



City of Bloomington
Common Council

Legislative Packet

Special Sessions for consideration of the
UDO (Unified Development Ordinance) Amendments
11, 13 and 14 December 2006

Please see
[Legislative Packet](#)
issued for Special Session 27-29 November 2006
for legislation and background material

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov>

**AGENDA FOR
COMMON COUNCIL SPECIAL SESSION TO
CONSIDER 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" (OTHERWISE KNOWN AS THE
UNIFIED DEVELOPMENT ORDINANCE (UDO))
MONDAY, DECEMBER 11, 2006, WEDNESDAY, DECEMBER 13, 2006, AND
THURSDAY, DECEMBER 14, 2006
6:00P.M.
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

MONDAY, DECEMBER 11, 2006

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. 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.)*
- IV. SPECIAL FINDINGS IN REGARD TO THE REGULATION OF SEXUALLY ORIENTED BUSINESSES**
- V. CONSIDERATION OF AMENDMENTS**
(See Note Below on the Order of Consideration)

- Am 23 Re: To Make Technical Corrections – Plan Staff
Submitted By: Tom Micuda, Director of Planning
- Am 24 Re: To Make Technical Corrections – City Legal
Submitted By: Tricia Bernens, City Attorney
- Am 26 Re: To Rezone Parcels at Country Club and Rockport Road from PUD to RS and IN
(Map) Submitted By: Tom Micuda, Director of Planning
- Am 27 Re: To Rezone Parcel on Kimble Drive from Residential Single Family (RS) to
(Map) Residential Multifamily (RM)
Submitted By: Tom Micuda, Director of Planning
- Am 16 Re: To Amend Intent Statement for the Commercial Downtown (CD) District to
Include the Promotion of Diversity of Housing for All Income and Age Groups
Sponsor: Gaal
- Am 29 Re: To Establish Minimum Required Entrances along the B-Line Trail
Sponsor: Sturbaum
- Am 02 Re: To Require Setback along the B-Line Trail
(Note: This amendment was postponed from December 4, 2006.)
Sponsor: Sturbaum
- Am 28 Re: To Eliminate Setback Requirement along the B-Line Trail
Sponsor: Sabbagh
- Am 25 Re: To Rezone Parcels in University Courts from Residential Multifamily (RM) to
(Map) Residential Core (RC)
Sponsored By: Volan and Other Council Members

VI. RECESS

(Continued on Other Side)

WEDNESDAY, DECEMBER 13, 2006

I. ROLL CALL

II. AGENDA SUMMATION

III. CONTINUED CONSIDERATION OF AMENDMENTS
(See Note Below on the Order of Consideration)

- Am 21 Re: To Change the Term "Alternative Transportation" to "Traditional Transportation"
Sponsor: Volan
- Am 18 Re: To Eliminate Minimum and Impose a Maximum Parking Requirement in the Downtown Commercial (CD) District
Sponsor: Volan
- Am 19 Re: To Impose a Maximum Parking Requirement throughout the City
(Note: Revisions to this amendment are being prepared and will distributed when completed.)
Sponsor: Volan
- Am 11 Re: To Allow Convenience Stores (with Gas) as a Permitted Use with Special Conditions in Business Park (BP) Zones
(Note: This amendment was postponed from the December 7th Meeting in order to establish a new, "clean," gas station use. Revisions Forthcoming)
Sponsor: Wisler

IV. RECESS

THURSDAY, DECEMBER 14, 2006

I. ROLL CALL

II. AGENDA SUMMATION

III. CONTINUED CONSIDERATION OF AMENDMENTS
(See Note Below on the Order of Consideration)

- Am 09 Re: To Provide for a Smaller Riparian Buffer on Existing Lots of Less than One Acre
Sponsor: Rollo
- Am 22 Re: To Modify the LEED and Affordable Housing Components in Green Development Standards
(Note: This amendment will distributed Monday evening.)
Sponsor: Rollo
- Am 20 Re: To Reduce the Separation Requirement for Projecting Signs in the Commercial Downtown (CD) District
Sponsor: Volan
- Am 17 Re: To Specify Council Power to Affect Planned Unit Development (PUD) District Ordinances
Sponsor: Ruff

IV. RECESS (UNTIL WEDNESDAY, DECEMBER 20, 2006)

Note: Order of Consideration

Amendments will be discussed on the day and in the order they appear on this agenda unless changed by a vote of the Council. Any amendments which are not voted upon during the evening listed on this agenda will be heard first at the next meeting unless that order is changed by a vote of the Council. The public will have an opportunity to comment on each amendment.

