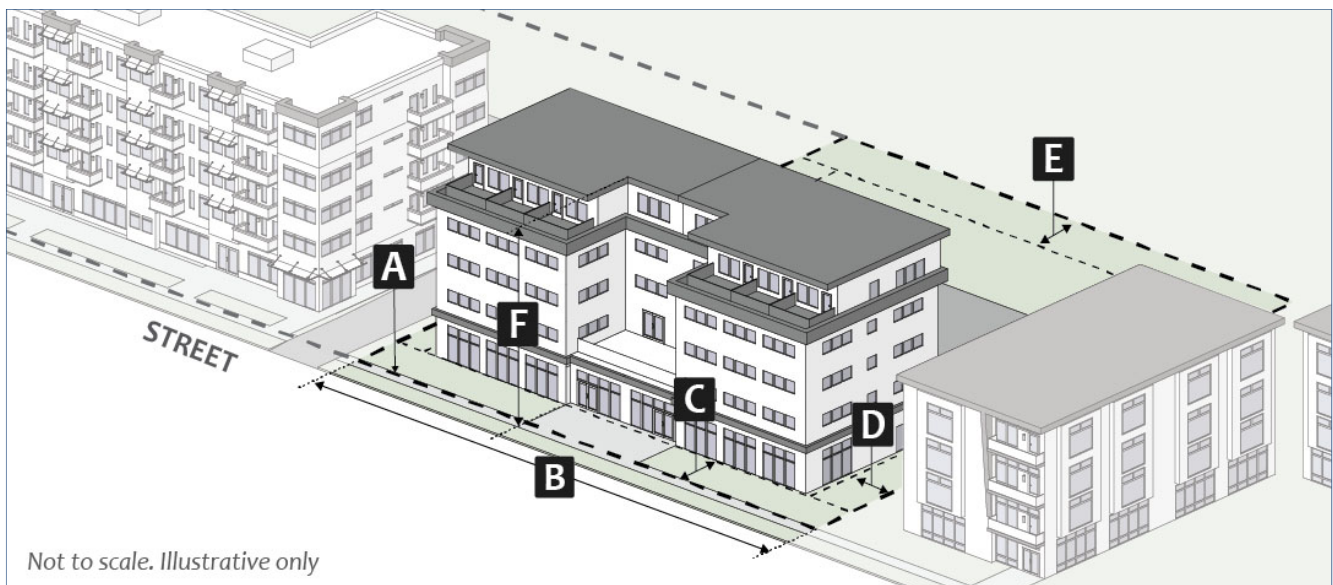
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.020(Dimensional Standards) also apply.

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

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling <span>[4]</span>
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	[2] 15 feet	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
F	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

**Notes:**

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



(2) **Dimensional Standards**

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

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

Lot Dimensions (Minimum, only for lots created after the effective date)			Single-Family, Duplex, Triplex, or Fourplex Dwelling
A	Lot area	5,000 square feet (0.115 acres)	<a href="#">R4 district standards apply</a>
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	<a href="#">R4 district standards apply</a>
D	Side	15 feet [1]	
E	Rear	15 feet [1]	
Other Standards			
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	<a href="#">R4 district standards apply</a>
	Impervious surface coverage (maximum)	70%	
	Landscape area (minimum)	30%	
G	Primary structure height (maximum) [2]	6 stories, not to exceed 75 feet [1] [2]	
	Accessory structure height (maximum)	20 feet	

**Notes:**

[1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (~~Neighborhood Transition Standards~~ Neighborhood Transition Standards).

[2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.

~~-[3] The front building setback shall be determined by the standards of the base zoning district.~~

## 20.02.050 Overlay Districts

### (a) DCO - Downtown Character Overlay District

The following standards apply within the Downtown Character Overlays located in the Mixed-Use Downtown MD zoning district and are intended to implement the Downtown Vision and Infill Strategy Plan. In case of a conflict between the standards in this Section 20.02.050(a) and the standards in the underlying MD zoning district, the provisions in this section shall apply.

#### (1) West Kirkwood Corridor

- (A) The construction of new buildings on lots between Kirkwood Avenue and its adjacent alleys to the north and south, between Rogers Street and Adams Street, as more specifically mapped in the plan for West Kirkwood, shall comply with the architectural standards outlined in the plan for West Kirkwood.
- (B) Where both this UDO and the plan for West Kirkwood contain standards governing any architectural feature, the standards contained in the plan for West Kirkwood shall govern.

#### (2) Required Building Entrances

- (A) At least one pedestrian entrance shall be provided for any primary building facade facing a public street.
- (B) At least one pedestrian entrance shall be provided per 100 feet of building frontage along the B-line trail.
- (C) Required pedestrian entrances shall incorporate a landscaped plaza area that provides three or more of the following plaza amenities:
  - i. Benches (minimum of two);
  - ii. Bike racks;
  - iii. Public art or water feature;
  - iv. Drinking fountain;
  - v. Trash receptacles; ~~or~~
  - vi. Landscaped Areas or Planters; or
  - ~~vi-vii. Enhanced exterior light fixtures, such as wall sconces or light coves.~~
- (D) At least one pedestrian entrance to each primary building shall be constructed at an elevation that is within three feet of the adjacent sidewalk elevation.
- ~~(D)(E)~~ Pedestrian entrances on facades located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building façade.

#### (3) Orientation of Entrances

- (A) Any facade of a primary building facing a public street shall be considered a primary facade.
- (B) The primary pedestrian entrance shall not be located on a building facade adjacent to an alley.
- (C) For structures located within the Kirkwood Corridor, the primary pedestrian entrance shall be oriented to Kirkwood Avenue.

**(4) Primary Building Roof Design**

(A) All primary buildings shall incorporate the roof shapes shown in the following table:

**Table 02-24: Primary Building Roof Design**

Character Area	Roof Shape Permitted
CS, DC	Flat roofs with parapets.
UV	Kirkwood Corridor: Flat roofs with parapets. Restaurant Row: Sloped or pitched gable and/or hip roofs.
DE	Sloped or pitched gable and/or hip roofs; except that primary buildings facing Rogers, Walnut, Third, or Washington Streets or College Avenue may incorporate flat roofs with parapets. Each section of a sloped or pitched roof with a roof ridge greater than 40 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.
DG, ST	DG: Flat roofs with a parapet, sloped, or pitched roofs are allowed. Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof. ST: Flat roofs with parapets.

(B) Where roofs with parapets are permitted, the parapet height shall not exceed 15 percent of the supporting wall height.

(C) Where sloped roofs are permitted, the roof shall have at least an 8:12 pitch.

**(5) Upper Floor Facade Stepbacks**

All primary buildings shall comply with the following standards for upper floor stepbacks:

(A) The first three stories of building facade in the DC character area, and the first two stories in the DG and ST character areas shall comply with the build-to range in Section 20.02.010 (Dimension Standards).

(B) All portions of the building facade facing the street above two stories in the DG and ST character areas and above three stories in ~~the DC all other~~ character areas, ~~and portions of the building facade facing the street above two stories in the DG and ST character areas,~~ shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.

**(9) Site and Building Design****(A) Street Lighting Plans Generally:**

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height. Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.

**(B) Building Design****i. Exceptions**

- 1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
- 2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

**ii. Materials**

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials:

**1. Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);-or
- [h] Wood



**Table 04-2: Residential District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards		R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (Minimum, only for lots created after the effective date)								Entire Development	Dwelling Site
Lot area	sq. ft.	20,000 [2]	7,200 [2]	5,000 [2]	4,000	5,000	5,000	43,560	3,000
	acres	0.459 [2]	0.165 [2]	0.115 [2]	0.092	0.115	0.115	1.00	0.069
Lot width		100 feet [2]	60 feet [2]	50 feet [2]	35 feet	50 feet	50 feet	200 feet	40 feet
Building Setbacks (Minimum)									
Front build-to line		None	None	15 feet [3]	None	None	None	None	None
Front		15 feet	15 feet [3]	None	15 feet [3]	15 feet	15 feet	25 feet	10 feet
Attached front-loading garage or carport		25 feet [4]	25 feet [4]	10 feet behind the primary structure's front building wall		25 feet [4]		None	None
Side	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [5]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [5]	5 feet	10 feet [6]	10 feet [6]	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet	
Rear	25 feet [2]	25 feet [2]	25 feet [2]	25 feet	15 feet [6]	15 feet [6]	20 feet		
Other Standards									
Front parking setback (minimum)		None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Side parking setback (minimum)		None	None	None	None	8 feet	8 feet	None	None
Rear parking setback (minimum)		None	None	None	None	8 feet	8 feet	None	None
Impervious surface coverage (maximum)		30%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)		None	None	None	None	40%	35%	None	None
Primary structure height (maximum)		40 feet	40 feet	35 feet	40 feet	3 stories, not to exceed 40 feet [2] [6]	5 stories, not to exceed 63 feet [2] [6]	None	20 feet
Accessory structure height (maximum)		20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet

**Notes:**

- [1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.
- [2] See Section 20.04.110 (Incentives) for alternative standards.
- [3] Or the median front setback of abutting residential structures, whichever is less.



**Table 04-2: Residential District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]
[4]	Or equal to the setback of the primary structure, whichever is greater.						
[5]	Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.						
[6]	Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) <del>(Neighborhood Transition Standards, Neighborhood Transition Standards)</del> .						
[7]	<del>Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.</del>						

**Table 04-3: Mixed-Use District Dimensional Standards**

sq. ft. = square feet

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

**Notes:**

**Table 04-3: Mixed-Use District Dimensional Standards**

sq. ft. = square feet

Dimensional Standards	MS <sup>[4]</sup>	MN	MM	MC	ME	MI	MD	MH
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**Notes:**

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) ([Neighborhood Transition Standards](#) ~~Neighborhood Transition Standards~~).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] ~~Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district.~~

**Table 04-4: Downtown Character Overlay Dimensional Standards**

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
<b>Lot Dimensions (Minimum)</b>						
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
<b>Building Setbacks</b>						
Front build-to range	0 to 5 feet	0 to 5 feet	0 to 15 feet	0 to 15 feet	0 to 15 feet	None
Front building facade at build-to range (minimum)	90%	70%	70%	70%	70%	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum) [1]	None	None	None	7 feet	5 feet	5 feet
Rear (minimum) [1]	None	None	None	10 feet	5 feet	5 feet
<b>Other Standards</b>						
Front parking setback (minimum)	20 feet behind the primary structure's front building wall					
Side and Rear parking setback (minimum)	Requirements set per Section 20.04.080(h)(1)(A)(ii)					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	85%
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	15%
Primary structure height (maximum) [1] [2] [3] [4]	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	General and Kirkwood Corridor: 3 stories, not to exceed 40 feet	3 stories, not to exceed 40 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet

**Table 04-6: Authorized Exceptions to Setback Requirements**

DU = dwelling unit

Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awnings, balconies, canopies, patios, and <del>attached exterior stairs</del> <del>steps</del>	Up to 6 feet.
Bay windows, chimneys, eaves,	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Fire Escapes	Up to 6 feet into side and rear setbacks.
Front Entry	For existing primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure <u>is permitted to encroach into the front building setback, however a minimum 4 foot setback is required from the front property line.</u>
Accessible ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports	Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to three feet.
Additions to existing primary structures	For single-family, duplex, and triplex structures, additions to the first floor footprint of existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). Vertical additions to existing primary structures may utilize existing front setbacks provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures.

