



City of Bloomington
Common Council

Legislative Packet

Regular Session

20 December 2006

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
www.bloomington.in.gov/council



Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

Sidewalk Committee Meeting on Tuesday, December 19th at noon in the Council Library

Legislation for Final Action can be found in the [6 December 2006 Council Legislative Packet:](#)

Ord 06-26 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

- Memo from Dave Schilling, Monroe County Attorney

Contact: Susan Failey at 349-3553 or faileys@bloomington.in.gov

Ord 06-25 Establishing the Commission on the Status of Black Males as a Permanent Commission

Contact: Craig Brenner at 349-3471 or brennerc@bloomington.in.gov

Ord 06-27 To Vacate a Public Parcel - Re: Right-of-Way Running North /South Along the East Side of 111 South Grant Street (Trinity Episcopal Church - Rectors and Wardens, Petitioners)

Contact: Lynne Darland at 349-3529 or darlandl@bloomington.in.gov

Unified Development Ordinance Materials:

Ord 06-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Zoning", Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled "Subdivisions"

Certification

Appendix A - Draft F (Released September 1, 2006)

Appendix B - Zoning Maps (Including Maps of Each Quadrant of the City's Planning Jurisdiction as Well as the Downtown Overlays)

Appendix C - Plan Commission Amendments with Summary Sheet

Appendix D - Common Council Amendments

Appendix E - Special Findings of Facts Regarding Sexually Oriented Businesses

Link to Materials

Schedule for Consideration of the UDO http://bloomington.in.gov/egov/docs/1166032218_402596.pdf

Ord 06-24 and All Appendixe (except Appendix D) http://bloomington.in.gov/egov/docs/1164152168_359066.pdf

Materials In Packet

Excerpts of Appendix D (Council Member Amendments) *Log of Council Amendments and Copies of Amendments to be Considered on December 20th are Included in this Packet.*

Legislation and Background Material for First Reading:

None – The Council is entering its Winter Recess and will reconvene for an Organizational and Committee of the Whole meeting on Wednesday, January 3, 2007.

Minutes from Regular Session:

None

Memo

Much to Do at the Last Meeting of the Year

There is one meeting next week, which is a Regular Session on Wednesday, December 20th at 7:30 p.m. Here are the items on that last agenda of the year:

First, there will be a tribute for Councilmember Gaal, who is leaving to become Monroe County Prosecutor.

Second, there are three ordinances which were introduced on December 6th and are ready for final action. These can be found in the 6 December 2006 Council Legislative Packet.

Third, there are a number of actions you are scheduled to take in order to wrap-up your work on the Unified Development Ordinance. These include:

- Hearing Objections to the UDO
- Considering Four Amendments that have been postponed or are expected to be reconsidered on that date, and
- Taking a Final Vote

Consideration of Amendments to the UDO

Am 23 Re: To Make Technical Corrections – Plan Staff

Submitted By: Tom Micuda, Director of Planning

Please anticipate a Motion to Reconsider in order to insert a section which would add cemeteries to list of uses to be separated from sexually oriented businesses

Am 29 Re: To Establish Minimum Required Entrances along the B-Line Trail

Sponsor: Sturbaum

Please anticipate Motion to Reconsider and Amend to require an entrance for at least every 100' of property frontage

Am 22 Re: To Modify the LEED and Affordable Housing Components in Green Development Standards

Sponsor: Rollo

This amendment is being further revised in order to seek a compromise between the positions of Councilmember Rollo and Sturbaum. It should be distributed on Monday.

Am 20 Re: To Reduce the Separation Requirement for Projecting Signs in the Commercial

Downtown (CD) District

Sponsor: Volan

Please anticipate a Motion to Reconsider this item.

Council Will Go Into Recess After the Regular Session

– The Next Time Council Meets is for an Organizational and Committee of the Whole Meeting on January 3, 2007

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, DECEMBER 20, 2006
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** None
- IV. REPORTS FROM:**
 - 1. Councilmembers**
 - 2. The Mayor and City Offices**
 - 3. Council Committees**
 - Tribute to Councilmember Gaal
 - 4. Public**
- V. APPOINTMENTS TO BOARDS AND COMMISSIONS**
- VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Ordinance 06-26 To Authorize the Issuance of Bonds by the Monroe County Redevelopment Commission Pursuant to IC 36-7-14-3.5

Committee Recommendation: None

2. Ordinance 06-25 To Amend Chapter 2.23 of the Bloomington Municipal Code Entitled “Community and Family Resources Department” in Order to Establish the Commission on the Status of the Black Males as a Permanent Commission.

Committee Recommendation: None

3. Ordinance 06-27 To Vacate A Public Parcel - Re: Right-of-Way Running North /South Along the East Side of 111 South Grant Street (Trinity Episcopal Church - Rectors and Wardens, Petitioners

Committee Recommendation: None

4. Ordinance 06-24 To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, “Zoning”, Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled “Subdivisions”

** This portion of the agenda is a continuation of the Special Session being held by the Council to consider what is known as the Unified Development Ordinance.*

Hearing On Written Objections To The Unified Development Ordinance (UDO) Pursuant To I.C. 36-7-4-606(C)(3) (Note: The Public May also Offer Oral Comments on the UDO at this time.)

Consideration of Amendments

Am 23 Re: To Make Technical Corrections – Plan Staff

Submitted By: Tom Micuda, Director of Planning

Anticipate Motion to Reconsider in Order to Add Cemeteries to List of Uses to be Separated from Sexually Oriented Businesses

Am 29 Re: To Establish Minimum Required Entrances along the B-Line Trail

Sponsor: Sturbaum

Anticipate Motion to Reconsider and Amend to Require an Entrance for at Least Every 100’ of Property Frontage

Am 22 Re: To Modify the LEED and Affordable Housing Components in Green Development Standards

Sponsor: Rollo

This amendment should be Distributed on Monday.)

Am 20 Re: To Reduce the Separation Requirement for Projecting Signs in the Commercial Downtown (CD) District

Sponsor: Volan

Anticipate Motion to Reconsider this Item

VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

Note: Council will be in Recess from after this meeting until its Organizational and Committee of the Whole meetings on Wednesday, January 3, 2007.