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
e-mail: council@bloomington.in.gov
www.bloomington.in.gov/council

To: Council Members
From: Council Office
Re: Calendar for the Week of December 11 -15, 2006
Date: December 8, 2006

Monday, December 11, 2006

12:00 pm Council Sidewalk Committee, Council Library
3:00 pm Smokefree Policy Committee, Hooker Room
4:00 pm Farmers' Market Advisory Council, Showers Room 250
5:00 pm Utilities Service Board, IU Research Park, 501 N. Morton, Room 100B
5:30 pm Citizen Advisory Council, Social Services Review Rankings, McCloskey
6:00 pm Common Council Special Session on the UDO (Unified Development Ordinance), Council Chambers

Tuesday, December 12, 2006

3:30 pm Community and Family Resources Commission, Hooker
4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Bloomington Community Arts Commission, Kelly
5:30 pm Bloomington Public Transportation Corporation, Transit, 130 W. Grimes Lane
5:30 pm Board of Public Works, Council Chambers
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities, Hooker Room

Wednesday, December 13, 2006

4:00 pm Board of Housing Quality Appeals, McCloskey
4:30 pm Environmental Resources Advisory Council, Showers Room 250
6:00 pm Common Council Special Session on the UDO (Unified Development Ordinance), Council Chambers

Thursday, December 14, 2006

12:00 pm Housing Network, McCloskey
3:30 pm Bloomington Historic Preservation Commission, McCloskey
4:00 pm Solid Waste Management District, County Solid Waste Management Facilities, 3400 Old SR 37
4:15 pm Commission on the Status of Black Males, Kelly
5:30 pm Board of Zoning Appeals, McCloskey
6:00 pm Black History Month Committee, Men of Color Subcommittee, Dunlap
6:00 pm Common Council Special Session on the UDO (Unified Development Ordinance), Council Chambers

Friday, December 15, 2006

12:00 pm Domestic Violence Taskforce, Hooker Room

**Revised Notice and Schedule for Common Council Consideration of
Ordinance 06-24 Otherwise Known as the
Unified Development Ordinance (UDO) which Amends the Bloomington
Municipal Code by Combining and Replacing Title 20 (Zoning and Zoning
Maps) and Title 19 (Subdivisions)
December 1, 2006**

Meetings will offer opportunity for public comment and will be held in the Council Chambers and Begin at 6:00 p.m. unless otherwise noted below (*also see * at bottom of the page*)

Informal Introduction to the Unified Development Ordinance

Monday, November 27, 2006
Tuesday, November 28, 2006
Wednesday, November 29, 2006

Deadlines for Submittal of Amendments by Council Members

Tuesday, November 29, 2006 (noon)
Friday, December 1, 2006 (noon)
(*Further deadlines may be adopted by the Council*)

Preliminary Consideration of Amendments to the Unified Development Ordinance

Monday, December 4, 2006
Formal Motion to Consider Ordinance 06-24 followed by consideration of amendments
Thursday, December 7, 2006

Announcement of Further Consideration of the Unified Development Ordinance

Wednesday, December 6, 2007
7:30 p.m. – Common Council will announce it's intention to further consider the UDO and approve a revised schedule for consideration of the UDO during its Regular Session on this date (but take no other action on it at that time).