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

(D) For parking and building setback purposes, Interstate 69 is not considered a front.

#### (4) Through Lots

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

### (f) Building Height

#### (1) Measurement

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

**(2) Adjacent Properties**

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

**(3) Easements**

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

**(4) Graduated Buffer Zones**

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

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

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

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

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

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

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

**(5) Streamside Zone Design**

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

**(A) Location**

Immediately adjacent to the stream channel.

**(B) Buffer Width**

i. For the main branches of Jackson Creek south of 2<sup>nd</sup> Street and Clear Creek south of Grimes Lane, the width of this zone shall be a minimum of 50 feet on each side of the stream, measured from the centerline of the stream.

ii. For all other streams, the 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~~, ~~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:

- iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
- iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(B) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City of Bloomington Planning and Transportation Department Director and may be submitted to FEMA at any time.

(C) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Bloomington have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bloomington's Flood Insurance Rate Map accurately represent Bloomington's boundaries, include within such notification a copy of a map of Bloomington suitable for reproduction, clearly showing the new corporate limits or the new area for which Bloomington has assumed or relinquished floodplain management regulatory authority.

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**(e) Provisions for Flood Hazard Reduction**

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All development shall comply with the provisions of this Section 20.04.040(e). Petitions for new or revised subdivisions shall also comply with the standards in Section 20.05.050(c).

**(1) Conditional Uses**

The following are conditional uses in the ~~flood floodway and floodway~~ fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).

- (A) Transportation facilities, including, but not limited to, bridges, streets or drives;
- (B) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;
- (C) Parking lots constructed solely of permeable pavers;
- (D) Recreational equipment; and
- (E) Buildings/structures.

**(2) Floodplain Status Standards**

**(A) Standards for Identified Floodways (Riverine)**

Located within SFHAs, established in Section 20.04.040(c)(1), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit,

## 20.04.050 Access and Connectivity

### (a) Purpose

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

### (b) Applicability

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

### (c) Driveways and Access

#### (1) Number of Drives

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

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

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

##### (B) All Other Uses

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

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

##### (A) Generally

- i. Except as allowed under 20.04.050(c)(3)(B)(i), no entrance or drive shall be installed:
  1. Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.
- ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.
- iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a local street and consistent with access management by the Transportation Plan or is a private street.

**(B) Street Classification**

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

**(C) Distance Calculations**

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

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

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

**ii. All Other Uses**

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

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

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

**ii. All Other Uses**

1. No entrance or drive along a neighborhood street shall be installed:
  - [a] Within 100 feet of any intersecting street.
  - [b] Within 50 feet of another driveway entrance.



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

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

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

(3) **Driveway and Access Design**

(A) **Generally**

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

(B) **Driveway Pavement Widths**

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

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

ii. **All Other Uses**

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

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

(C) **Surface Material**

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

**(7) Placement**

To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement. In situations of limited existing right-of-way, a minimum 5 foot wide tree plot is required and any portions of required pedestrian facilities that are not located within the right-of-way shall be placed within a pedestrian easement.

**(8) Minimum Tree Plot Width**

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

**(9) Administrative Adjustment**

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

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

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

**(B) Additional Facility Amenities**

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

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

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

**ii. External Sidewalks**

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

**iii. Internal Sidewalks**

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

- iii. No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.
- iv. All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).
- v. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.
- vi. No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

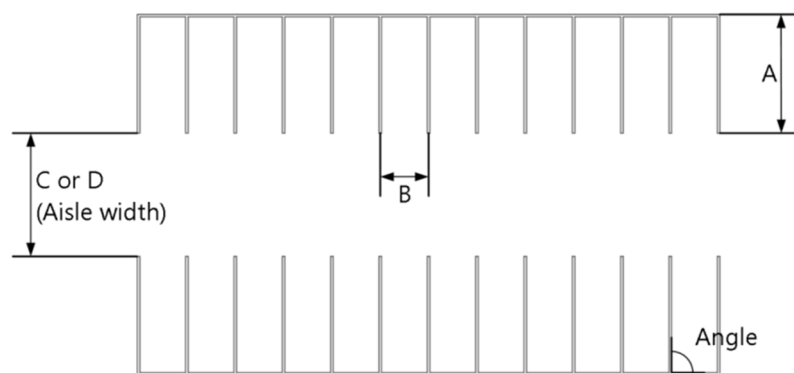
**(B) In the R1, R2, R3, R4, RM, RH, MS, and MD Districts**

- i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding 18 feet in width.
- ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, MS, RM, and RH districts, the required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.
- iii. For lots at the corner of a street and the alley, the driveway on the alley shall be setback 15' from the intersection of the street and the alley.

**(3) Dimensions of Parking Spaces and Drive Aisles**

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

- (A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.



**Figure 51: Illustrative Scale and Character**

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

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

**Notes:**

[1] End spaces may be a minimum of 20 feet in length where no obstruction exists.

[2] Parking spaces for motorcycles may be provided and must be a minimum of 3 feet in width and 6 feet in depth.

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

**(4) Stacked Parking**

Stacked parking arrangements are permitted.

**(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.
- iii.iv. Parking spaces shall be designed to be no less than 45 degrees to the alley.

**(6) Stormwater Drainage**

- (A) Water draining from a parking lot shall not flow across a sidewalk.
- (B) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.

**(7) Surface Material**

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

**(8) Electric Vehicle Charging**

Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. If more than 6 EV charging stations are required, at least one shall be an ADA van accessible parking space. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

- (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.

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**(j) Loading Area Location and Design**

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**(1) Applicability**

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

**(2) Location**

Loading berths shall be located at the rear of a structure.

## (m) Bicycle Parking Location and Design

### (1) Location

#### (A) Rights-of-way

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

#### (B) Access and Pedestrian Obstruction

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

#### (C) Design and Proximity

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

#### (D) Collocation

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

#### (E) Distribution

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

### (2) Design

#### (A) Generally

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

#### (B) Type

- i. All bicycle parking requirements shall be met using either long-term Class I or short-term Class II bicycle security facilities.
- ii. For multifamily residential uses, developments with 25 or more dwelling units shall provide:
  1. A minimum of one-half of the total required bicycle parking spaces as covered, short-term Class II bicycle parking facilities; and

2. Masonry;
3. Brick;
4. Natural stone;
5. Precast concrete;
6. Split-faced block; and/or
7. Transparent glass.

**ii. Secondary Exterior Finish Materials**

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

**(D) Exterior Facades**

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

- i. Awning or canopy that extends at least 24 inches from the building face;
- ii. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference;
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation ~~facing a street~~ and a minimum of 30 percent of each upper floor on each façade/elevation;
- iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade and extend from the ground to the top of the building.

**(E) Patterns**

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

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

**(F) Eaves and Roofs**

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

**(G) 360-Degree Architecture**

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

**(H) Primary Pedestrian Entry**

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

**(I) Windows on Primary Facades**

All first-story windows on the ~~primary~~ facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

**(J) Anti-Monotony Standards**

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

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

**(K) Street Addresses**

- i. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
- ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.



**(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. On sites that require an aggregate total of 40 or more shrubs, any given genus of shrubs shall be limited to a maximum of 30 percent.
- ii. Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with perennial forb species, graminoids, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any substituted plants used toward parking lot perimeter requirements shall be species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(a) (Landscaping).

**(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. Existing street trees can be used to meet street tree requirements on a one-to-one basis, no credit for DBH shall be given for street trees to be preserved.
2. Vegetation preserved to meet the requirements of Section 20.04.030(h), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section 20.04.080(c)(2).
3. Existing vegetation listed in Section 20.04.080(d), shall be credited towards required landscaping based on the following values:
  - [a] **Deciduous Trees**  
A credit of one tree per every four inches DBH of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than four individual required trees.
  - [b] **Evergreen Trees**  
A credit of one tree per every 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.
  - 1. Parking lot bumpouts, islands, and endcaps smaller than 324 square feet may use mulch.
  - 2. Areas within 24 inches of a building foundation and underneath staircases may use mulch or decorative stone.
  - 3. For single-family, duplex, triplex, and fourplex uses, mulch, and decorative stone may ~~only~~ be used in defined landscape beds with raised borders and occupy no more than 30% of a property.
- ~~ii.~~ Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch ~~or stone~~ shall not be used as groundcover except ~~one foot beyond the dripline of shrubbery~~ no more than 4 feet in diameter surrounding shrubs, not more than one foot in diameter from perennials and grasses, and shall be no more than six feet in diameter surrounding trees.
- ~~iii.~~ Except as provided in Section 20.04.080(c)(2)(G)(i), decorative stone may not be used as groundcover.
- ~~iv.~~ Approved stormwater detention and retention facilities may utilize decorative mulch or stone on a one-time basis at time of installation as allowed or required by City of Bloomington Utilities. Landscaping stone or riprap or other non-vegetative material may be incorporated in stormwater treatment alternatives, such as swales or culvert outfalls, as approved by City of Bloomington Utilities.
- ~~v.~~ Mulch is allowed for use on defined paths with raised borders that are less than 4' wide. Areas used for paths shall count as impervious surface coverage

**(3) Tree Protection**

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

**(4) Alternatives Authorized**

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

- (A) Conditions that may justify approval of an alternative landscape plan include:
- i. Unique lot size or configuration;
  - ii. The presence of existing utility or other easements; or
  - iii. Preservation of natural vegetation.
- (B) The City Planning and Transportation Department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the City Planning and Transportation Department determines that the alternatives meet all of the following criteria:
- i. Are consistent with the purposes of this Section 20.04.080;
  - ii. Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;
  - iii. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
  - iv. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

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#### (d) Permitted Plant Species

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All plant material shall be selected from this Section 20.04.080(d) or from the list of approved species outlined in the City of Bloomington Utilities Department Stormwater Design Manual. Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval.

##### (1) Street Trees

Trees suitable for planting along public streets and highways, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.

##### (2) Interior Trees

Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted street tree species listed in Table 04-14: Permitted Street Tree Species ~~Table 04-14: Permitted Street Tree Species~~ may also be used, as interior trees, except the parenthesized trees, which are prohibited for interior trees.

##### (3) Shrubs

Shrubs suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 04-16: Permitted Shrub Species ~~Table 04-16: Permitted Shrub Species~~.

##### (4) Forbs

Forbs, or flowering, nongrassy herbaceous plants suitable for infill, aesthetics, and cover are established in Table 04-17: Permitted Herbaceous Flowering Perennial Plant Species ~~Table 04-15: Permitted Herbaceous Flowering Perennial Plant Species~~.

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

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

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

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

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

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

**(f) Street Trees****(1) Number**

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

**(2) Type**

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

**(3) Location****(A) Freeway/Expressway**

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

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

Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street and within 4 feet of any public pedestrian facilities. Street trees planted within the front yard shall not count towards other landscaping requirements.

**(C) Separation**

The spacing between adjacent street trees shall be no less than 10 feet from the center of one tree to the next. Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.

**(D) Tree Grates**

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

**(E) Planting**

All street trees shall be planted, stabilized, and mulched according to this UDO and the Administrative Manual.

**(F) Vision Clearance**

- i. Street trees shall be planted outside the vision clearance triangle, as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle), or within that portion of the vision clearance triangle behind the sidewalk.
- ii. Low-branching species shall not be allowed within 50 feet of an intersection.
- iii. Locations for street trees within 50 feet of an intersection shall be approved by the City Engineering Department.
- iv. Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or streetlight, and a minimum of three feet from a fire hydrant.