Posted and Distributed: Friday, December 15, 2006

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
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To: Council Members
From: Council Office
Re: Calendar for the Week of December 18-22, 2006
Date: December 15, 2006

Monday, December 18, 2006

5:30 pm Bloomington Human Rights Commission, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room

Tuesday, December 19, 2006

12:00 pm Bloomington Industrial Development Advisory Council, Hooker
3:00 pm Board of Public Safety, McCloskey
5:30 pm Animal Control Commission, McCloskey

Wednesday, December 20, 2006

9:30 am Tree Commission, Rosehill Cemetery Office, 930 W. Fourth Street
11:00 am Safe Routes to School, McCloskey
2:00 pm Hearing Officer, Kelly
3:00 pm Bloomington Transportation Options for People - "*Portland Transportation and Traffic Safety Initiatives*" a presentation by *Greg Raisman*, Council Chambers
4:00 pm Martin Luther King Jr. Birthday Day Commission, McCloskey
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, December 21, 2006

8:00 am Bloomington Housing Authority, 1007 N. Summit
5:00 pm Utilities Service Board, IU Research Park, 501 N. Morton, Room 100B
7:00 pm Environmental Commission, McCloskey

Common Council is in recess until January 3, 2007 when it will reconvene for an Organizational and Committee of the Whole Meeting.

Friday, December 22, 2006

12:00 pm Economic Development Commission, Hooker Room



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Sidewalk Committee

**The Common Council Sidewalk Committee will meet
12:00 p.m.
Tuesday, 19 December 2006
Council Library
Suite 110, City Hall, 401 N. Morton**

The purpose of the meeting is to discuss sidewalk projects for 2007. Because a quorum of the Council may be present, this meeting would constitute a meeting of the Council as well as of the Committee under the Indiana Open Door Law. For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Monday, 11 December 2006

Ord 06-26

To Authorize the Issuance of Bonds by the Monroe County
Redevelopment Commission Pursuant to IC 36-7-14-3.5

Additional Materials

Letter from Dave Schilling, Monroe County Attorney

December 4, 2006

Mr. Daniel Sherman
Council Administrator
Common Council of the City of Bloomington
City Hall
401 N. Morton Street
Post Office Box 100
Bloomington, Indiana 47402

RE: Request for City Council approval of Indiana Life Sciences Project financing

Dear Dan:

The Monroe County Redevelopment Commission respectfully requests City Council approval for the issuance of the Indiana Life Sciences Project bonds. The bonds will have a payoff date in 2027. The bond amount will approach five million dollars (\$5,000,000). Bond revenues will be used to finance the construction and equipping of what is generally referred to as the Indiana Life Sciences facility (no official name as of yet). The facility will provide space for use by Ivy Tech, area industries, and local schools for life sciences job training and education. The facility will be located to the east of the existing Ivy Tech campus on property owned by Ivy Tech, within the Westside Economic Development Area.

The Westside Economic Development Area (“WEDA”) was formed in 1993, and includes portions of Sections 26, 35, and 36 of Richland Township. The Monroe County Redevelopment Authority issued bonds in 1995 to pay for road improvements within the WEDA. Subsequent to the issuance of the bonds, the City annexed a portion of the Whitehall Crossing development, with is located within the WEDA (Section 36 of Richland Township). Indiana Code 36-7-14-3.5 states, in essence, that when a city annexes land located within a county economic development area, the county shall continue to receive Tax Increment Financing allocations from the property tax proceeds generated by the annexed land, as if the annexation had not occurred, as long as there are outstanding bonds payable from the proceeds. However, the county may not issue additional bonds payable from those proceeds without city council approval. The approval must be given in the form of an ordinance.

The question that immediately comes to mind is, what impact will the proposed bond

issue have on the tax revenues collected by the City from the annexed portion of the WEDA? Enclosed, please find a copy of a letter from the County's financial adviser, which states: "The new bond issue proposed to be issued by the County, and payable from TIF revenues from the Westside TIF District, at this time, does not appear to have any impact - either positive or negative - on the amount to be received by the City of Bloomington, now or in the future." I know of no reason to question the financial adviser's conclusion.

If you have any questions regarding this matter, please give me a call. I look forward to working with you and the City Council to help make the Indiana Live Sciences project proposal a reality.

Sincerely,

David B. Schilling
Monroe County Attorney

encl.

Ord 06-24

To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, “Zoning”, Including the Incorporated Zoning Maps, and Title 19 of the Bloomington Municipal Code, Entitled “Subdivisions” (Otherwise Known As the Unified Development Ordinance (UDO))

Materials In this Packet

Log of Council Amendments

Am 23 Re: To Make Technical Corrections – Plan Staff

Submitted By: Tom Micuda, Director of Planning

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Sponsor: Sturbaum

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Sponsor: Rollo

This amendment is being further revised in order to seek a compromise between the positions of Councilmember Rollo and Sturbaum. It should be distributed on Monday.

Am 20 Re: To Reduce the Separation Requirement for Projecting Signs in the Commercial

Downtown (CD) District

Sponsor: Volan

Please anticipate a Motion to Reconsider this item.

Log of Amendments to Ord 06-24 (Unified Development Ordinance)
(12/15/06 – Packet Version)

Color Code: Adopted (Clear) =
 Defeated or Not Introduced =
 Action Expected on December 20th =

Council Amendment	Related Plan Commission Amendment	Chapter Affected	Sponsor	Synopsis	Action	Vote	Date of Action
01	UDO-026	20.03	Sturbaum	This amendment would revive Plan Commission Amendment UDO-026 and reduce the height thresholds in all but one downtown overlay district in order to bring more projects within review by the Plan Commission. The change is intended to gain the benefits that flow from a public airing of a project.	Adopted	6 – 3 (Ruff, Volan, and Wisler)	12/4/06
02	UDO-011 And UDO-019	20.03	Sturbaum	This amendment would reject Plan Commission Amendments UDO-011 and UDO-019 by reinstating or inserting a 10-foot setback along the B-Line Trail in the affected downtown overlay districts except the Showers Technology Park, where the setback would be 15 feet. The Plan Commission amendments would have allowed up to 70% of the building facades along the trail to be built at the edge of the right-of-way. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.	Postponed Until 12/11/06	8 – 1 (Diekhoff)	12/04/06
					Adopted	5 – 3 (Mayer, Sabbagh & Wisler) (Diekhoff absent)	12/11/06
03	UDO-020	20.03	Sturbaum	This amendment would reject Plan Commission Amendment UDO-020 and reinstate the requirement that there be at least one entrance for each <i>ground floor use</i> along the B-Line Trail rather than requiring that there be at least one entrance for each <i>structure</i> along the trail. This change is intended to keep the “pedestrian friendly” quality of this unique downtown amenity.	Defeated	1 (Sturbaum) - 8	12/4/06
04	UDO-021	20.03	Sturbaum	This amendment would reject Plan Commission Amendment UDO-021 and reinstate the requirement that there be at least one pedestrian entrance on each building façade that faces a public street rather than requiring one pedestrian entrance for building facades with more than 66 feet of frontage. This amendment serves the goal of providing a “pedestrian friendly” streetscape.	Defeated	0 – 9	12/4/06
05	UDO-054	20.05	Sturbaum	This amendment would reject Plan Commission Amendment UDO-054 by limiting Historic Adaptive Reuse as a Conditional Use to properties which have received <i>local</i> rather than <i>local, state, or federal</i> historic designations. This amendment would assure that the restorations would be consistent with historic standards and preserved over time.	Adopted	9 - 0	12/4/06