Hearing on Written Objections to UDO Pursuant to I.C. 36-7-4-606(c)(3)

Monday, December 11, 2006 *Note: The deadline for amendments may be extended to provide opportunity to convert written objections into amendments.)*

Preliminary Consideration of Amendments to the Unified Development Ordinance - Continued

Monday, December 11, 2006 (*After the aforementioned hearing*)
Wednesday, December 13, 2006 (*If necessary*)
Thursday, December 14, 2006 (*If necessary*)

Second Hearing on Written Objections to and Final Adoption of the Unified Development Ordinance

Wednesday, December 20, 2006
7:30 p.m. - The Common Council will hear further written objections and is scheduled to take final action on the UDO during that evening's Regular Session.

* *Two meetings will occur at times other than 6:00 p.m. Those meetings are noted above and include Regular Sessions of the Council that will be held on Wednesday, December 6, 2006 and Wednesday, December 20, 2006 and will begin at 7:30 p.m.*

* *This consideration of the UDO may be continued from time to time as may be found necessary by the Council.*

Posted and Distributed on: Friday, December 1, 2006

ORDINANCE 06-24 (UDO) AMENDMENT PACKET FOR MONDAY, DECEMBER 11, WEDNESDAY, DECEMBER 13, AND THURSDAY, DECEMBER 14, 2006

MONDAY, DECEMBER 11, 2006

Council Amendment	Related Plan Commission Amendment	Chapter	Sponsor	Synopsis	Vote	Date
Am 23	N/A	Throughout	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.		
Am 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.		
Am 26 (Map)	N/A	Map	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).		
Am 27 (Map)	N/A	Map	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).		
Am 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.		
Am 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.		
Am 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. <i>Note: This amendment was postponed after introduction on December 4, 2006.</i>		
Am 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.		

Council Amendment	Related Plan Commission Amendment	Chapter	Sponsor	Synopsis	Vote	Date
Am 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.		
WEDNESDAY, DECEMBER 13, 2006						
Am 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.	Vote	Date
Am 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.		
Am 19	N/A	20.03 20.05 20.07	Volan	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. <i>Note: This amendment offers a different framework for parking than found in the current draft of the UDO. A revision to the amendment will be distributed before the meeting and further changes are anticipated if adopted by the Council. 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>		
Am 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. <i>This amendment was postponed from the December 7th meeting and will be revised to establish a new use for convenience stores that offer at least some clean fuels.</i>		

Council Amendment	Related Plan Commission Amendment	Chapter	Sponsor	Synopsis	Vote	Date
THURSDAY, DECEMBER 14, 2006						
Am 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.	Vote	Date
Am 22	N/A	20.05 20.07	Rollo	This amendment would change the Green Development Incentives (20.05.050) and Sustainable Development Design Standards (20.07.200) by providing more rigorous energy-savings requirements and, perhaps, adjusting the incentive levels. <i>Note: It will be distributed on Monday night.</i>		
Am 20	UDO-066a	20.05	<i>Volan</i>	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.		
Am 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.		

***** 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:

Action Date:

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:

Invasive Flowers:

- Alliaria petiolata
- Centaurea cyanus
- Centaurea repens
- Cirsium arvense
- Digitalis lanata
- Fallopia japonica
- Hesperis matronalis
- Inula britannica
- Lespedeza cuneata
- Lythrum salicaria
- Melilotus alba, M. officinalis
- Ornithogalum umbellatum
- Polygonum cuspidatum
- Sonchus arvensis

- Garlic Mustard
- Cornflower or Bachelor’s Button
- Russian Knapweed
- Canada Thistle
- Grecian Foxglove
- Giant Hogweed
- Dame’s Rocket
- Meadow Fleabane or British Yellowhead
- Sericea lespedeza
- Purple Loosestrife
- Sweet Clover
- Star of Bethlehem
- Japanese knotweed
- Perennial Sowthistle

Invasive Grasses:

- Agropyron repens
- Bromus inermis
- Festuca elatior
- Lepidium draba
- Quackgrass
- Smooth Brome
- Tall Fescue
- 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 Almun
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.