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

Removed by  
Plan  
Commission.

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

**(B) Alternatives**

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

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

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**(g) Buffer Yards**

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**(1) Purpose**

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

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

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

**(B) Location**

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

**(C) Plant Material**

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

**(D) Planned Unit Development**

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

**(E) Credit Toward Other Requirements**

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

**(F) Prohibited Uses**

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

**(3) Buffer Yard Types**

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

**Table 04-19: Required Buffer Yard Types**

Buffer Yard Treatment	Buffer Type		
	Type 1	Type 2	Type 3
Minimum width [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every 20 linear feet	1 tree every 20 linear feet	1 tree every 20 linear feet
Evergreen trees	1 tree every 20 linear feet	2 trees every 20 linear feet	3 trees every 20 linear feet
Small or medium trees	2 trees every 20 linear feet	3 trees every 20 linear feet	5 trees every 20 linear feet
Other	No requirement	No requirement	If site constraints hinder the density required, one of the options below may be used: A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

**Notes:**

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

- (C) Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

**(2) Parking Lot Perimeter Plantings**

See Section 20.04.080(h)(1).

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**(l) Vacant Lot Landscaping**

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**(1) Applicability**

Except for lots where the primary land use is urban agriculture, vacant lots with frontage on a public street shall be subject to the requirements of this Section 20.04.080(l).

**(2) Timing**

Landscaping or ground cover shall be installed as required in Section 20.04.080(l)(3) on the lot where demolition activity has occurred within 180 days after the issuance of a demolition permit, unless:

- (A) The City Planning and Transportation Department has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or
- (B) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Section 20.04.080(l)(3) shall be installed within 180 days after site plan expiration.

**(3) Planting Requirements**

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

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**(m) Screening**

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

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



**(4) Light Trespass**

(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts.

(B) Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts.

~~(B)~~(C) Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.

**(5) Glare**

All lighting fixtures shall be installed so as not to cause glare at or beyond the property line and shall not be aimed toward traffic.

**(A) Shielding**

- i. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Section 20.04.090.
- ii. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.
- iii. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.
- iv. Full shielding is not required for motion detector activated lighting of less than 1,800 lumens, provided the light cycles off no more than 10 minutes after coming on.



**Figure 52: Exterior Light Shielding**

**(B) Floodlights and Spotlights**

- i. Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any property either zoned or used for residential purposes and is not visible to an observer on any public right-of-way.

## 20.04.100 Signs

### (a) Purpose

The intent of these sign standards is to:

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

### (b) Applicability

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

### (c) Permit Requirements

#### (1) Generally

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

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

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

##### (A) Public Signs

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

##### (B) Small Signs

Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f)(1) through (f)(4), they and must be less than 6 feet tall if freestanding.-

##### (C) Temporary Signs

- i. In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area and shall not exceed 6 feet in height if freestanding.-

- ii. In nonresidential and mixed-use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area and shall not exceed 6 feet in height if freestanding.
- iii. In all nonresidential and mixed-use zoning districts, each vacant tenant space, or tenant space that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area that shall be attached to the wall of the vacant space.

**(D) Murals**

Murals are exempt from the requirement to obtain a sign permit.

**(E) Window Signs**

Window signs shall not exceed 25 percent of the glass area of any individual window or glass door frame and shall not count towards the wall sign allowance of the use or property.

**(F) Sandwich Board Signs**

Sandwich board signs shall comply with the standards of this Section.

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**(d) Sign Measurements**

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Sign height and sign area measurements shall be calculated as follows:

**(1) Wall Signs**

The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any images, text, or other identifying trait placed on a structure.

**(2) Freestanding Signs**

(A) The area of freestanding signs shall be calculated as the smallest regular geometric figure needed to circumscribe the sign, exclusive of supporting structures.

(B) The height of a freestanding sign shall be measured from the grade beneath the sign or from the crown of the adjacent street, whichever is higher. The ground beneath a sign shall not be raised to artificially change the point at which the sign height is measured.

**(3) Double-faced Signs**

For all freestanding, projecting, or temporary signs permitted by this chapter, a double-faced sign may be erected. Only the face area of one of the two sides shall be considered the face area of the entire sign. In such cases, the two sign faces shall be identical in area, shall be placed back to back, and shall be separated by a distance of no more than two feet.

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**(e) Prohibited Sign Types**

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The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.100 or Section 20.03.030(h)(3):

**(1) Animated Signs**

Signs that use any motion picture, laser, or visual projection of images or text.

**(2) Bench Signs**

A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

**(3) Imitation of Public Signs**

Signs that purport to be, are in imitation of, or resemble a public sign as described by the Manual on Uniform Traffic Control Devices. Examples include but are not limited to stop signs, yield signs, or pedestrian crossing signs.

**(4) Off-premise Signs**

Signs advertising goods, products, services, events or activities not located, sold or offered on the premises or tenant space on which the sign is located, except for signs as provided in Section 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(9), and Section 20.04.100(l)(7).

**(5) Vehicle Signs**

Vehicles, vans, trailers or trucks that are parked continuously in the same general location to be used to display signs. This does not prohibit vehicle or trailer owners from having vehicles or trailers with signs, provided the vehicles or trailers are in use on a regular basis, are not continuously parked in one parking lot or parking space, and are not being used to serve in the same manner as an additional freestanding sign or temporary sign.

**(6) Intermittent Lights**

Signs that have intermittent blinking, flashing, or fluttering lights, including any device that has a changing light intensity, brightness of color, or gives such illusion, including but not limited to strobe lights.

**(7) Pole Signs**

Signs that are mounted on a freestanding pole or other support that is not part of or attached to a building or structure.

**(8) Temporary Signs**

Any temporary sign not specifically permitted in Section 20.04.100(i)(9), Section 20.04.100(j)(8), Section 20.04.100(k)(6), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, and feather flags.

~~**(9) Projecting Signs**~~

~~Any sign that projects outward more than 12 inches from the facade of a building in, except as provided in Section 20.04.100(l).~~

~~**(10)**~~**(9) Electronic Reader Board Signs**

Any electronic reader board sign not specifically permitted in Section 20.04.100(g)(3).

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**(f) Prohibited Sign Locations**

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Signs shall not be installed at any of the following locations:

**(1) Public Easement**

In any public easement, unless the sign is a public sign authorized by Section 20.04.100(c)(2)(A), or is further authorized by the city.

**(2) Public Right-of-Way**

In any public right-of-way, unless the sign is an approved wall sign, awning, or projecting sign; or is authorized by Section 20.04.100(k)(9) , ~~or the sign is authorized by~~ Section 20.04.100(l)(3), ~~or the sign is authorized by~~ Section 20.04.100(l)(7); or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the city;

**(3) Roofs**

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

**(4) Vision Clearance Triangle**

Within a vision clearance triangle as specified in Section 20.04.050(c)(4) (Vision Clearance Triangle).

**(5) Miscellaneous**

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

**(g) General Design Standards**

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

**(1) Freestanding Signs**

All freestanding signs shall comply with the following standards:

**(A) Setback**

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

**(B) Mounting**

All freestanding signs shall be permanently affixed to the ground.

**(C) Base**

Sign bases shall conform to the following standards:

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

**(D) Cap**

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

**(E) Landscaping**

- i. For any new freestanding sign, a landscaped area located around the entire base of a freestanding sign is required.

- ii. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover.
- iii. The landscaped area shall be greater than or equal to the freestanding sign face area.

**(F) Illumination**

Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting) and also may not exceed one foot candle at a distance of 6' from the sign face.

**(2) Changeable Copy**

Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that any combination of the changeable copy area and any electronic reader board component area combined does not exceed 40 percent of the total sign area.

**(3) Electronic Reader Boards**

Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, subject to the following:

(A) The electronic reader board portion may not exceed 30 square feet or 40 percent of the total area of any sign face (whichever is less).

(B) Any combination of the electronic reader board area and any changeable copy area combined does not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

(C) Electronic reader boards are not permitted on signs larger than 125 square feet.

**(4) Wall Signs**

Wall signs shall be located on any exterior portion of the building that is occupied by the use or portion of a building that is occupied by the use if the building has multiple uses.

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**(h) Waiver of Right to Damages**

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- (1) The Plan Commission, the Board of Zoning Appeals, and the City Planning and Transportation Department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.
- (2) Waivers may be requested from the following:
  - (A) The petitioner;
  - (B) The property owner;
  - (C) The sign owner; and
  - (D) Any other person with an interest in the site or the sign.
- (3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

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**(i) Residential District Sign Standards**

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**(1) Applicability**

This section applies to the R1, R2, R3, R4, RM, RH, and RMH zoning districts.

**(8) Window Signs**

Window signs are not permitted for residential uses.

**(9) Temporary Signs**

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

- (A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;
- (B) A maximum of three temporary signs per display period described below are permitted;
- (C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in 20.04.100(e)(8);
- (D) Temporary signs shall not exceed 16 square feet in area per side;
- (E) Freestanding temporary signs shall not exceed six feet in height; and
- (F) External illumination of temporary signs is prohibited.
- (G) Display of temporary signs shall be permitted for a maximum of three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

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


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**(1) Applicability**

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

**(2) Wall Signs**

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

**(A) Allowance****i. Individual Nonresidential Uses**

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

**ii. Multi-tenant Center**

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

**iii. Size Limits**

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

**(B) Maximum Projection**

Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.

**(C) Location**

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

**(D) Multi-tenant Nonresidential Centers**

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

**(3) Projecting Signs**

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

**(4) Freestanding Signs**

The following standards shall apply to all freestanding signs:

**(A) Number**

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

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

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



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

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## (k) MN District Sign Standards

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### (1) Applicability

This sign standards section applies to the MN zoning districts.

### (2) Wall Signs

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

#### (A) Allowance

##### i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one square foot per lineal foot of primary structure that faces a public or private street.

##### ii. Multi-tenant Centers

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

##### iii. Limits

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

#### (B) Location

No wall signage shall be located on a side or rear building facade facing a residential use. Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

#### (C) Maximum Projection

No part of a wall sign, other than an awning sign, shall protrude more than 12 inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.

### (3) Projecting Signs

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

### (4) Freestanding Signs

The following standards apply to permanent freestanding signs:

**(2) Wall Signs**

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

**(A) Allowance****i. Individual Nonresidential Uses**

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

**ii. Multi-tenant Centers****1. First Story**

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

**2. Upper Story Uses**

[a] Uses located above the first story shall be permitted a wall sign allowance equal to 50 percent of the total allowance permitted for first story uses as provided in Section 20.04.100(l)(2)(A)ii.1) above.

[b] The sign shall be located on the lease space or along a wall within five feet of the lease space.

**3. Additional Sign**

Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed 20 square feet in area. .

**iii. Multifamily**

Developments containing more than two units shall be permitted wall signage that shall not cumulatively exceed 24 square feet.

**iv. Limits**

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

**(B) Location**

Wall signs for individual tenants within a multi-tenant center shall be located on the tenants lease space, except as regulated in Section 20.04.100(l)(2)(A)ii.2) above.

**(C) Maximum Projection**

No part of a wall sign, other than a projecting sign or awning, shall project more than 12 inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.