06	UDO-131	20.05	Gaal	This amendment would reject Plan Commission Amendment UDO-131 and reinstate original standards for bicycle storage in multifamily projects with more than 64 bedrooms. Those standards require that ¼ of the mandated bicycle storage be in the form of Class I Bicycle Parking Facilities, which are secure, enclosed, and intended for overnight use. This amendment is intended to promote the use of bicycles by making it more convenient to store them.	Adopted	8 – 1 (Wisler)	12/4/06
07	UDO-096	20.06	Rollo	This amendment revives Plan Commission Amendment UDO-096 and would prohibit cul-de-sacs in Conventional Subdivisions and not permit them in Conservation Subdivisions unless approved by the Plan Commission. This change is intended to promote connectivity within our road network and mitigate the increasing levels of traffic.	Postponed	9-0	12/7/06
					Adopted	7 – 0 (Gaal & Ruff Absent)	12/14/06
08	N/A	20.11	Rollo	This amendment is intended to protect the City’s tree cover and clarifies that illegally removed trees must be replaced by trees planted in the same area as the removed tree, unless another area is necessary to ensure the health of the trees.	Adopted	8 – 0 (Diekhoff absent)	12/7/06
09	UDO-064	20.05	Rollo	This amendment modifies Plan Commission Amendment UDO-064 and requires platted lots of record of less than one acre in size to have one, rather than three, twenty-five (25) foot, graduated riparian buffers, in the event the lot is near an intermittent or perennial stream. This change is intended to offer more protection for the environment, while still allowing most affected lots to be developed.	Adopted	7 – 0 (Gaal & Ruff Absent)	12/14/06
10	N/A	20.02 20.05	Wisler	This amendment would allow convenience stores (with gas) and gas stations in Industrial General (IG) districts as permitted uses with special conditions in order to promote competition and provide efficient delivery of those services.	Adopted	9 – 0	12/7/06
11	N/A	20.02 20.05	Wisler	This amendment would allow convenience stores (with gas) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses.	Postponed until 12/13/06	9 – 0	12/7/06
					Not Introduced		12/13/06
11a	N/A	20.02 20.05 20.12	Wisler	This amendment would allow convenience stores (with gas or alternative fuels) in Business Park (BP) districts as a permitted use with special conditions in order to promote competition, provide efficient delivery of those services, and still be compatible with surrounding uses. <i>Note: This amendment differs from the originally-proposed Amendment 11 in that this amendment requires that any convenience store with gas in a BP district provide alternative fuel in at least half of its dispenser units.</i>	Amended	7 – 0 (Gaal & Mayer Absent)	12/13/06
					Adopted 7 – 0	7 – 0 (Gaal & Mayer Absent)	12/13/06
12	N/A	20.06 20.07	Volan	This amendment would eliminate the Conventional Subdivision (CV) category. The CV subdivision is the least sustainable subdivision type and is contrary to the City’s Growth Policies Plan (GPP) – it encourages cul-de-sacs, discourages connectivity and does not provide for local commerce.	Defeated	3 (Rollo, Ruff & Volan) – 6	12/7/06

13	N/A	20.06 20.07	Volan	This amendment renames “Conventional Subdivision (CV)” to “Suburban Subdivision (SS)” to better reflect its nature and history as a sub-urban form of development.	Adopted	5 (Volan, Wisler, Rollo, Ruff & Sturbaum) – 4	12/7/06
14	N/A	20.04 20.10	Volan	This amendment makes the submittal of a physical or computer-generated three-dimensional model mandatory as part of any Site Plan involving new development in the Commercial Downtown (CD) and discretionary in Planned Unit Development (PD) districts. If an applicant provides a physical model, s/he must also provide a “fly-around” moving picture image showing the physical model in 360 degrees. This requirement is intended to assist the reviewing body in evaluating the proposed development in its spatial and architectural context.	Adopted as Amended	6 – 2 (Mayer & Sabbagh) – 1 (Wisler	12/7/06
15	N/A	20.05	Council	This amendment allows businesses to conduct temporary retail activity for a maximum of forty-five (45) consecutive days provided the site of the temporary retail activity is also the site of a permanent and associated retail use. The intent of this amendment is to provide such business owners with a longer period of time to conduct temporary retail activity.	Adopted	9 – 0	12/4/06
16	N/A	20.02	Gaal	This amendment adds language to the District Intent Statement for the Commercial Downtown District in Chapter 20.02 (Zoning Districts) that is intended to apply to all the downtown district overlay zones established in Chapter 20.03 (Overlay Districts) as well. This language reflects the Downtown Vision and Infill Strategy Plan’s call for a mix of residential housing in the downtown that serves all income and age groups.	Adopted	7 – 0 (Diekhoff and Volan – out)	12/11/06
17	N/A	20.01 20.04 20.10	Ruff	This amendment authorizes the Council to exercise certain powers granted under I.C. 36-7-4-1500 et al when considering a Planned Unit Development (PUD) district ordinance. These powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on the providing of certain assurances, and allowing or requiring the property owner to make written commitments in connection with those proposals. Their exercise would give the Council the means to improve the PUD proposal without being forced to deny the ordinance in order to see the change.	Adopted	7 (Diekhoff, Gaal, Mayer, Rollo, Ruff, Sturbaum & Volan) – 2 (Sabbagh & Wisler)	12/14/06
18	N/A	20.03	Volan	This amendment eliminates the minimum parking requirements in the Downtown Core Overlay (DCO) District, University Village Overlay (UVO) District, Downtown Edges Overlay (DEO) District, Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and states residential parking requirements as maximum figures in all of these Districts and the Courthouse Square Overlay (CSO) District. The intent of this amendment is to provide incentives for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles.	Not Introduced		12/13/06
18a	N/A	2.03	Volan	This amendment eliminates the minimum residential parking requirements in the Downtown Core Overlay (DCO) District, the University Village Overlay (UVO) District, the Downtown Edges Overlay (DEO) District, the Downtown Gateway Overlay (DGO) District and the Showers Technology Park Overlay (STPO) District and eliminates the non-residential parking requirements in DEO, DGO and STPO. The intent of this amendment is to provide incentives	Not Introduced		12/13/06