Class of Use Table

1	2	3	4
antique sales	auto parts sales	business/professional office	assisted living facility
apparel and shoe sales	bank/credit union	government office	cemetery/mausoleum
artist studio	bookstore	license branch	community center
arts/craft/hobby store	building supply store	medical care clinic, immediate	country club
barber/beauty shop	convenience store (without gas pumps)	medical clinic	erematory
bed and breakfast	department store	outpatient care facility	day-care center, adult/child
bicycle sales/repair	drive-through	post office	fraternity house/sorority house
cellular phone/pager services	drugstore	radio/TV station research center	government operations (non-office)
coin laundry	furniture store	research center	homeless shelter
computer sales	grocery/supermarket	school, business/trade	hospital
copy center	hardware store	school, college/university	jail
dry-cleaning service	home electronics/appliance sales	social services	juvenile detention facility
equipment/party/event rental (indoor)	hotel/motel	testing lab	library
garden shop	liquor and tobacco sales	veterinary clinic	lodge
gift shop/boutique	office supply sales		mortuary
music/media sales	pet store		museum
musical instrument sales	restaurant- 5,000 sq. ft. GFA or greater		nursing/convalescent home
pawn shop	sexually-oriented business		orchard/tree farm
pet grooming	sporting goods sales		park
photographic studio	theater		place of worship
restaurant - under 5,000 sq. ft. GFA	video rental		plant nursery/greenhouse
restaurant, limited service			police/fire/rescue station
retail, low intensity			post office
shoe repair			prison
tailor/seamstress shop			recreation center
tanning salon			rehabilitation clinic
tattoo/piercing parlor			school, business/trade
			school, college/university
			School, preschool
			School, primary/secondary
5	6	7	8
amusements, indoor		boat sales	dwelling, mobile home
amusements, outdoor	auto body shop	bottled gas storage/distribution	dwelling, multifamily
bank/credit union	car wash, full service	building trade shop	dwelling, single-family
banquet hall	car wash, self service	communication facility	group care home for developmentally disabled
bar/dance club	convenience store (with gas pumps)	distribution facility	group care home for mentally ill
billiard/arcade room	drive-through	equipment/party/event rental (outdoor)	group/residential care home
bowling alley	oil change facility	food production/processing	manufactured home park
brewpub	theater, drive-in	gravel/sand/cement production	rooming house
fitness center/gym	vehicle accessory installation	heavy equipment sales/rental	
fitness/training studio	vehicle repair	impound vehicle storage	
golf course	vehicle sales/rental	Kennel	
golf driving range, outdoor		manufactured housing home sales	
health spa		manufacturing, heavy	
miniature golf		manufacturing, light	
skating rink		mini-warehouse facility	
theater, indoor		outdoor storage	
		print shop	
		salvage/scraper yard	
		stone processing	
		storage tanks	
		tool and dye die shop	
		transportation terminal	
		utility substation and transmission facility	
		Warehouse	
		Welding	
		Quarry	
		orchard/tree farm	
		plant nursery/greenhouse	

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

Council Amendment #: 24

Plan Commission Amendment #:

Sponsor:

Staff - Bernens

Date:

12/07/06

Synopsis

This staff amendment makes the following housekeeping changes to the UDO:

- Provides pinpoint citation to the National Fire Protection Association Standard on Water Supplies for Suburban and Rural Fire Fighting specifications for dry hydrants.
- Makes parallel changes in the UDO to reflect the Council’s decision to permit small flocks of chickens via Title 7 – Animals.
- Revises the definition of “façade” to address situations where what looks like one façade is actually covering more than one building or where a single building appears to have more than one façade.
- Clarifies that the public can make comment during a plat vacation hearing.
- Reflects the Plan Commission’s discretion to waive the surety requirement in conjunction with the approval of a plat vacation.
- Under the “Waiver and Modification” portion of the Subdivision section, removes the Plan Commission’s ability to approve a petition with commitments, in accordance with State law.
- Adds language to the Certificate of Zoning Compliance (20.10.220) to reflect the procedural requirements of the Demolition Delay provision (20.10.230).
- Refines the intent statement of Section 20.10.240: Grading Permit to make clear that the intent includes providing a mechanism to guarantee compliance with Chapter 5 of the UDO, particularly Chapter 5’s Environmental Standards.
- Clarifies requirements for Certificate of Occupancy.
- Clarifies provisions of 20.10.260: Sign Permit, including language making clear that compliance with the UDO includes signage limitations upon the site as a whole.
- Clarifies the intent language of 20.10.270: Temporary Use Permit
- Clarifies the applicability and recording requirements of easements, including their modification and termination.
- Changes the vacation of easement section to reflect State statute regarding who can petition for a vacation.
- Makes clear that when a petitioner does not complete a public facility improvement and installations within a two-year period, and requests an extension, the extension is conditioned upon an extension or renewal of surety. 20.10.320 Surety Standards
- Removes the requirement in 20.10.360: Amendments to Ordinance Text that a petitioner must first meet with planning staff before filing an application for a UDO text amendment, because the “petitioner” is always the Plan Commission or the Common Council.