**(3) Projecting Signs**

The following standards apply to projecting signs:

**(2) Drainage Plan**

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

**(3) Common Area**

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

**(4) Easements**

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

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**(i) Flood Damage Mitigation**

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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.

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

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**(1) Applicability**

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

**(2) Private Streets**

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

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

In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Transportation Plan, the petitioner shall dedicate additional right-of-way width as fee simple right-of-way 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.

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**(k) Utilities**

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**(1) Sanitary Sewer Standards****(A) Applicability**

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

**(B) Location**

Septic systems shall not be permitted unless adequate sewer system service is not available and such unavailability is verified by the City Utilities Department.

**(2) Water Service Standards****(A) Applicability**

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

**(B) Private/Semipublic Systems**

Private or semipublic water supplies and distribution systems shall not be allowed.

**(C) Extension of Public Water Supplies**

The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the City Utilities Department and shall be on file with the City Utilities Department prior to the issuance of secondary plat approval.

**(3) Coordination of Sewer/Waterline Installation**

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

**(4) Fire Hydrants**

Fire hydrants shall be installed along all public streets and shall have a maximum distance between hydrants of 600 feet, or otherwise approved by the Fire Chief.

**(5) Construction Standards for Utilities**

All public utility improvements shall be designed and installed as per City Utilities Department standards. All new utility lines shall be buried.

Chapter	Citation	Current Language	Proposed Language	Synopsis
2	20.02.010 Table 02-4	New language	[3] Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.	Adds reduced setbacks for lot lines adjacent to a platted alley, this is consistent with many established building patterns and variances
2	20.02.010 Table 02-5	New language	[1] Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.	Adds reduced setbacks for lot lines adjacent to a platted alley, this is consistent with many established building patterns and variances
2	20.02.010 Table 02-7	New language	[4] The front building setback shall be determined by the standards of the base zoning district	Adds language from RM district for situations where a SFR or plex is constructed
2	20.02.020 Table 02-9	new language	[3] The front building setback shall be determined by the standards of the base zoning district	Adds language regarding front setback for plexes to use base standards of district
2	20.02.020 Table 02-9	none	Add allowance for SFR and plexes to use R4 standards	Adds allowance for single family and plexes to use the R4 standards, the MS development standards are often impractical on individual lots for these uses
2	20.02.050(a)(2)(C)(vii)	New	Enhanced exterior light fixtures, such as wall sconces or light coves	Adds additional element option for pedestrian entrance
2	20.02.050(a)(2)(E)	New	Pedestrian entrances <b>on facades</b> located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade	Adds language from TRO to also apply to Downtown
2	20.02.050(a)(5)(B)	All portions of the building facade facing the street above three stories in the DC character area, and portions of the building facade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.	All portions of the building facade facing the street above <b>two stories in the DG and ST character areas and above</b> three stories in the <del>DC all other character areas</del> , and portions of the building facade facing the <del>street</del> , shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.	Modifies language to apply for all districts in case incentives are used
2	20.02.050(b)(9)(A)(ii)	Pedestrian scaled street lighting shall not exceed 15 feet in height	Pedestrian scaled street lighting shall not exceed 15 feet in height. <b>Additional street lighting may be required, as determined to be necessary by the City Engineer and approved by the Board of Public Works.</b>	Adds exception for taller lights when deemed necessary by the City Engineer
4	Table 04-2	New	[7] Side primary building setbacks shall be reduced by 2 feet if adjacent to a platted alley. Rear primary building setbacks shall be reduced by 10 feet if adjacent to a platted alley.	Adds reduced setbacks for lot lines adjacent to a platted alley, this is consistent with many established building patterns and variances
4	20.04.020 Table 04-2	Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards	Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, <b>except that the front building setback shall be determined by the standards of the base's zoning district.</b>	Adds duplicate language from Chapter 2
4	20.04.020 Table 04-3	none	Add footnote in MS district that "Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards, except that the front building setback shall be determined by the standards of the base's zoning district."	Adds allowance for single family and plexes to use the R4 standards, the MS development standards are often impractical on individual lots for these uses.
4	20.04.020 Table 04-3	new language	Add <b>[4]</b> to MS header	Adds language regarding front setback for plexes to use base standards of district

4	Table 04-6	For existing primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure.	For existing primary structures in the R1, R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary facade of the structure <b>is permitted to encroach into the front building setback, however a minimum 4' setback is required from the front property line.</b>	adds a minimum setback for this exception
4	Table 04-6	Awning, balconies, canopies, patios, and steps	Awning, balconies, canopies, patios, and <b>steps attached exterior stairs</b>	Revises language to clarify that exterior stairs attached to a building was the intent of this regulation
4	20.04.030(e)(5)(B)	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.	<b>i. For the main branches of Jackson Creek south of 2nd Street and Clear Creek south of Grimes Lane, the width of this zone shall be a minimum of 50 feet on each side of the stream, measured from the centerline of the stream.. ii. For all other streams the</b> 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.	Increases riparian buffer width along main branches of Jackson Creek and Clear Creek
4	20.04.040(e)(1)	The following are conditional uses in the flood fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).	The following are conditional uses in the <b>floodway and flood floodway</b> fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).	Revises language to include the areas within the Floodway that are also subject to conditional use allowances
4	20.04.050(c)(2)(C)(iv)	New Section	Driveway and street separation standards shall apply along the same side of the street only.	Clarifies that the separation standards are for drives along the same side of the street
4	20.04.050(c)(2)(A)(i)	No entrance or drive shall be installed: Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.	<b>Except as allowed under 20.04.050(c)(3)(B)(i),</b> No entrance or drive shall be installed: Closer to a street than the existing or proposed front building wall running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement, except as allowed in Section 20.04.050(c)(1)(A) for circular drives.	Revises to exempt single family, duplex, triplex, and fourplex uses to allow driveways that are parallel to the street
4	20.04.050(c)(2)(F)	Improved Alley Access in the R1, R2, R3, R4, RM, and MD Districts	Improved Alley Access in the R1, R2, R3, R4, RM, <b>MS</b> , and MD Districts	Adds Mixed-Use Student Housing district to the areas required to utilize alley access if present
4	20.04.050(d)(7)	To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.	To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement. <b>In situations of limited existing right-of-way, a minimum 5' wide tree plot is required and any portions of required pedestrian facilities that are not located within the right-of-way must be placed within a pedestrian easement.</b>	Adds additional clarifying language
4	20.04.060(i)(2)(B)	In the R1, R2, R3, R4, RM, RH, and MD Districts	In the R1, R2, R3, R4, RM, RH, <b>MS</b> , and MD Districts	Adds Mixed-Use Student Housing district to the areas required to utilize alley access if present
4	20.04.060(i)(2)(B)(ii)	In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, RM, and RH districts, the required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.	In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, <b>MS</b> , RM, and RH districts, the required parking area shall directly access the alley. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.	Adds Mixed-Use Student Housing district to the areas required to utilize alley access if present
4	20.04.060(i)(5)(C)(iv)	New Section	Parking spaces shall be designed to be no less than 45 degrees to the alley	Clarifies a minimum angle for alley spaces

4	20.04.060(i)(8)	Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:	Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 25 parking spaces provided on site. <b>If more than 6 EV charging stations are required, at least one shall be an ADA van accessible parking space.</b> The provision of three or fewer electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:	Adds provision for providing an ADA van accessible space as an EV charging station
4	20.04.060(m)(1)(E)	Buildings with twelve bedrooms or more shall provide a minimum of two Class II bicycle parking spaces per residential building. These spaces shall count toward fulfilling the total site requirement for bicycle parking	Buildings with twelve bedrooms or more shall provide a minimum of two <b>exterior</b> Class II bicycle parking spaces per residential building. These spaces shall count toward fulfilling the total site requirement for bicycle parking	Clarifies these spaces should be on the exterior
4	20.04.070(d)(2)(D)(iii)	A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;	A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation <del>facing a street</del> and a minimum of 30 percent of each upper floor on each facade/elevation;	Revises language so that this can be utilized on any facade and not just the side facing a street and adds upper floor requirement
4	20.04.070(d)(2)(I)	All first-story windows on the primary facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass	All first-story windows on the <del>primary</del> facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass	Syncs language with other similar standards
4	20.04.080(c)(2)(D)(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.	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. <b>On sites that require an aggregate total of 40 or more shrubs, any given genus of shrubs shall be limited to a maximum of 30 percent.</b>	Adds diversity requirement for shrubs
4	20.04.080(c)(2)(F)(ii)(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.	The City Planning and Transportation Department may permit the substitution of required on-site landscape <del>excluding street tree requirements</del> 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. <b>Existing street trees can be used to meet street tree requirements on a one-to-one basis, no credit for DBH shall be given for street trees to be preserved.</b>	Revises language to allow credit for preserving existing street trees
4	20.04.080(c)(2)(G)(i)(3)	For single-family, duplex, triplex, and fourplex uses, mulch, and decorative stone may only be used in defined landscape beds with raised borders	For single-family, duplex, triplex, and fourplex uses, mulch, and decorative stone may only be used in defined landscape beds with raised borders <b>and occupy no more than 30% of a property.</b>	Modifies landscape groundcover standards for single family to allow areas of mulch
4	20.04.080(c)(2)(G)(ii)	Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.	Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch <del>or stone</del> shall not be used as groundcover except <del>one foot beyond the dripline of shrubbery</del> <b>no more than 4 feet in diameter surrounding shrubs, no more than one foot in diameter from perennials and grasses,</b> and shall be no more than six feet in diameter surrounding trees.	Revises groundcover standards to remove stone around landscaping and revises standards for shrubs and perennials
4	20.04.080(c)(2)(G)(iii)	New section	iii. Except as provided in Section 20.04.080(c)(2)(G)(i), decorative stone may not be used as groundcover.	Revises groundcover standards to remove stone around landscaping and revises standards for shrubs and perennials
4	20.04.080(c)(2)(G)(v)	new section	Mulch is allowed for use on defined paths with raised borders that are less than 4' wide. Areas used for paths shall count as impervious surface coverage.	Adds language for walking paths to utilize mulch
4	20.04.080(d)	All plant material shall be selected from this Section 20.04.080(d). Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval	All plant material shall be selected from this Section 20.04.080(d) <b>or from the list of approved species outlined in the City of Bloomington Utilities Department Stormwater Design Manual.</b> Substitutions to the list shall be submitted to the City Planning and Transportation Department for approval	Adds species listed in CBU's stormwater manual as permitted species