				<p>for people to use public transit and to provide incentives for residential and commercial use by reducing space for the storage of automobiles.</p> <p><i>Note: This amendment differs from the originally-proposed Am 18 in that Am 18 both eliminated the minimum parking requirement and imposed maximums in all of the above-referenced Downtown Overlay Districts. This amendment only eliminates the minimum parking requirement in these districts.</i></p>			
19	N/A	20.03 20.05 20.07	Volan	<p>This amendment shifts the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set out in the City's Growth Policies Plan.</p> <p><i>Note: This amendment offers a different framework for parking than found in the current draft of the UDO. For that reason, the changes presented below are merely illustrative of the amendment's proposal. Passage of this amendment would have the effect of directing staff to make the necessary systemic changes to the UDO and file them with the City Clerk prior to final action on the UDO by the Council at the Regular Session on December 20, 2006.</i></p>	Not Introduced		12/13/06
19a	N/A	20.03 20.05 20.07		<p>This amendment shifts the threshold for parking requirements from a minimum figure to a maximum figure. By stating allowable parking in terms of a maximum limit, the intent of this amendment is to accomplish the transportation goals set out in the City's Growth Policies Plan.</p> <p><i>Note: This amendment differs from the originally-proposed Am 19 in that this amendment includes maximum parking limits on non-residential development in the Downtown Overlays Districts. In these districts, any parking shall not exceed fifty percent (50%) of the parking required in Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use.</i></p>	Not Introduced		12/13/06
20	UDO-066a	20.05	Volan	<p>This amendment restores the minimum separation requirement between projecting signs in the Commercial Downtown to fifty feet. Plan Commission Amendment 66a increased the requirement to 100 feet. Restoring the requirement to the originally-recommended fifty feet is intended to allow every retail business with narrow street frontage to erect a projecting sign regardless of the mere existence of projecting signs on neighboring businesses.</p>	<p>Defeated</p> <p>Motion to Reconsider</p>	<p>3 (Ruff, Volan & Wisler) – 6 (Diekhoff, Gaal, Mayer, Rollo, Sabbagh & Sturbaum)</p>	<p>12/14/06</p> <p>12/20/06</p>

21	N/A	Through out	Volan	This amendment changes the phrase “alternative transportation” to “traditional transportation” wherever it appears in the UDO. The intent of this ordinance is to destigmatize normal, time-honored forms of urban transportation by presenting them co-equally with private motorized four-wheeled vehicles, and to encourage City officials and private citizens alike to consider non-automotive transportation choices co-equally with automotive ones when making decisions about urban infrastructure that affect transportation choices.	Defeated	2 (Ruff & Volan) – 5 (Diekhoff, Mayer, Rollo, Ruff & Wisler)	12/13/06
22	N/A	20.05 20.07	<i>Rollo (and perhaps Sturbaum)</i>	This amendment addresses an incentive based Green Development initiative proposed in Chapter 20.05. It differs from current text by augmenting the green development standards, lowering the density bonus for the second level of incentives and creating a third level of incentives. The third level of incentive would apply to projects that meet the first and second level and also provide additional green development standards or a 15% set aside for affordable housing. <i>Please note that another draft of the amendment should be distributed on Monday, December 18th. This draft should reflect a compromise between Councilmember Rollo and Sturbaum will include related changes to Chapter 20.07.</i>	Postponed Until 12/20/06	9 - 0	12/14/06
							12/20/06
23	N/A	Through out	Micuda	This amendment includes numerous technical, “housekeeping,” changes submitted by Tom Micuda, Director of Planning. Please see the amendment synopsis for a summary of these changes.	Adopted	8 -0 (Volan absent)	12/11/06
					Motion to Reconsider		12/20/06
24	N/A	Through out	Bernens	This amendment includes numerous technical, “housekeeping,” changes submitted by Tricia Bernens, City Attorney. Please see the amendment synopsis for a summary of these changes.	Adopted	8 -0 (Volan absent)	12/11/06
25 (Map)	N/A	Maps	Volan and Others	This amendment would revise the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10 th Street to the north, Woodlawn Avenue to the east, East 7 th Street to the south, and Indiana Avenue to the west. The amendment would change proposed RM (Residential Multifamily) zoning to RC (Residential Core) zoning for four separate areas within the neighborhood.	Defeated	4 (Rollo, Ruff, Sturbaum & Volan – 2 (Gaal & Wisler)	12/11/06
26 (Map)	N/A	Maps	Micuda	This amendment rezones thirteen (13) acres at the Southeast corner of the Rockport Road-Country Club Drive intersection from PUD to Institutional (IN) and rezones 1.3 acres at the Northeast corner of the intersection from PUD to Residential Single-Family (RS).	Adopted	7 – 0 (Diekhoff & Volan absent)	12/11/06
27 (Map)	N/A	Maps	Micuda	This amendment rezones properties on the west side of Kimble Drive covering addresses from 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive from Residential Single-Family (RS) to Residential Multifamily (RM).	Adopted	7 – 0 (Diekhoff & Volan absent)	12/11/06
28	UDO-011 UDO-019	20.03	Sabbagh	This amendment removes all setback requirements along the B-Line Trail. Amendments UDO-011 and UDO-019 as adopted by the Plan Commission allow a maximum of seventy percent of the building façade facing the trail to be built at the edge of the trail right-of-way. This change is intended to provide developmental flexibility along the B-Line trail.	Not Introduced		12/11/06

29	UDO-020	20.03	Sturbaum	This amendment would modify Plan Commission Amendment UDO-020, which required that there be at least one entrance per 200 feet of <i>property</i> frontage and at least one entrance for each <i>building</i> frontage along the B-Line Trail. This amendment would lower the <i>property</i> frontage requirement to 66 feet. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.	Defeated	4 (Gaal, Mayer, Rollo & Ruff) – 3 (Ruff, Sabbagh & Wisler)	12/11/06

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 23

Plan Commission Amendment #:

Sponsor: Staff Amendment - Micuda

Date: 12/03/06

Synopsis

This amendment corrects miscellaneous errors in the text of the Unified Development Ordinance as well as clarifies misleading language.