Action:

Action Date:

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

**1. 20.05.064 MS-01 [Municipal Services; General]
Page 5-61 (Draft F); Page 5-63(Integrated UDO)**

20.05.064 MS-01 [Municipal Services; General]

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

**2. 20.05.093 SC-06 [Special Conditions; Crops and Pasturage]
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)**

**20.05.093 SC-06 [Special Conditions; Crops and Pasturage, and
Accessory Chicken Flocks]**

Part (a) of this ~~This~~ Special Conditions Standards section applies to the following zoning districts:

[RE]

Part (b) of this Special Conditions Standards section applies to the following zoning districts:

[RE] [RS]

(a) Crops and Pasturage – RE Districts:

(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

(2) Animal units per animal shall be determined as follows:

(A) All larger animals, including cattle, horses, swine, ponies, etc., shall equal 1.0 animal unit;

(B) Goats, sheep, miniature horses, etc., shall equal 0.5 animal unit;

(C) All smaller animals including fowl shall equal 0.2 animal unit; and

(D) All animals less than four (4) months of age shall be calculated at one-half (1/2) the unit value of their respective category above.

(3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.

(4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except as allowed by Subsection (b) of this Section, and except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.

(5) Structures containing livestock or livestock waste shall meet the following minimum

setbacks:

- (A) Front Setback: Seventy-five (75) feet;
- (B) Side Setback: Fifty (50) feet;
- (C) Rear Setback: Seventy-five (75) feet.

(b) **Accessory Chicken Flocks– RE and RS Districts:**

One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

**3. 20.02.020 Permitted uses [RE District]
Page 2-2 (Draft F and Integrated UDO)
20.02.020 Permitted Uses**

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

- crops and pasturage, and accessory chicken flocks*
- dwelling, single-family (detached)
- government operations (non-office)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- orchard
- park
- tree farm
- utility substation and transmission facility*

**4. 20.02.060 Permitted Uses [RS District]
Page 2-4 (Draft F and Integrated UDO)**

20.02.060 Permitted Uses

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

- Accessory chicken flock*
- dwelling, single-family (attached)*
- dwelling, single-family (detached)
- group care home for developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- utility substation and transmission facility*

5. 20.12.020 Defined Words

(a) Page 12-11 (Draft F and Integrated UDO)

Crops and Livestock Pasturage:

Explanation: Corrects an inadvertent change to the name of this defined term in order to maintain consistency with references to it throughout the UDO.

(b) Page 12-9 (Draft F and Integrated UDO)

Chicken Flock, Accessory: a use accessory to a permitted residential use that meets the definition of “Chicken Flock” in *Section 7.01.010* of the Bloomington Municipal Code, as it may hereafter be amended, which is expressly incorporated herein by reference, and that is permitted under this Unified Development Ordinance only where permitted by and in compliance with all requirements of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended.

(c) Page 12-15 (Draft F and Integrated UDO)

Façade: That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The façade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a façade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one façade, and a façade may cross building lines, provided there is unitary ownership or control of both buildings.)