4	20.04.080(f)(3)(B)	Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street. Street trees planted within the front yard shall not count towards other landscaping requirements.	Street trees along an arterial, collector, local, or private street shall be planted in a minimum five-foot wide tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street <b>and within 4' of any public pedestrian facilities</b> . Street trees planted within the front yard shall not count towards other landscaping requirements.	Adds distance maximums for trees from a sidewalk when a tree plot is not available
4	20.04.080(f)(4)(A)	Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the Transportation and Traffic Engineer.	Street trees shall be planted in a minimum five foot by five-foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the <del>Transportation and Traffic Engineer</del> <b>City Urban Forester</b> .	Changes designation for decisions regarding street tree design
4	20.04.080(g)(2)(F)	Buildings, parking areas, swimming pools, or drive aisles are not allowed within buffer yards.	Buildings, parking areas, swimming pools, <b>refuse areas and dumpsters</b> , or drive aisles are not allowed within buffer yards.	Adds dumpster and trash collection areas in the list of prohibited items in buffer yards
4	20.04.080(l)(3)(B)(ii)	A 10-foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. This planting area may either utilize raised planters or be level with street grade. Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.	A 10-foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. <del>This planting area may either utilize raised planters or be level with street grade.</del> Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.	Eliminates ability to use planter boxes, these are not viable long term and can look inappropriate
4	20.04.090(c)(4)	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts. (B) Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.	(A) All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line. <b>(B)</b> Properties bordered by R1, R2, R3, R4, or RMH are allowed no more than 0.5 footcandles at a point one meter beyond the property line adjacent to those districts. <b>(C)</b> Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter. The maximum reading shall be used.	Breaks Section (A) into two sections to separate the regulations
4	20.04.100(c)(2)(B)	Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f).	Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f) <b>and must be less than 6' tall if freestanding</b> .	Adds height limit to small signs
4	20.04.100(c)(2)(B)	Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f).	Any sign of not more than one and one-half square feet in area. Such signs are exempt from signage regulations except 20.04.100(f) <b>(1-4)</b> .	Modifies language to allow these small signs on fences where these are often utilized to denote limited information
4	20.04.100(c)(2)(C)(i)	In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area	In all zoning districts, each property is allowed to have two signs, neither of which shall exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area. <b>All signs allowed under this section shall not exceed 6' in height.</b>	Adds height limit to small signs
4	20.04.100(c)(2)(C)(ii)	In nonresidential and mixed-use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area	In nonresidential and mixed-use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area <b>and shall not exceed 6' in height if freestanding</b> .	Adds height limit to small signs
4	20.04.100(e)	The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.100	The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.100 <b>or Section 20.03.030(h)(3)</b>	Adds exemption language for signage associated with Construction Support Activities
4	20.04.100(e)(9)	Any sign that projects outward more than 12 inches from the facade of a building in, except as provided in Section 20.04.100(l).	Delete this section	Projecting signs are allowed in all districts



4	20.04.100(f)(2)	In any public right-of-way, unless the sign is authorized by Section 20.04.100(k)(9) , or the sign is authorized by Section 20.04.100(l)(3), or the sign is authorized by Section 20.04.100(l)(7), or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the city;	In any public right-of-way, unless the sign <b>is an approved wall, awning, or projecting sign; or</b> is authorized by Section 20.04.100(k)(9) , <del>or the sign is authorized by</del> Section 20.04.100(l)(3), <del>or the sign is authorized by</del> Section 20.04.100(l)(7); or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the city;	Clarifies that signs attached to buildings are allowed in the right-of-way
4	20.04.100(f)(3)	On the roof of a structure, or extending above the eave, roof line or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below.	On the roof of a <b>structure building</b> , or extending above the eave, roof line or parapet of a building, except that signs may be located on the vertical portion of a mansard roof if no vertical wall space is available on the wall space associated with that tenancy or occupancy below <b>and excepting that signs may be placed on top of awnings.</b>	Clarifies that certain parts of a building (e.g. an awning) are allowed to have signs on them
4	20.04.100(g)(1)(C)(ii)	Sign bases shall have an aggregate width of at least 40 percent of the total horizontal width of the sign; or have supports that are less than 25 percent of the vertical height of the sign	Sign bases shall have an aggregate width <b>(including support structures)</b> of at least 40 percent of the total horizontal width of the sign; or have supports that are less than 25 percent of the vertical height of the sign	Clarifies that support structures are included in the width calculations
4	20.04.100(g)(3)	Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, subject to the following: (A) The electronic reader board portion may not exceed 30 square feet or 40 percent of the total area of any sign face (whichever is less). (B) Any combination of the electronic reader board area and any changeable copy area combined does not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.	Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, subject to the following: (A) The electronic reader board portion may not exceed 30 square feet or 40 percent of the total area of any sign face (whichever is less). (B) Any combination of the electronic reader board area and any changeable copy area combined does not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds. <b>(C) Electronic reader boards are not allowed on signs larger than 125 square feet.</b>	Adds prohibition of electronic signs on signs larger than 125 square feet.
4	20.04.100(j)(2)(A)(iii)	No use shall be limited to less than 30 square feet of wall signage. Uses with less than 200,000 square feet of building area shall not be permitted to exceed 300 square feet of wall signage. Uses with 200,000 square feet or more of building area shall not be permitted to exceed 400 square feet of wall signage.	No <b>non-residential</b> use shall be limited to less than 30 square feet of wall signage. Uses with less than 200,000 square feet of building area shall not be permitted to exceed 300 square feet of wall signage. Uses with 200,000 square feet or more of building area shall not be permitted to exceed 400 square feet of wall signage.	Clarifies limitations of this section
4	20.04.100(j)(2)(B)	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. <b>Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.</b>	Adds additional language for signs on awnings
4	20.04.100(k)(2)(A)(iii)	No property shall be limited to less than 20 square feet of wall signage and no use or tenant shall be permitted to exceed 100 square feet of wall signage.	No <del>non-residential property</del> <b>use</b> shall be limited to less than 20 square feet of wall signage and no use or tenant shall be permitted to exceed 100 square feet of wall signage.	clarifies limitations of this section
4	20.04.100(k)(2)(B)	No wall signage shall be located on a side or rear building facade facing a residential use.	No wall signage shall be located on a side or rear building facade facing a residential use. <b>Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.</b>	Syncs language with other similar standards
4	20.04.100(k)(2)(C)	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. <b>Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.</b>	Adds additional language for signs on awnings
4	20.04.100(l)(2)(C)	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.	Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached. <b>Signs on awnings may not extend more than 12 inches above the awning and any support structures shall not be visible.</b>	Adds additional language for signs on awnings
4	20.05.050(j)(3)	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.	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 <b>right-of-way width as fee simple right-of-way</b> width along either one or both sides of such streets in order to bring them up to standards.	Clarifies that right-of-way is dedicated as fee simple

4	20.05.050(k)(5)	All public utility improvements shall be designed and installed as per City Utilities Department standards.	All public utility improvements shall be designed and installed as per City Utilities Department standards. <b>All new utility lines shall be buried.</b>	Adds language requiring new utility lines to be buried
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**ORDINANCE 2025-13**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20.03**

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

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

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

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

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

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

WHEREAS, on March 10, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 19, 2025; and

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

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

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-08-25 (hereinafter “Attachment A”)
  - (B) Any Council amendment thereto (“Attachment B”)

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

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

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

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

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

\_\_\_\_\_  
HOPI STOSBERG, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2025.

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

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2025.

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

SYNOPSIS

This petition contains amendments in the UDO related to use-specific standards in Chapter 3. There are 10 amendments identified.

## ATTACHMENT “A”

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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-13 is a true and complete copy of Plan Commission Case Number ZO-08-25 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 10, 2025.

Date: March 19, 2025

  
David Hittle, Secretary  
Plan Commission

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

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

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

Type of Legislation:

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

\_\_\_\_\_  
Signature of Controller

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

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

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

Approval of case ZO-08-25 amends the Unified Development Ordinance (UDO), with amendments and updates to use-specific standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-08-25 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Assistant Director

**Date:** March 19, 2025

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

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The Plan Commission heard case ZO-08-25 on March 10, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last annual UDO Update process was completed in April 2024. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 2025-13:

### 1. ZO-08-25 | Chapter 3: Use Regulations

#### ZO-08-25 | Chapter 3: Use Regulations

This petition deals with Chapter 3, and the amendments deal with the following: removing the separate utility requirement in duplexes, triplexes, and fourplexes; clarifying how setbacks are determined for building interior parking; clarifying ground floor residential locations for the downtown zoning district; clarifying when perimeter sidewalks are required in cottage development projects and adding a dwelling size maximum; excluding electric charging units from maximum dispenser amounts; adding use-specific standards for vehicle fleet operations; clarifying temporary structure permitting, and allowing signage on construction fencing. There are 10 amendments identified. These changes are important for various reasons. Most of the changes are clarifying standards for particular uses.

**(B) Occupancy**

Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).

**(C) Design**

In the R1, R2, R3, and R4 zoning districts the following shall apply:

- i. Each unit in a newly constructed duplex dwelling shall have a separate exterior entrance facing a public or private street. Duplex dwellings created through renovation or expansion of existing structures shall have a least one exterior entrance facing a public or private street.
- ii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex structures on the same block face on which it is located:
  1. Roof pitch;
  2. Front porch width and depth;
  3. Front building setback; and
  4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. No duplex dwelling structure shall contain more than six bedrooms total.
- ~~iv. Each individual dwelling unit shall have separate utility meters.~~

**(D) Approval**

In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a 150 foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of 2 years after the date of the Conditional Use approval. For purposes of this section, the 150 feet shall be measured from the property lines of the parcel receiving approval.

**(E) Maximum Number**

In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of 15 duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

**(4) Dwelling, Triplex and Fourplex****(A) Generally**

- i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at the time of Conditional Use application.

**(B) Occupancy**

Occupancy of each unit in a triplex and fourplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).



**(C) Design**

- i. Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.
- ii. The following design elements of the triplex or fourplex dwelling shall be similar in general size, shape, and design with the majority of existing structures on the same block face on which it is located:
  - 1. Roof pitch;
  - 2. Front porch width and depth;
  - 3. Front building setback; and
  - 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. In the R4 zoning district, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than 12 bedrooms total.
- iv. ~~Each individual dwelling unit shall have separate utility meters.~~

**(5) Dwelling, Multifamily****(A) Ground Floor Parking**

Any portions within the ground floor of a structure used for vehicular parking and drive aisles directly accessing parking spaces shall be located at least 20 feet behind the building facade facing a public street, except that drive aisles are excluded for development sites of 0.5 acres or less. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

**(B) Size**

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

**(C) Building Floor Plate**

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

**(D) Ground Floor Units**

- i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.
- ii. In the MD zoning district, each dwelling unit located on the ground floor within 20 feet of the front property line shall be constructed with the first floor elevated a minimum of 3 feet above the adjacent sidewalk grade. Any dwelling unit shall be located at least 20 feet from the front property line does not have to meet the 3 foot elevation requirement. behind each building facade facing a public street.

**(6) Dwelling, Live/Work**

- (A) The residential unit shall be located above or behind the nonresidential areas of the structure.

**(D) Central Open Space**

Each cottage development shall include at least one centrally located open space area of at least 400 square feet per dwelling unit. Parking areas cannot be counted toward this open space requirement.

**(E) Parking and Access**

- i. Parking shall be designed to limit curb cuts and most efficiently park vehicles.
- ii. Parking may take place on a shared, paved parking lot or in shared driveways.
- iii. Shared driveways may access individual garages.
- iv. Project perimeter sidewalks may be required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.

**(F) Landscaping and Buffering**

- i. All cottage developments shall install a bufferyard type 1 along rear and side lot lines per Section 20.04.080 (Landscaping, Buffering, and Fences).
- ii. Parking lot landscaping shall be provided per the requirements of Section 20.04.060 (Parking and Loading).

**(G) Architecture**

- i. All structures shall meet the design standards applicable to single-family homes in the zoning district where the property is located.
- ii. Dwelling units shall have a maximum 1:3 width to depth ratio for the first floor.
- ~~iii.~~ Each unit shall have a maximum cumulative area of 1,200 square feet.