Specifically, this amendment:

- Adds *Brewpub** as a permitted use in the CL zoning district to be consistent with Chapter 5, Section 20.05.089;
- Adds an asterisk (*) to the Brewpub use in the CG, CA, and CD zoning districts to be consistent with Chapter 5, Section 20.05.089;
- Adds *Business/Professional Office* to the Industrial General (IG) zoning district to allow offices, particularly contractor's offices to be a permitted use in that district;
- Clarifies how development standards will be determined for Conditional Uses;
- Adds some invasive, noxious, and detrimental plants to the landscaping table at the request of the City's Environmental Commission and Environmental Planner;
- Increases the allowable number of barrels which can be brewed in Brewpubs to be consistent with recent State law changes;
- Corrects two text errors in the Special Conditions section of Chapter 5 for Convenience Store (with gas) and Limited Service Restaurant; Low Intensity Retail;
- Eliminates an undefined use in the UDO;
- Amends the Change of Use table in Chapter 12 to delete problematic and conditional uses from the table. This would require such uses to provide site planning upgrades such as sidewalks and landscaping in addition to their use review process; and

Action: 8 – 0 (Volan out) Amend to egeriandensa to table - Adopted

Action 8 – 0 (Volan out) Adopt as amended - Adopted

Action Date: December 11, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.02 Zoning Districts; 250 Commercial Limited (CL) District
Page 2-14 (Draft F and Integrated UDO)

20.02.260 Permitted Uses

*** Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.**

- | | | |
|--|--|--|
| <ul style="list-style-type: none">•antique sales•apparel and shoe sales•art gallery•artist studio•arts/crafts/hobby store•barber/beauty shop•bed and breakfast•bicycle sales/repair•bookstore•brewpub*•business/professional office•coin laundry•community center•computer sales•convenience store (without gas)•copy center•day care center, adult•day care center, child•drugstore | <ul style="list-style-type: none">•dry-cleaning service•dwelling, single-family (attached)•dwelling, upper floor units•fitness/training studio•florist•garden shop•gift shop/boutique•government office•grocery/supermarket•group care home for developmentally disabled*•group care home for mentally ill*•group/residential care home*•hardware store•health spa•jewelry shop•medical clinic•music/media sales•musical instrument sales•park•pet grooming | <ul style="list-style-type: none">•pet store•photographic studio•restaurant•restaurant, limited service•retail, low-intensity•shoe repair•social service•sporting goods sales•tailor/seamstress shop•tanning salon•utility substation and transmission facility*•video rental |
|--|--|--|

**2. 20.02 Zoning Districts; 290 Commercial General (CG) District
Page 2-16 (Draft F and Integrated UDO)**

20.02.300 Permitted Uses

* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- amusements, indoor
- antique sales
- apparel and shoe sales
- art gallery
- artist studio
- arts/crafts/hobby store
- assisted living facility
- auto parts sales
- bank/credit union
- banquet hall
- bar/dance club
- barber/beauty shop
- bed and breakfast
- bicycle sales/repair
- billiard/arcade room
- bookstore
- bowling alley
- brewpub*
- business/professional office
- car wash*
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (with gas)*
- convenience store (without gas)
- copy center
- day-care center, adult
- day-care center, child
- drive-through*
- drugstore
- dry-cleaning service
- dwelling, single-family (detached)
- furniture store
- garden shop
- gas station*
- gift shop/boutique
- government office
- government operations (non-office)
- grocery/supermarket
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- hardware store
- health spa
- home electronics/appliance sales
- jewelry shop
- library
- license branch
- liquor/tobacco sales
- lodge
- medical care clinic, immediate
- medical clinic
- mortuary
- museum
- music/media sales
- musical instrument sales
- nursing/convalescent home
- office supply sales
- oil change facility
- park
- parking garage/structure
- pawn shop
- pet grooming
- pet store
- photographic studio
- place of worship
- plant nursery/greenhouse
- police, fire or rescue station
- recreation center
- restaurant
- restaurant, limited service
- retail, low intensity
- rooming house
- school, preschool
- school, primary/secondary
- school, trade or business
- shoe repair
- skating rink
- social service
- sporting goods sales
- tailor/seamstress shop
- tanning salon
- tattoo/piercing parlor
- transportation terminal
- utility substation and transmission facility*
- vehicle accessory installation
- veterinarian clinic
- video rental

**3. 20.02 Zoning Districts; 410 Industrial General (IG) District
Page 2-22 (Draft F and Integrated UDO)**

20.02.420 Permitted Uses

* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- auto body shop
- beverage bottling
- bottled gas storage/distribution
- building trade shop
- communication facility
- distribution facility
- equipment rental, outdoor
- government operations (non-office)
- heavy equipment sales/rental
- impound vehicle storage*
- light manufacturing
- manufactured home sales
- business/professional office
- tool and die shop
- utility substation and transmission facility*
- warehouse
- welding

- outdoor storage*
- police, fire or rescue station
- print shop
- radio/TV station
- research center
- school, trade or business
- sexually oriented business
- testing lab

**4. 20.05 Conditional Use; 023 Conditional Use; General Standards
Page 5-19 (Draft F), Page 5-20 (Integrated UDO)**

This Conditional Use Standards section applies to the following zoning districts:
[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD] [IG] [BP] [IN] [MD] [QY]

(a) All Conditional Uses are subject to the criteria established in *Section 20.05.023: General Standards*.

Additional criteria as specified in *Chapter 20.05; §CU: Conditional Use Standards* shall be met by the specified categories of Conditional Use found therein. Development Standards for Conditional Uses shall be determined by either the Hearing Officer or Board of Zoning Appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

**5. 20.05 (Landscaping Standards Table)
Page 5-56 – Integrated UDO; Page 5-53 – Draft F**

20.05.059 Invasive Species, Species with & Poor Characteristics Species, and Noxious or Detrimental Plants

Species considered unacceptable and that should not be planted because of invasive characteristics, weak wood, and/or abundant litter are:

** Council amended this chart to add egeriadensa and directed staff to put it where it belonged.*

Invasive Flowers:

Alliaria petiolata	Garlic Mustard
Centaurea cyanus	Cornflower or Bachelor’s Button
Centaurea repens	Russian Knapweed
Cirsium arvense	Canada Thistle
Digitalis lanata	Grecian Foxglove
Fallopia japonica	Giant Hogweed
Hesperis matronalis	Dame’s Rocket
Inula britannica	Meadow Fleabane or British Yellowhead
Lespedeza cuneata	Sericea lespedeza
Lythrum salicaria	Purple Loosestrife
Melilotus alba, M. officinalis	Sweet Clover
Ornithogalum umbellatum	Star of Bethlehem
Polygonum cuspidatum	Japanese knotweed
Sonchus arvensis	Perennial Sowthistle

Invasive Grasses:

Agropyron repens	Quackgrass
Bromus inermis	Smooth Brome
Festuca elatior	Tall Fescue
Lepidium draba	Perennial Peppergrass

Microstegium vimineum
Miscanthus sinensis
Phalaris arundinacea
Phragmites australis
Sorghum bicolor
Sorghum halepense

Japanese Stilt Grass
Maden Grass
Reed Canary Grass
Common Reed Grass
Johnson Grass or Sorghum Almum
Shattercane

Invasive Vines and Groundcovers:

Celastrus orbiculatus
Coronilla varia
Convolvulus arvensis
Euonymus fortunei
Glechoma hederacea
Hedera helix
Humulus japonicus
Lonicera japonica
Lonicera maackii
Lonicera tatarica
Lysimachia nummularia
Polygonium perfoliatum
Pueraria lobata
Sicyos angulatus
Vinca minor
Vinca minor
Vincetoxicum nigrum, syn. Cynanchum nigrum