6. 20.10.200 Subdivision Control; Plat Vacation

Page 10-26 (Draft F): Page 10-22 (Integrated UDO)

20.10.200 Subdivision Control; Plat Vacation

(f) Plan Commission:

(1) *Public Hearing; Grounds for Remonstrances and Objections:* All persons may comment at the public hearing in accordance with the procedural rules of the Commission. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed Plat Vacation, but only on one (1) or more of the following grounds:

(A) The Plat Vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) The Plat Vacation would make access to the lands of the aggrieved person by means of a public way difficult or inconvenient;

(C) The Plat Vacation would hinder the public’s access to a church, school, or other public building or place; and/or

(D) The Plat Vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

- (2) *Decision*: The Plan Commission shall:
- (A) Approve the petition;
 - (B) Approve the petition with conditions and/or commitments;
 - (C) Disapprove the petition; or
 - (D) Continue the petition to a definite future meeting date.

(7) *Surety Requirement*: In conjunction with the approval of a Plat Vacation and unless determined to be unnecessary by the Plan Commission, the petitioner shall provide surety for all public improvements pursuant to **Chapter 20.10: Surety Standards**.

7. 20.10.210 Subdivision Control: Waivers and Modifications
Page 10-28 (Draft F); Page 10-25 (Integrated UDO)

20.10.210 Subdivision Control: Waivers and Modifications

(d) Plan Commission:

- (3) *Decision*: The Plan Commission shall:
- (A) Approve the petition;
 - (B) Approve the petition with conditions and/or commitments;
 - (C) Deny the petition; or
 - (D) Continue the petition to a definite future meeting date.

8. 20.10.220 Certificate of Zoning Compliance
Page 10-30 (Draft F); Page 10-26 (Integrated UDO)

20.10.220 Certificate of Zoning Compliance

(a) Intent: The intent of the Certificate of Zoning Compliance section is to outline the procedure by which proposed establishment of and alterations to uses, sites and structures are reviewed by the planning staff. This procedure is set forth in order to ensure that all such actions conform to the standards established by the Unified Development Ordinance.

(b) Certificate of Zoning Compliance Required: The City requires that a Certificate of Zoning Compliance (hereinafter "CZC") shall be obtained for any of the following actions. A single CZC may be issued for a combination of such actions, if they occur together. Any application for a CZC, permit or other approval for an action described in Division (5) of this Subsection shall be subject to the procedures outlined in **Section 20.10.230: Demolition Delay**:

(1) Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition, or moving of any building, structure, or mobile home;

(2) Establishment of a use or change in use to another use (see **Chapter 20.12: Definitions**; "Change in Use");

(3) Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;

(4) Grading, improvement, or other alteration of land, including paving, or the establishment of drives or parking areas, or any other land disturbing activity.

(5) Any action, whether or not listed in Divisions (1) through (4) of this Subsection, that would result in partial or complete demolition of any exterior portion of a building or structure

that is listed as ‘Outstanding’, ‘Notable’, or ‘Contributing’ on the *2001 City of Bloomington Survey of Historic Sites & Structures* adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter “HPC”) as the same may be hereafter amended or replaced (hereinafter “Historic Survey”). Such action shall be subject to the procedures outlined in **Section 20.10.230: Demolition Delay**. An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered “listed” within the meaning of this ordinance unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the planning staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of HPC or its staff.

9. 20.10.240 Grading Permit
Page 10-34 (Draft F); Page 10-30 (Integrated UDO)
20.10.240 Grading Permit

(a) Intent: It is the intent of this section to mitigate the environmental impact of site development and to protect the quality of the waters of the City of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to insure compliance with **Chapter 20.05: Development Standards** of this UDO, and particularly the Environmental Standards of that Chapter, by providing a thorough permitting and inspection process for all grading activities.

(g) City Engineering Department:

(1) *Decision*: The City Engineering Department shall approve or deny the application within twenty (20) working days of the receipt of a complete application and all supportive documents.

(2) *Pre-construction Conference*: For all sites of one (1) acre or more, a pre-construction conference is required before any land-disturbing activity can commence. This conference will be between the City Engineering Department and the petitioner. If land-disturbing activity commences without the benefit of a pre-construction conference, it shall be considered a violation of the Unified Development Ordinance. This conference shall include but not be limited to the proposed:

- (A) Construction schedule;
- (B) Memorandum of erosion control responsibility;
- (C) Permit conditions of approval;
- (D) Compliance with **Section 20.05.041 040: Siltation & Erosion Prevention**;
- (E) Identification of types of soil stock piles (working versus storage) and seeding requirements for such piles that achieve the objectives of this chapter.