**(8) Dwelling, Mobile Home**

All mobile homes shall be installed on a permanent foundation and have perimeter skirting.

**(9) Manufactured Home Park****(A) Entrance and Drive**

Manufactured or mobile home parks with 20 or more dwelling sites shall comply with the following standards.

- i. At least two access points for ingress to and egress from the park shall be provided.
- ii. Individual dwelling sites shall only have driveways providing access to interior streets.
- iii. Each new driveway apron onto a street shall be surfaced with concrete.
- iv. Enlargement or modification of any existing driveway shall require the driveway apron to be surfaced with concrete.

**(B) Parking****i. Location**

Required parking shall be located on each dwelling site.

**ii. Surface Material**

- 1. Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, brick pavers, or a similar durable surface approved by the Planning and Transportation Director.

**(13) Equipment Sales and Rental**

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

**(14) Vehicle Fuel Station**

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

**(15) Vehicle Fleet Operations**

- (A) In the MM and MN zoning districts, only vehicle fleet operations that do not include the exclusive use of autonomous vehicle services are permitted.
- (B) Vehicle fleet operations that include autonomous vehicle services shall not be located on a property within 300 feet (measured from the nearest property line of the vehicle fleet operations using a straight line, without regard to intervening structures or the public right-of-way) of any of the following:
  - i. School, Public or Private (preschool, K-12);
  - ii. Day care center, adult or child;
  - iii. Park (including publicly owned multiuse trails;
  - iv. R1, R2, R3, R4, or RHM zoning district, including any portions of a Planned Unit Development designated for single family residential use;

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

(C) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(D) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

(E) All structures, including fuel canopies, shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials

(F) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from the public streets

#### ~~(15)~~(16) **Vehicle Impound Storage**

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

#### ~~(16)~~(17) **Vehicle Parking Garage**

- A. In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Downtown Character Overlays, a freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).
- B. In all districts, if exterior facades of a parking garage structure are not covered with residential or commercial spaces, then the following design elements shall all be included:
  - a. Exterior facades shall utilize a punched-out window design with a minimum of 2' solid space between openings and defined lentils and sills that utilize different finishing material than adjacent facade.
  - b. The building shall be designed so that the presence of parked vehicles is not visible.
  - c. A minimum of one pedestrian entrance with required entrance detailing is required per street frontage.
  - d. A minimum of 25% of each facade facing a public street shall incorporate public art, planter boxes, or similar elements.

#### ~~(17)~~(18) **Vehicle Repair, Major or Minor**

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

#### ~~(18)~~(19) **Vehicle Wash**

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

**(1) Generally****(A) Permit Required**

All temporary uses and temporary structures larger than 144 square feet shall require a Temporary Use Permit pursuant to Section 20.06.050(k) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 03-1: Allowed Use Table shall be prohibited.

**(B) Off-street Parking**

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

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

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

**(D) Signs**

Temporary uses shall be permitted to display one banner sign with an area of up to 16 square feet without the need to obtain sign permits, subject to regulations on permitted locations and maximum height of signs of the same type in the zoning district where the temporary use is located. Temporary banner signs shall be located on a structure (not freestanding).

**(2) Book Buyback**

The temporary buyback of higher education books shall require a temporary use permit. Such permit shall be valid for a maximum of two periods of seven consecutive days or one period of 15 consecutive days. No property shall be issued permits totaling more than 15 days in a calendar year.

**(3) Construction Support Activities**

Contractor's offices, equipment storage, and portable lavatories are permitted on or adjacent to construction sites on property owned or controlled by the owner of the property on which the construction is taking place, subject to the following conditions:

(A) The use shall only occur between 15 days before and 15 days after the construction activity. All temporary facilities shall be removed within 15 days after completion of construction;

(B) The structures shall not contain sleeping or cooking facilities; and

~~(C)~~ Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

~~(D)~~ Temporary signage is allowed to be mounted to construction fencing.

**(4) Farm Produce Sales**

A temporary use permit is not required to operate a farm produce sales use, but such use shall comply with the standards of this UDO, in addition to the following standards:

(A) Temporary tents, structures, or stands used for the sale of farm produce shall not exceed 150 square feet;

(B) Farm produce sales operations shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the principal use in this UDO;

Chapter	Citation	Current Language	Proposed Language	Synopsis
3	20.03.030(b)(3)(C)(iv)	Each individual dwelling unit shall have separate utility meters	<del>Each individual dwelling unit shall have separate utility meters</del>	Removes this requirement as it adds to development cost and can be prohibitive for conversion of existing space.
3	20.03.030(b)(4)(C)(iv)	Each individual dwelling unit shall have separate utility meters	<del>Each individual dwelling unit shall have separate utility meters</del>	Removes this requirement as it adds to development cost and can be prohibitive for conversion of existing space.
3	20.03.030(b)(5)(A)	Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.	Any portions within the ground floor of a structure used for vehicular parking <b>and drive aisles directly accessing parking spaces</b> shall be located at least 20 feet behind the building facade facing a public street, <b>except that drive aisles are excluded for development sites of 0.5 acres or less.</b> If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.	Clarifies that the access aisle for the parking spaces is included in the 20' setback for project sites over half an acre
3	20.03.030(b)(5)(D)(ii)	In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building facade facing a public street.	In the MD zoning district, each dwelling unit located on the ground floor <b>within 20 feet of the front property line shall be constructed with the first floor elevated a minimum of 3 feet above adjacent sidewalk grade. Any dwelling unit shall be located at least 20 feet from the front property line does not have to meet the 3 foot elevation requirement.</b>	Revises language for situations where an existing building may be 20' back from the street and they want to create ground floor dwelling units or situations where someone wants to create ground floor units within that 20', requiring elevation.
3	20.03.030(b)(7)(E)(iv)	Project perimeter sidewalks are required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.	Project perimeter sidewalks <del>are may be</del> required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.	Makes requirement for perimeter sidewalks discretionary
3	20.03.030(b)(7)(G)	New Section	<b>iii. Each unit shall have a maximum cumulative area of 1,200 square feet</b>	Adds a square footage limitation to insure these are smaller homes and more typical of an actual cottage development
3	20.03.030(d)(14)(H)	At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas	At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas. <b>Electric charging units shall not count toward the maximum dispenser units allowed.</b>	Clarifies that electric dispenser units do not count toward maximum number of allowed fuel dispenser units
3	20.03.030(d)	New language	<b>(15) (A) In the MM and MN zoning districts, only vehicle fleet operations that do not include the exclusive use of autonomous vehicle services are permitted. (B) Vehicle fleet operations that include autonomous vehicle services shall not be located on a property within 300 feet (measured from the nearest property line of the vehicle fleet operations using a straight line, without regard to intervening structures or the public right-of-way) of any of the following: i. School, Public or Private (preschool, K-12); ii. Day care center, adult or child; iii. Park (including publicly owned multiuse trails); iv. R1, R2, R3, R4, or RHM zoning district, including any portions of a Planned Unit Development designated for single family residential use; v. RM or RH zoning district, including any portion of a Planned Unit Development designated for multifamily residential use; and (C) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted. (D) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited. (E) All structures, including fuel canopies, shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials (F) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from the public streets</b>	new use specific language

3	20.03.030(h)(1)(A)	All temporary uses shall require a Temporary Use Permit pursuant to Section 20.06.050(k) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 03-1: Allowed Use Table, shall be prohibited.	All temporary uses <b>and temporary structures larger than 144 square feet</b> shall require a Temporary Use Permit pursuant to Section 20.06.050(k) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 03-1: Allowed Use Table, shall be prohibited.	adds language regulating temporary structures larger than 144 square feet
3	20.03.030(h)(3)(D)	new section	<b>(D) Temporary signage is allowed to be mounted to construction fencing</b>	Adds language allowing signage to be mounted to construction fencing for security and informational purposes

**\*\*Amendment Form\*\***

**Ordinance #:** 2025-13  
**Amendment #:** Am 01  
**Submitted by:** Cm. Piedmont-Smith  
**Date:** May 14, 2025

**Proposed Amendment:** (Deletions shown in ~~striketrough~~)

1. Subsection (A) of paragraph (15) entitled “Vehicle Fleet Operations,” as added at p.106 of the Bloomington, Indiana – Unified Development Ordinance as shown in Attachment “A” to Ord. 2025-13 shall read:

(15) Vehicle Fleet Operations

(A) In the MM and MN zoning districts, only vehicle fleet operations that do not include the ~~exclusive~~ use of autonomous vehicle services are permitted.

2. All other sections of Attachment “A” to Ord. 2025-13 shall remain unchanged.

**Synopsis**

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

**05/21/25 Regular Session Action:** Pending



**ORDINANCE 2025-14**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Amendments and Updates Set Forth in BMC 20.05, 20.06, & 20.07**

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

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

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

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

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

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

WHEREAS, on March 10, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on March 19, 2025; and

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

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

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

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

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - (A) ZO-09-25 (hereinafter “Attachment A”)
  - (B) Any Council amendment thereto (“Attachment B”)

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

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

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

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

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

\_\_\_\_\_  
HOPI STOSBERG, President  
Bloomington Common Council

ATTEST:

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

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_ day of \_\_\_\_\_, 2025.

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

SIGNED AND APPROVED by me upon this \_\_ day of \_\_\_\_\_, 2025.

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

SYNOPSIS

This petition contains amendments in the UDO related to use-specific standards in Chapters 5, 6, & 7. There are 11 amendments identified.

## ATTACHMENT “A”

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

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-14 is a true and complete copy of Plan Commission Case Number ZO-09-25 which was given a recommendation of approval by a vote of 6 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 10, 2025.

Date: March 19, 2025

  
David Hittle, Secretary  
Plan Commission

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

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

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

Type of Legislation:

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

\_\_\_\_\_

\_\_\_\_\_

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

Signature of Controller

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

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

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

Approval of case ZO-09-25 amends the Unified Development Ordinance (UDO), with amendments and updates to subdivision standards, procedures, and definitions, 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-09-25 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Assistant Director

**Date:** March 19, 2025

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

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The Plan Commission heard case ZO-09-25 on March 10, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 6-0.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last annual UDO Update process was completed in April 2024. This update is part of our regular maintenance of the code. Staff utilizes the UDO every day in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to proposed uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance 2025-14:

1. ZO-09-25 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures, and Chapter 7: Definitions

ZO-09-25 | Chapter 5: Subdivision Standards; Chapter 6: Administration & Procedures, and Chapter 7: Definitions

These amendments cover a variety of topics. There are amendments clarify allowances in easements, the floodplain, and with lot line adjustments. There is removal of a reference to development near State Road 37/Interstate 69. There are clarifications related to fencing, decorative stone, and autonomous vehicle services. There are 11 amendments identified. These amendments are needed to provide clarity on existing processes.

**(4) Utility Easement**

- (A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.
- (B) Prohibits the placement of any unauthorized obstruction within the easement area unless authorized by the City Utilities Department and the easement holder(s).

**(5) Pedestrian Easement**

- (A) Grants the general public the right to access the pedestrian easement for purposes of walking, running, bicycling, skating, or using small motorized and non-motorized vehicles approved by the city.
- (B) Grants the city the right to construct, alter, repair, maintain, or remove improvements within the easement area.
- (C) Prohibits the placement of any obstruction within the pedestrian easement.