Oriental Bittersweet
Crown Vetch
Field Bindweed
Purple Winter Creeper
Creeping Charlie
English Ivy
Japanese Hops
Japanese Honeysuckle
Amur Honeysuckle
Bush or Tatarian Honeysuckle
Creeping Jenny
Mile-A-Minute Weed
Kudzu
Bur Cucumber
Myrtle
Periwinkle
Black Swallow-Wort

Invasive Shrubs:

Alnus glutinosa

Celastrus scandens
Lespedeza bicolor
Ligustrum obtusifolium
Ligustrum vulgare
Rosa multiflora
Viburnum opulus v. opulus

Black Alder

Asiatic Bittersweet
Bicolor Lespedeza
Blunt-Leaved Privet
Common Privet
Multiflora Rose
Highbush Cranberry

**6. 20.05.089 Special Conditions; Brewpub
Page 5-89 – Integrated UDO; Page 5-86 – Draft F**

(a) Brewpub:

(1) *Production Limits:*

(A) In the [CG], [CA], and [CD] zoning districts, brewpubs shall not manufacture more than ~~15,000~~ 20,000 barrels of beverage (all beverages combined) annually.

7. 20.05.092 Special Conditions; Convenience Store
Page 5-90 - Integrated UDO; Page 5-87 - Draft F

This Special Conditions Standards section applies to the following zoning districts:

~~[CL]~~ [CG] [CD]

(a) Convenience Store (with gas):

(1) In the ~~[CL]~~ and [CD] zoning districts, the use shall be limited to a total of four (4) metered fuel dispenser units for the sale and distribution of gasoline and/or any other petroleum products.

~~(2) In the [CL] zoning district, major overhaul, body and fender work, upholstering, welding, and spray painting shall be prohibited as a component of a convenience store (with gas).~~

Renumber remaining conditions as needed.

8. 20.05.103 Special Conditions; Limited Service Restaurant and Low Intensity Retail
Page 5-92 – Integrated UDO; Page 5-89 – Draft F

This Special Conditions Standards section applies to the following zoning districts:

[BP]

(a) Scale: Individual uses shall not exceed a total of 5,000 **2,500** square feet **of** gross floor area.

Explanation: The square footage limitation for these land uses is being lowered in order for the regulation to match the square footage limitation outlined in the definition for both land uses.

9. 20.12.020 Defined Words
Page 12-7 (Draft F and Integrated UDO)

Building or Structure, Nonconforming:

Explanation: This term received no definition in Draft F of the UDO. Therefore, the term is being deleted because a related term – “Building or Structure, Lawful Nonconforming” is already defined.

10. 20.12.020 Defined Words
Page 12-38 (Draft F and Integrated UDO)

Use, Change in: Includes, for any portion of a building, structure, or lot:

- (1) Any change from a residential use to a nonresidential use;
- (2) Any change from one (1) residential land use to another, any increase in number of dwelling units, and any increase in number of bedrooms for any unit;
- (3) Any change from one (1) use to another use having a higher requirement for off-street parking as specified in this Ordinance;
- (4) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- (5) Any use which requires a Conditional Use approval;
- (6) Any change from one (1) class of use to another class of use or any change from a use listed in the Class of Use Table to any use not listed or any change from a use not listed in the Class of Use table to any other use not listed in the table.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 29 Plan Commission Amendment #: UDO-020

Sponsor: Sturbaum Date: 12/1/06

Synopsis

This amendment would modify Plan Commission Amendment UDO-020, which required that there be at least one entrance per 200 feet of *property* frontage and at least one entrance for each *building* frontage along the B-Line Trail. This amendment would lower the *property* frontage requirement to 66 feet. This change is intended to preserve the “pedestrian friendly” quality of this unique downtown amenity.

Action: 4 (Sturbaum, Gaal, Rollo & Mayer) – 3 (Ruff, Sabbagh & Wisler)
 Defeated

Action Date: December 11, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. Courthouse Square Overlay (CSO) District
Section 20.03.060 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-6 (Draft F); Page 3-5 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ **sixty-six (66)** feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

2. Downtown Core Overlay (DCO) District
Section 20.03.130 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-11 (Draft F); Page 3-9 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ **sixty-six (66)** feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

3. Downtown Edges Overlay (DEO) District
Section 20.03.270 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

(E) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ sixty-six (66) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

4. Downtown Gateway Overlay (DGO) District
Section 20.03.340 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances
Page 3-27 (Draft F); Page 3-24 (Integrated UDO)

(E) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ sixty-six (66) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

5. Showers Technology Park Overlay (STPO) District
Section 20.03.410 Architectural Standards; (a) Site Plan; (3) Building Orientation and Entrances; (D) B-Line Trail
Page 3-31 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

- (i) One (1) pedestrian entrance shall be provided per ~~two hundred (200)~~ sixty-six (66) feet of property frontage along the B-Line Trail, with the minimum of one (1) pedestrian entrance provided for any building with frontage along the B-Line Trail.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 22 Plan Commission Amendment #: N/A
Sponsor: Rollo Date: 12/1/06

Synopsis

This amendment addresses an incentive based Green Development initiative proposed in Chapter 20.05. It differs from current text by augmenting the green development standards, lowering the density bonus for the second level of incentives and creating a third level of incentives. The third level of incentive would apply to projects that meet the first and second level and also provide additional green development standards or a 15% set aside for affordable housing. *Please note that it does not include changes to Chapter 20.07 which will be ready for the December 20th meeting.*

Action: Postpone Until 12/20/06 – 9 – 0 - Adopted
Action Date: December 14, 2006

Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. 20.05 Development Standards
050 GD-01 [Green Development Incentives; General]
Page 5-37 and 38 (Draft F); Page 5-40 and 41 (Integrated UDO)

20.05.050 GD-01 [Green Development Incentives; General]
Purpose: The Growth Policies Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. As a result, incentives are being provided to encourage the use of sustainable development practices throughout the planning jurisdiction. Implementation of these practices will help to make Bloomington a more sustainable community.

This Sustainable Development Incentives section applies to the following zoning districts:
[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP]
[IN] [MD] [QY]

- (a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a development in order to achieve development standards bonuses as provided in **Subsection (b): Level One Incentives, and Subsection (c): Level Two Incentives, and Subsection (d): Level Three Incentives.** Any development that incorporates these practices shall indicate such inclusion at the Site Plan review stage. The reviewing authority shall determine whether any particular project meets the goals

set forth herein, taking into account the combination of Sustainable Development Practices proposed; the land use patterns, infrastructure, and transportation patterns of the surrounding area; the zoning of any developed land in the surrounding area; and other such factors as may be relevant to the individual project. Where the reviewing authority determines that the proposal meets the goals set forth herein, the reviewing authority may waive the applicable development standards and grant the bonuses set forth herein.