(3) *Inspection*: Prior to the initiation of site grading, the City Engineering Department shall inspect the erosion and sedimentation controls installed by the petitioner to ensure that they meet or exceed the measures in the approved Erosion & Sedimentation Control Plan.

10. 20.10.250 Certificate of Occupancy
Page 10-36 (Draft F); Page 10-32 (Integrated UDO)

20.10.250 Certificate of Occupancy

- (c) Applicability: The City hereby requires that a Certificate of Occupancy be obtained prior to a building or structure being occupied or used in each of the following situations:
- (1) Occupancy or use of any new building or structure;
 - (2) Re-use or re-occupancy of any existing building or structure that requires either a permit from the County Building Department or a Certificate of Zoning Compliance from the Planning Department;
 - (3) Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.
- (d) Enforcement: If a Certificate of Occupancy is required, it is unlawful and a violation of the Unified Development Ordinance for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until the planning staff recommends issuance of a Certificate of Occupancy to the County Building Department. Any violation of this provision shall be Anyone who is required to obtain a Certificate of Occupancy—and fails to do so is subject to a Stop Work Order, mitigation, and/or fines and penalties as specified in *Chapter 20.11: Enforcement & Penalties*.

11. **20.10.260 Sign Permit**
Page 10-36 (Draft F); Page 10-33 (Integrated UDO)

20.10.260 Sign Permit

- (a) Intent: The purpose of the Sign Permit section is to provide a mechanism for enforcement of the sign regulations of this Unified Development Ordinance in order to: establish for all signs located on any premises a reasonable and impartial means to permit adequate communication; to control confusing sign displays that present a hazard to pedestrians and motorists along streets; to insure light, air, and open space; to protect the natural beauty and environment of the City; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; and to protect the public health, safety, and general welfare.
- (f) Planning Department:
- (1) The planning staff shall review the application upon receipt of a complete application, and supportive documents.
 - (2) Decision: If the proposed sign is in compliance with all the requirements of this Unified Development Ordinance, including the signage limitations upon the site as a whole, a Sign Permit shall be issued.

12. **20.10.270 Temporary Use Permit**
Page 10-38 (Draft F); Page 10-34 (Integrated UDO)

20.10.270 Temporary Use Permit

(a) Intent: The purpose of temporary use provisions is to provide a mechanism for enforcement of the temporary use regulations of this Unified Development Ordinance, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

**13. 20.10.280 Easements; General
Page 10-39 (Draft F); Page 10-35 (Integrated UDO)**

20.10.280 Easements; General

(a) Intent: The purpose of **this section** is to outline the procedure for obtaining and recording easements and to insure that the statutory requirements of the Indiana Code for establishing easements are met.

(b) Applicability: This section governs easements that are:

(1) Required and/or granted pursuant to a provision of the Unified Development Ordinance;

(2) Offered as a commitment by the petitioner; and or

(3) Permitted or required. ~~Required~~ as a condition of approval by the Plan Commission, Plat Committee, ~~or~~ Board of Zoning Appeals, Hearing Officer, or Planning Staff.

(c) Form: Easement instruments shall be ~~recorded~~ prepared in a recordable form acceptable to the City Legal Department.

(d) Recording: Approved easement instruments shall be recorded in the County Recorder's office. ~~One (1) copy of the recorded easement instrument shall be delivered to the Planning Department and to each grantee for the given type of easement.~~ The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

(e) Covenants, Conditions, and Restrictions: Inclusion of language ~~Language~~ defining easements in an instrument creating ~~shall not be included in a~~ covenants, conditions, and restrictions ~~instrument.~~ shall not be sufficient; rather, easement instruments shall be independently recorded documents that may ~~only~~ be modified, terminated, or vacated ~~only~~ as provided in this Unified Development Ordinance.