**(6) Transit Facility Easement**

- (A) Grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation.
- (B) Grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.
- (C) Prohibits anyone other than the public transportation authority from placing any structures within the transit facility easement.

**(7) Karst Conservancy Easement**

- (A) Prohibits any land-disturbing activities, including mowing or the placement of a fence, within the easement area. ~~Mowing is allowed within the easement area.~~
- (B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic or invasive species, only after first obtaining written approval from the Planning and Transportation Department.
- (C) Grants the city the right to enter the property to inspect the easement and alter or repair the karst feature.
- (D) All Karst Conservancy Easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than 200 feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size. The property owner shall be responsible for installing and maintaining required signage.
- (E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.
- (F) Allows, in cases where removal of exotic or invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the Planning and Transportation Department is required prior to any proposed restoration.

**(8) Tree Preservation Easement**

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

- iv. Creation or expansion of any vehicular parking area.

**(B) Activities Exempt from Site Plan Review**

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

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

**(C) Thresholds for Minor and Major Site Plan Review**

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

**i. Minor Site Plan Review**

Minor site plan review is required for any of the following activities unless that activity is exempt from the site plan process under Section 20.06.050(a)(2)(B), 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 permit; or
- 7. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district 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):

- ~~1. Development located within 500 feet, measured radially, from the centerline of State Road 37/Interstate 69;~~

3. In the case where the Planning and Transportation Director determines a new conditional use permit is required, a petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing, ~~Petition Submittal and Processing~~) and this Section 20.06.050(b) (Conditional Use Permit).
4. The Hearing Officer may hear requests for amendments to a conditional use, if authorized by the Plan Commission.

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### (c) Demolition Delay Permit

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#### (1) Purpose

The demolition delay permit procedure is intended to ensure that potentially historic structures are protected from demolition or alteration.

#### (2) Applicability

(A) This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

~~This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.~~

(B) No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.

#### (3) Demolition Delay Permit Review Process

Figure 06.05-4 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to demolition delay permit review. Additions or modifications to the common review procedures are noted below.



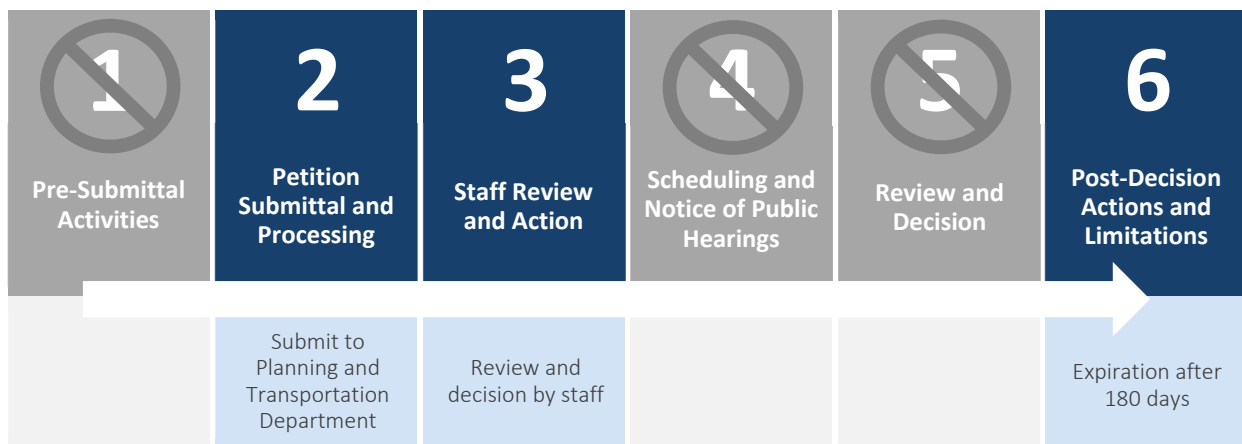
**(2) Applicability**

- (A) No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.
- (B) Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state law and all other applicable rules, regulations, standards and specifications of the City regarding development within a floodplain.
- (C) The following activities are exempt from requiring a floodplain development permit- installation of underground utilities that do not require any fill, construction of sidewalks or similar features at existing grade, and signs.

**(3) Floodplain development permit Review Process**

Figure 06.05-6 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 ~~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;

**v. Time Limitation**

If an easement modification or termination petition has been denied, the petitioner shall not file a new petition with the same or substantially similar request for a period of six months.

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## 20.06.060 Subdivision Procedures

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### (a) General Standards

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**(1) Purpose**

The purpose of these subdivision procedures, and the related standards in Chapter 20.05: (Subdivision Standards) is to guide the development of the Plan Commission's jurisdiction to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities; that the needs of public utilities and facilities be recognized in the future growth; and that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

**(2) Applicability****(A) Generally**

This Section 20.06.060 shall apply to all subdivisions of land in any zoning district located within the jurisdiction of the Plan Commission, except as stated in subsection (B) below. No land within that jurisdiction shall be subdivided until:

- i. A plat conforming to these regulations has been approved and certified by the Plan Commission; and
- ii. The approved secondary plat has been filed with the County Recorder's office.

**(B) Exemptions**

The regulations of this Section 20.06.060 shall not apply to the following:

- i. An adjustment of lot lines as shown on a recorded plat which does not reduce the lots below the minimum zoning requirements of Chapter 2 and does not increase the original number of lots. Such adjustment is subject to 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).
- ii. A division of land into two or more tracts for an agricultural use of 10 or more acres, not involving any new street or access easement.
- iii. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in state law.
- v. Modification of existing streets to conform to the Comprehensive Plan.

- vi. The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.
- vii. The exchange of land between owners of adjacent property provided that such exchange does not reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels. Such adjustment is subject to 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).
- viii. The platting of condominium units regulated by Indiana Code 32-25: Condominiums.

**(C) Jurisdiction**

After the provisions of this Section 20.06.060 (~~Subdivision Procedures~~ ~~Subdivision Procedures~~) and related provisions in Chapter 20.05: (Subdivision Standards) have been adopted, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by this UDO.

**(D) Subdivision Type**

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

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**(b) Primary Plat**

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**(1) Purpose**

The primary plat procedure provides a mechanism for the city to review an overall plan for a proposed subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

**(2) Applicability**

A primary plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.

**(3) Primary Plat Review Process**

Figure 06.06-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to primary plat review. Additions or modifications to the common review procedures are noted below.

**Figure 06.06-1: Summary of Primary Plat Procedure**

- iii. For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this UDO, or the predominant lawful use for the preceding five years, whichever is greater.

**(C) Pending or Approved Building Permit**

- i. When a complete building permit application has been filed with the Monroe County Building Department, where the proposed structure included a nonconforming use involving a dwelling unit intended for occupancy by four or five adults who are not all related to each other shall be considered a lawful nonconforming subject to the following:
  1. The building permit application conforms to all applicable regulations in effect at the time of application;
  2. The property owner's intention to accommodate said four or five adults is stated in writing;
  3. The property was registered pursuant to this subsection within 180 days of the effective date of this UDO;
  4. The property was lawfully eligible for occupancy by four or five adults not all related to each other prior to the effective date of this UDO;
  5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete ).
- ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the city or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete ).

**(D) Abandonment of Residential Occupancy**

Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to city staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

---

**(d) Nonconforming Structures**

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**(1) Authority to Continue**

A lawfully nonconforming structure may continue in its existing condition ~~unless and until full or limited compliance with the development standards of this UDO is required as set forth in Section 20.06.090(f)(2) and the following provisions, however no~~ increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

---

**(e) Nonconforming Lots**


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A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (~~Nonconformities~~ ~~Nonconformities~~).

- (1) All lots legally established and recorded prior to the effective date of this UDO or its subsequent amendments that do not meet the lot area and lot width standards of this UDO shall be deemed a substandard lot, otherwise known as a lawful nonconforming lot of record.
- (2) A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this UDO as long as all use restrictions and other development standards of this UDO are met.

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**(f) Nonconforming Site Features**


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A lawfully nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required. No increase in the degree of nonconformity with any site feature is permitted except as expressly provided in this section.

**(1) Full Compliance**

A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings, except that existing nonconforming setbacks, architecture, and height for existing structures and parking can remain.

**(2) Limited Compliance**
**(A) Applicability**

A lawful nonconforming site or structure shall be brought into compliance with the standards in paragraph (B) below when any of the following occur on the site:

**i. Nonresidential and Mixed-Use**

1. Any change in use, expansion, enlargement, or relocation of any use;
2. Reestablishment of a prior conforming use that has been discontinued for a period of 12 months or longer; or
3. Expansions, alterations, or modifications that increase the gross floor area of the building by more than 10 cumulative percent, including previous additions approved under any UDO effective since February 12, 2007.

**ii. Multifamily and Group Living**

1. Any expansions, alterations, or modifications to an existing building, with the exception of accessory structures less than 580 square feet, provided that the accessory structure does not increase the degree of nonconformity regarding required maximum impervious surface coverage or required number of parking spaces;
2. Any change in use, or any expansion, enlargement, or relocation of any use; or
3. Any addition of dwelling units.

**vii. Landscaping**

If full compliance with Section 20.04.080 (~~General Landscaping~~ General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

**viii. Pedestrian Facilities**

Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (~~Pedestrian and Bicycle Circulation~~ Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that curb ramps shall comply with the Americans with Disabilities Act.

**ix. Signage**

All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.

**x. Dumpster Enclosures**

All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (~~Screening~~ Screening).

**xi. Lighting**

All lighting shall be brought into compliance with Section 20.04.090 (Outdoor Lighting).

**xii. Entrances and Drives**

All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.

**xiii. Minimum Landscape Area**

If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt, gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.

**xiv. Fencing**

Any fence or wall that contains prohibited components as outlined in Section 20.04.080(n)(4)(A) must remove the prohibited components only.

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**(g) Nonconforming Signs**


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**(1) Generally**

- (A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in this Section 20.06.090(g).

**Hotel or Motel**

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

**HPC**

The City of Bloomington Historic Preservation Commission.

**Hydrologic and Hydraulic Engineering Analysis**

For the purposes of floodplain regulations, analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**IBC**

Indiana Building Code.

**IC**

Indiana Code.

**IDEM**

Indiana Department of Environmental Management.

**IESNA**

Illuminating Engineering Society of North America.

**Impervious Surface**

Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

**Impervious Surface Coverage**

The area of the lot covered by the following shall be included in the calculation of impervious surface coverage in all districts:

- 1) Primary buildings;
- 2) Accessory buildings, parking garages, carports, and utility and storage sheds;
- 3) Porches, stairways, elevated walkways, ground floor decks, paved areas, gravel or stone areas, or areas otherwise covered with impervious surface; and
- 4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Planning and Transportation Director.

**Vehicle**

See "Motor vehicle."

**Vehicle Fleet Operations**

A central facility for the dispatch, distribution, storage, staging, refueling, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, autonomous vehicle services, and taxi services. This use does not include a "Transportation Terminal."

**Vehicle Fleet Operations, Small**

A facility or establishment designed to accommodate up to 25 vehicles.

**Vehicle Fleet Operations, Large**

A facility or establishment designed to accommodate more than 25 vehicles.

**Vehicle Fuel Station**

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. When a primary use of land, accessory use may include convenience food and beverage sales.

**Vehicle Impound Storage**

A lot or part of a lot used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. This use does not include "Salvage or Scrap Yard," except where separately permitted.