- (1) *Goal 1*: Structures and developments that demonstrate exceptional efficiency in the use of energy resources and minimize their impact on the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
 - (A) Installation of a vegetated roof covering at least 50% of the total roof area. Incorporation of this practice shall conform to the provisions of *SS Credit 7.2: Heat Island Effect: Roof* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (B) Demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard. Incorporation of this practice shall conform to the provisions of *EA Credit 1: Optimize Energy Performance* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (C) Incorporate non-polluting and/or renewable on-site energy sources including, but not limited to, solar, wind, geothermal, biomass and bio-gas energy sources. Incorporation of this practice shall conform to the provisions of *EA Credit 2: On-Site Renewable Energy* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (D) Recycling and/or salvaging of at least 50% of non-hazardous construction and demolition debris. Incorporation of this practice shall conform to the provisions of *MR Credit 2.1: Construction Waste Management* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
 - (E) Utilization of building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value. Incorporation of this practice shall conform to the provisions of *MR Credit 5.1: Regional Materials* as provided in the LEED-NC Green Building Design Guidelines, Version 2.2, as amended.
- ~~(1) — Goal 1~~ (2) *Goal 2*: A landscaping and site design that makes an exceptional contribution to the quality of the natural environment. Examples of designs that may qualify as meeting this goal include but are not limited to the following:
 - (A) Use of permeable pavement materials for at least twenty-five percent (25%) of all private driveways, pathways, and parking areas.
 - (B) Use of native vegetation, permeable man-made materials, biofiltration swales, rain gardens and other conservation design techniques to convey and filter storm water.
 - (C) Use of greywater and/or storm water systems to capture and reuse at least fifty percent (50%) of greywater and storm water for common and public space irrigation.

~~(D) Use of Green Building design elements as outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Such design elements may include but not be limited to: passive solar design of structures, utilization of recycled and recyclable materials, utilization of photovoltaic roofs or green roofs, or other design elements which maximize energy efficiency and minimize water usage.~~

(D) Placement of all slopes of 12% or greater within Conservancy Easements to ensure that they are not developed, nor disturbed during the development of remaining portions of the site, as well as the retention of at least 90% of existing tree canopy cover in compliance with **Division 20.05.044(a)(2)** of this Ordinance.

~~(2) Goal 2~~ (3) **Goal 3**: A commitment to serve, in an exceptional manner, important public policy such as pedestrian-friendly, mixed use development, affordable housing, or reduction in automobile travel. Examples of commitments that may qualify as meeting this goal include but are not limited to the following:

(A) Incorporation of a mix of residential and nonresidential land uses either within the development or within individual buildings.

~~(B) Allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing. Such affordable housing must be entered into an affordable housing program administered by the local, State, or federal governments.~~

(B) Provision of 100% of the required bicycle parking spaces as either long-term Class I Bicycle Parking Facilities or covered, Class II Bicycle Parking Facilities, or a combination of those two bicycle parking facility types.

(C) Provision of automobile parking at least twenty-five percent (25%) below required minimums, coupled with provision of bicycle parking at least fifty percent (50%) above required minimums. Fulfillment of this Sustainable Development Practice shall not require a variance from development standards.

(D) Provision of subsidized Bloomington Transit passes or provision of a private van or shuttle.

~~(3) Goal 3~~ (4) **Goal 4**: A location that provides an exceptional opportunity for residents to walk or use public transit in lieu of automobile travel. Examples of locations that may qualify as meeting this goal include but are not limited to the following:

(A) Location of the development within one-quarter ($\frac{1}{4}$) mile of a Bloomington Transit stop, provided that the transit facility is accessible using pedestrian facilities.

(B) Location of the development within one-quarter ($\frac{1}{4}$) mile of a Neighborhood, Community, or Regional Activity Center, or Downtown, as mapped in the Growth Policies Plan, provided these commercial areas are accessible using pedestrian facilities.

(C) Location of the development within one-quarter ($\frac{1}{4}$) mile of a public school or park provided these commercial areas are

accessible using pedestrian facilities.

(D) Location of the development within one-quarter ($\frac{1}{4}$) mile of a public multiuse trail facility, provided the development can be connected with pedestrian facilities to the public trail facility.

(b) Level One Incentives: Developments that meet all ~~three (3)~~ **four (4)** of the goals listed in **Subsection (a): Sustainable Development Practices** by incorporating at least one (1) Sustainable Development Practices from each of the ~~three (3)~~ **four (4)** goals may utilize the following changes to development standards:

(1) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to six (6) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by twenty-five percent (25%).

(2) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to twenty (20) feet. For nonresidential districts, rear building setback requirements shall be reduced by twenty-five percent (25%).

(3) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by twenty-five percent (25%).

(c) Level Two Incentives: Developments that meet all ~~three (3)~~ **four (4)** of the goals listed in **Subsection (a): Sustainable Development Practices** by incorporating at least two (2) Sustainable Development Practices from each of the ~~three (3)~~ **four (4)** goals may utilize the following changes to development standards:

(1) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(2) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(3) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by ~~seventy-five~~ **fifty** percent (~~75%~~ **50%**).

(d) Level Three Incentives:

(1) A development may utilize the Level Three Incentives detailed in Division (2) by meeting all four (4) goals listed in **Subsection (a): Sustainable Development Practices**. These goals may be met by incorporating either of the following options:

(A) Incorporation of at least two (2) Sustainable Development Practices from each of the four (4) goals and an allocation of at least fifteen percent (15%) of the total number of housing units located in the development as affordable housing that is entered into an affordable housing program

administered by the local, State, or federal governments.

(B) Incorporation of at least three (3) Sustainable Development Practices from Goal 1 and at least two (2) Sustainable Development Practices from each of Goals 2, 3 and 4.

(2) Developments that meet all four (4) of the goals listed in **Subsection (a): Sustainable Development Practices** by incorporating one of the options detailed in **Subdivisions (A)** and **(B)** above may utilize the following changes to development standards:

(A) *Side Building Setbacks*: For residential districts, side building setbacks shall be reduced to five (5) feet regardless of the number of stories. For nonresidential districts, side building setback requirements shall be reduced by fifty percent (50%).

(B) *Rear Building Setbacks*: For residential districts, rear building setbacks shall be decreased to fifteen (15) feet. For nonresidential districts, rear building setback requirements shall be reduced by fifty percent (50%).

(C) *Density*: For multifamily districts and nonresidential districts where multifamily uses are permitted, maximum residential density shall be increased by seventy-five percent (75%).

(e) *Waiver of Fees*: All developments utilizing the provisions of this Section to achieve the incentives outlined in Subsections (b), (c) and (d) shall also be eligible for the following waivers or reductions of fees:

(1) Filing fees for the Plan Commission and/or Board of Zoning Appeals may be waived by the Planning Director.

(2) Fees associated with Right-of-way Excavation Permits may be waived by the Director of the Public Works Department.

(3) Sewer hook-on fees may be waived or reduced by the Utilities Service Board.

~~(d)~~(f) *Application Material and Verification of Compliance*: In addition to the standard application requirements specified in **Section 20.10.080: Site Plan Review**, the petitioner shall provide the following information:

(1) ~~If the petitioner is seeking density bonuses based on a commitment to provide Green Building design elements outlined in **Subsection (a)(1)(D)**, the application shall be supplemented by supporting material specifying how future buildings in the subdivision will be able to address the specific design elements outlined in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Petitioners requesting utilization of other indicators in **Subsection (a): Sustainable Development Practices** shall also provide supporting documentation indicating how compliance with each indicator will be achieved.~~

A completed Green Building Worksheet shall be submitted and approved at the time of Site Plan Approval. The Green Building Worksheet shall be accompanied by supporting material specifying how the development will incorporate the specific sustainable development practices selected from Subsection (a): Sustainable Development Practices.

(2) At the time of Site Plan approval, the petitioner shall record a Commitment ~~which complies with the requirements specified in **Section 20.10.100: Commitments; Site Plan**~~ verifying that ~~the~~ development will comply or has already complied with the ~~sustainability indicators~~ **sustainable development practices** petitioned for as part of the Site Plan application. The Commitment shall comply with the requirements specified in **Section 20.10.100: Commitments; Site Plan**. ~~If the petitioner is committing to provide Green Building design elements outlined in **Subsection (a)(1)(D)**, a completed Green Building Project Checklist shall be submitted and approved by the planning staff at the time of Site Plan approval, or in association with applicable Building Permits.~~

2. 20.07 Design Standards

200 SD-01 [Sustainable Development Incentives; General]

Page 7 – 22 and 23 (Draft F); Page 7-24 and 25 (Integrated UDO)

Changes to this section will be made after Council discussion on December 14, 2006.

***** Common Council Amendment Form *****
Ordinance 06-24 (Unified Development Ordinance)

Council Amendment #: 20 Plan Commission Amendment #: 66a

Sponsor: Volan Date: 12/1/06

Synopsis

This amendment restores the minimum separation requirement between projecting signs in the Commercial Downtown to fifty feet. Plan Commission Amendment 66a increased the requirement to 100 feet. Restoring the requirement to the originally-recommended fifty feet is intended to allow every retail business with narrow street frontage to erect a projecting sign regardless of the mere existence of projecting signs on neighboring businesses.

Action: 3 (Ruff, Volan & Wisler) – 6 (Diekhoff, Gaal, Mayer, Rollo, Sabbagh & Sturbaum) - Defeated
Action Date: December 14, 2006

Proposed Amendment: This amendment adds the shaded text and deletes the ~~strikeout text~~ in the following sections:

1. 20.05.085(a)(4)(C)

Page 5-84 (Draft F) and Pages 5-87 (Integrated UDO)

20.05.085 SI-07 [Sign Standards; Commercial Downtown]

This Commercial Sign Standards section applies to the following zoning districts:

[CD]

- (a) Wall Signs: The following standards apply to wall signs for individual uses and tenants within a multi-tenant center:

- (1) *Allotment*:

- (A) Individual Nonresidential Uses: The cumulative square footage of all wall signs shall not exceed one and one-half (1.5) square foot per lineal feet of primary structure that faces a public or private street.
- (B) Multi-tenant Nonresidential Centers:
 - (i) First Story: The cumulative area of all wall signs for an individual tenant shall not exceed one and one-half (1.5) square feet per lineal foot of the tenant's façade width for locations on the first floor.
 - (ii) Upper Story Retail Uses: Retail uses located above the first story shall be permitted a wall sign allotment equal to fifty percent (50%) of the total allotment permitted for first story uses as provided in Clause (i): First Story above.
 - (iii) Upper Story Office Uses: Tenants without first story street frontage shall be permitted to display a maximum of four (4) square feet of signage at the exterior entrance with the property owner's permission.

- (C) Limits: No property shall be limited to less than twenty (20) square feet of wall signage and no use or tenant shall exceed one hundred (100) square feet of wall signage.

- (2) *Location*: Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on the tenants lease space, except as regulated in Clause (a)(1)(B)(ii): Upper Story Retail Uses above.
- (3) *Maximum Projection*: No part of a wall sign, other than a projecting sign or awning sign, shall project

more than twelve (12) inches from the wall or face of the building to which it is attached.

(4) *Projecting Signs*: The following standards apply to projecting signs:

(A) *Maximum Projection*: No part of a projecting sign shall protrude more than thirty-six (36) inches from the wall or face of the building to which it is attached. Support structures between the building and the sign only shall be counted towards this allowance.

(B) *Location*: Projecting signs shall be located adjacent to the tenant's lease space. Projecting signs shall not extend into a public right-of-way unless approved by the Board of Public Works.

(C) *Separation*: A minimum separation of ~~one hundred fifty (150)~~ (50) feet shall be provided between all projecting signs on the same ~~building façade~~ street frontage.

(D) *Number*: A maximum of one (1) projecting sign is permitted per tenant per street frontage.

(E) *Area*: Projecting signs shall be limited to a maximum of twenty (20) square feet in area.

(F) *Allotment*: Projecting sign areas shall count towards overall wall sign allotment.

(G) *Prohibited Location*: No projecting signs shall be located on buildings located within the Courthouse Square Overlay district.

(H) *Wind Loadings*: The applicant for a projecting sign shall provide information verifying that the building façade containing the projecting sign can tolerate wind loadings.

(I) Any property that utilizes a freestanding sign shall be prohibited from utilizing a projecting sign.

(b) *Freestanding Signs*: The following standards apply to permanent freestanding signs.

(1) *Setback*: No freestanding sign shall be allowed unless the primary structure on a lot is set back from the public right of way by a minimum of fifteen (15) feet.

(2) *Number*: Lots with thirty (30) feet or less of public street frontage are not permitted any freestanding signs. Properties with more than thirty (30) feet of public street frontage on a single street are permitted a maximum of one (1) freestanding sign

(3) *Sign Area*: Freestanding signs shall not exceed fifteen (15) square feet in area per side.

(4) *Height*: Freestanding signs shall not exceed four (4) feet in height.

(5) *Lighting*: Internally-illuminated signs are prohibited.

(6) *Changeable Copy*: Changeable copy shall be prohibited as part of a freestanding sign.