**Vehicle Parking Garage**

A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either open or enclosed. This use does not include a primary use surface parking lot.

**Vehicle Repair, Major**

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting. This use does not include "Vehicle Fuel Station or Vehicle Wash"

**Vehicle Repair, Minor**

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or major repairs such as vehicle bodywork, painting, or repair of engines or transmissions or "Vehicle Fuel Station or Vehicle Wash"

**Vehicle Sales or Rental**

An establishment that specializes in the sale, lease, or rental, of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.



Chapter	Citation	Current Language	Proposed Language	Synopsis
5	20.05.040(e)(7)(A)	(A) Prohibits any land-disturbing activities, including the placement of a fence, within the easement area. Mowing is allowed within the easement area.	(A) Prohibits any land-disturbing activities, including <b>mowing or</b> the placement of a fence, within the easement area. <del>Mowing is allowed within the easement area.</del>	Syncs language with restrictions outlined in Section 20.04.030(g)
6	20.06.060(a)(2)(B)(i)	An adjustment of lot lines as shown on a recorded plat which does not reduce the lots below the minimum zoning requirements of Chapter 2 and does not increase the original number of lots.	An adjustment of lot lines as shown on a recorded plat which does not reduce the lots below the minimum zoning requirements of Chapter 2 and does not increase the original number of lots. Such adjustment is subject to 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).	Adjusts lot line adjustment regulations to include preferred lot design
6	20.06.060(a)(2)(B)(vii)	The exchange of land between owners of adjacent property provided that such exchange does not reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels.	The exchange of land between owners of adjacent property provided that such exchange does not reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels. Such adjustment is subject to 20.05.050(e)(1), 20.05.050(3)(B), and 20.05.050(3)(C).	Adjusts lot line adjustment regulations to include preferred lot design
6	20.06.050(a)(2)(C)(ii)(1)	Development located within 500 feet, measured radially, from the centerline of State Road 37/Interstate 69;	<del>Development located within 500 feet, measured radially, from the centerline of State Road 37/Interstate 69;</del>	Removes this requirement since this was an old trigger from previous zoning codes.
6	20.06.050(c)(2)	This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code. No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.	(A) This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code. (B) No certificate of zoning compliance authorizing release of a permit allowing the demolition, substantial demolition, or partial demolition of a structure that is listed as "Outstanding" or "Notable," or demolition or substantial demolition of a structure listed as "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.	Breaks this section into two separate sections for ease of citation
6	20.06.050(d)(2)(C)	New Section	(C) The following activities are exempt from requiring a floodplain development permit- installation of underground utilities that do not require any fill, construction of sidewalks or similar features at existing grade, and signs.	Adds exemption language for activities that do not require a floodplain development permit
6	20.06.090(d)(1)	A lawfully nonconforming structure may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth in Section 20.06.090(f)(2) and the following provisions. No increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.	A lawfully nonconforming structure may continue in its existing condition <del>unless and until full or limited compliance with the development standards of this UDO is required as set forth in Section 20.06.090(f)(2) and the following provisions-</del> , however <del>No</del> no increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.	Revises language to state that existing non-conforming buildings are allowed to remain without being required to be brought into compliance.
6	20.06.090(f)(1)	A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings.	A lawful nonconforming site shall be brought into compliance with this UDO with any petition for new building construction or in connection with demolition of existing and construction of new buildings, <b>except that existing nonconforming setbacks, architecture, and height for existing structures can remain.</b>	Allows for existing building setbacks to remain when an additional building is built on a site
6	20.06.090(f)(2)(B)(xiv)	Any fence or wall that contains prohibited components must remove the prohibited components only.	Any fence or wall that contains prohibited components <b>as outlined in Section 20.04.080(n)(4)(A)</b> must remove the prohibited components only.	Clarifies items that are considered prohibited

7	20.07.010	<p>Impervious Surface Coverage- The area of the lot covered by the following shall be included in the calculation of impervious surface coverage in all districts: 1) Primary buildings 2) Accessory buildings, parking garages, carports, and utility and storage sheds; 3) Porches, stairways, elevated walkways, ground floor decks, paved areas, or areas otherwise covered with impervious surface; and 4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Planning and Transportation Director.</p>	<p>Impervious Surface Coverage- The area of the lot covered by the following shall be included in the calculation of impervious surface coverage in all districts: 1) Primary buildings 2) Accessory buildings, parking garages, carports, and utility and storage sheds; 3) Porches, stairways, elevated walkways, ground floor decks, paved areas, <b>gravel or stone areas</b>, or areas otherwise covered with impervious surface; and 4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Planning and Transportation Director.</p>	<p>Adds "gravel or stone areas" to list of items regarded as impervious surface coverage</p>
7	20.07.010	<p>Vehicle Fleet Operations- A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services. This use does not include a "Transportation Terminal."</p>	<p>A central facility for the dispatch, distribution, storage, staging, <b>refueling</b>, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, <b>autonomous vehicle services</b>, and taxi services. This use does not include a "Transportation Terminal."</p>	<p>Modifies language for possible self-charging only stations</p>

## APPROPRIATION ORDINANCE 2025-06

### ORDINANCE TO APPROPRIATE FOOD AND BEVERAGE TAX FUNDS TO THE MONROE COUNTY CAPITAL IMPROVEMENT BOARD

- WHEREAS; the Monroe County Capital Improvement Board (the "CIB"), a municipal corporation established by Monroe County, Indiana (the "County") pursuant to Indiana Code 36-10-8, is responsible for managing the planning, design, construction and related activities for the expansion and construction of the Monroe County Convention Center (the "Project"); and
- WHEREAS; the Project is funded in part through proceeds from the issuance of lease rental revenue bonds (the "Bonds") in the amount of approximately Fifty Million Dollars (\$50,000,000), which will be closed on or about April 29, 2025, as well as dedicated funds on hand; and
- WHEREAS; the City currently holds approximately Nineteen Million Eight Hundred Thousand Dollars (\$19,900,000) in Food and Beverage Tax revenues, which have been earmarked for the Project, and are legally restricted under Indiana law for use in promoting tourism-related economic development, including the construction and expansion of convention facilities; and
- WHEREAS; the CIB, pursuant to statutory authority and contractual obligations, is charged with managing, overseeing and constructing the Project, including entering into agreements such as the construction manager contract with Weddle Bros. Construction Company, Inc.; and
- WHEREAS; it is necessary to appropriate Ten Million Dollars (\$10,000,000) from the City Food and Beverage fund to facilitate commencement of construction activities in early 2025.

NOW, THEREFORE, BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. There is hereby appropriated from the City of Bloomington's Food and Beverage Tax Fund (Fund 4439) the sum of Ten Million Dollars (\$10,000,000) to the Monroe County Capital Improvement Board for the purpose of funding initial construction expenses related to the expansion and construction of the Monroe County Convention Center.
2. The City Controller is hereby authorized and directed to disburse the appropriated funds to the Monroe County Capital Improvement Board, in accordance with applicable contracts, agreements, and Indiana law governing the use of food and beverage tax revenues.
3. The Controller shall ensure that all disbursements are made in compliance with applicable statutory requirements, contractual terms, and reporting obligations.
4. Any unexpended funds remaining at the conclusion of the Project, or upon satisfaction of all contractual obligation related to the appropriation, shall revert to the City's Food and Beverage Tax fund and be used in accordance with Indiana law.
5. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
6. 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 this \_\_\_\_ day of \_\_\_\_\_, 2025, by the Common Council of the City of Bloomington, Indiana.

COMMON COUNCIL OF THE  
CITY OF BLOOMINGTON, INDIANA

\_\_\_\_\_  
Hopi Stosberg

ATTEST:

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

PRESENTED to the Mayor of the City of Bloomington, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2025.

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

APPROVED by me, the Mayor of the City of Bloomington, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Kerry Thomson, Mayor

Synopsis

This ordinance appropriates \$10,000,000 from the Food and Beverage Fund to the Monroe County Capital Improvement Board to begin construction of the Monroe County Convention Center expansion project.



**City of Bloomington Indiana**

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

**MEMO FROM CONTROLLER MCCLELLAN:**

**To:** Members of the Common Council

**From:** Jessica McClellan, Controller

**Date:** 4/28/2025

**Re:** Appropriation Ordinance 2025-06 – To appropriate Food and Beverage Tax funds to the CIB.

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**INTRODUCTION**

The City of Bloomington has prepared Ordinance 2025-06 to authorize the appropriation of Ten Million Dollars (\$10,000,000) to the Monroe County Capital Improvement Board (CIB) for the purpose of financing the expansion of the Monroe County Convention Center. The CIB, established pursuant to Indiana Code § 36-10-9 and empowered to oversee and manage the development and operation of the Monroe County Convention Center Expansion Project, will use the funds to cover construction-related costs for the convention center expansion.

The Monroe County Convention Center Expansion Project is funded through a combination of Food and Beverage Tax revenue cash on hand, and bond proceeds. The CIB has already commenced planning and design activities. This appropriation will provide the necessary funding to begin construction in 2025.

All funds to be transferred originate from Food and Beverage Tax collections. The proposed use of these funds is in full compliance with statutory restrictions and aligns with the City's ongoing objectives to support tourism, local businesses, and broader economic development initiatives.

**FISCAL IMPACT STATEMENT**

As of April 21<sup>st</sup> 2025, the cash balance of the Food and Beverage Tax Fund (Fund 4439) is \$19,943,164. The appropriation and expenditure of \$10,000,000 will reduce the remaining cash balance to \$9,943,164. The City's cash balance will be used to pay the first two debt service installments of \$2,922,284, the open PO for Schmidt Architects \$9,847,184 and to fund the debt service reserve revenue stabilization fund at \$3,800,000. Additional food and beverage tax revenue will be used to fund the construction and pay future debt service on the bonds.

**CONCLUSION**

Approval of Ordinance 2025-06 will ensure the timely transfer of funds necessary for the Monroe County Capital Improvement Board to proceed with the construction phase of the convention center expansion. This appropriation is consistent with the statutory purpose of the food and beverage tax and represents a key step in advancing this critical infrastructure project, which is anticipated to yield significant long-term benefits for the City's economy and tourism sector.

**\*\*Amendment Form\*\***

**Appropriation Ordinance #:** 2025-06  
**Amendment #:** Am 01  
**Submitted by:** Cm. Piedmont-Smith  
**Date:** May 14, 2025

**Proposed Amendment:** (Additions shown in **bold**; deletions shown in ~~strike through~~)

1. The third “WHEREAS” clause shall read:

WHEREAS; the City currently holds approximately ~~Nineteen Million Eight Hundred Thousand Dollars~~ **Nineteen Million Nine Hundred Thousand Dollars** (19,900,000) in Food and Beverage Tax revenues, which have been earmarked for the Project and are legally restricted under Indiana law for use in promoting tourism-related economic development, including the construction and expansion of convention facilities;

2. The final “WHEREAS” clause shall read:

WHEREAS; it is necessary to appropriate Ten Million Dollars (\$10,000,000) from the City Food and Beverage fund to facilitate commencement of construction activities ~~in early 2025~~ **in 2025**.

**Synopsis**

This amendment corrects an error in the amount stated in the clause regarding the Food and Beverage revenues. Additionally, it clarifies the timeline for the funding.

**05/21/25 Regular Session Action:** Pending