**14. 20.10.290 Easements; Modification
Page 10-40 (Draft F); Page 10-36 (Integrated UDO)**

20.10.290 Easements; Modification

- (b) Applicability: This section governs easements that are:
- (1) Required and/or granted pursuant to a provision of the Unified Development Ordinance;
 - (2) Offered as a commitment by the petitioner; and or
 - (3) Permitted or required Required as a condition of approval by the Plan Commission, Plat Committee, or Board of Zoning Appeals, Hearing Officer, or Planning Staff.
- (c) Request for Modification: Either the grantor or the grantee of an easement may apply to the approving body for modification of the easement.
- (d) Time Limitation: If an Easement Modification petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.
- ~~(e) Planning Department: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the City is the grantee, either the grantor or grantee may apply to the Planning Department for administrative modification of the easement in the manner outlined in this section.~~
- ~~(f) Plan Commission: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, and the City is not the grantee, either the grantor or grantee may petition the Plan Commission for modification of the easement in the manner outlined in this section.~~
- ~~(g) Board of Zoning Appeals: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, and the City is not the grantee, either the grantor or grantee may petition the Board of Zoning Appeals for modification of the easement in the manner outlined in this section.~~
- (e) (h) Recording: If approved, the modified easement shall be recorded by the petitioner shall record the easement modification instrument in the County Recorder's office. One (1) copy of the recorded easement instrument shall be delivered to the Planning Department and to each grantee for the given type of easement. The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.

15. **Section 20.10.300 Easements: Termination**
Page 10-41 (Draft F); Page 10-37 (Integrated UDO)

Section 20.10.300 Easements: Termination

(b) Applicability:

- (1) *Termination of Unplatted Easements:* When an easement has been established pursuant to a provision of the Unified Development Ordinance, ~~permitted or required~~ offered as a commitment by the petitioner, or ~~permitted or required~~ as a condition of approval, by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body for termination of the easement.
- (2) *Time Limitation:* If an Easement Termination petition has been denied, the petitioner shall not file a new application with the same or substantially similar request for a period of six (6) months.

(c) Exceptions: This section does not govern easements that are ~~shown on a recorded plat.~~

- ~~(1) Not required pursuant to a provision of the Unified Development ordinance;~~
- ~~(2) Not offered as a commitment by the petitioner;~~
- ~~(3) Not required as a condition of approval by the Plan Commission or Board of Zoning Appeals; or~~
- ~~(4) S shown on a recorded plat.~~

~~(d) Planning Department: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, and the City is the grantee, either the grantor or grantee may apply to the Planning Department for administrative termination of the easement in the manner outlined in **this section.**~~

~~(e) Plan Commission: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission, and the City is not the grantee, either the grantor or grantee may petition the Plan Commission for termination of the easement in the manner outlined in **this section.**~~

~~(f) Board of Zoning Appeals: When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the petitioner, or required as a condition of approval by the Board of Zoning Appeals, and the City is not the grantee, either the grantor or grantee may petition the Board of Zoning Appeals for termination of the easement in the manner outlined in **this**~~

~~section.~~

- (d) ~~(g)~~ Recording: If approved, ~~the easement termination instrument shall be recorded by the petitioner shall record the easement termination instrument instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded easement termination instrument to every other party to the easement and one (1) copy to the Planning Department.~~ The original recorded easement shall be delivered to the Grantee and a copy shall be delivered to the Planning Department.
- (e) ~~(h)~~ Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

16. Section 20.10.310 Easements: Vacation
Page 10-42 (Draft F): Page 10-38 (Integrated UDO)

20.10.310 Easements; Vacation

- (b) Prerequisite: If the easement to be vacated was established as a result of a ~~permitted or required~~ commitment or condition of approval by the Plan Commission or Board of Zoning Appeals, the body that required the commitment or condition of approval shall approve both the Easement Vacation petition ~~and the~~ as well as a termination of the commitment/condition.

~~(c) Applicability: When an easement has been established on a plat, either the grantor or grantee may petition the Common Council for vacation of the easement in accordance with the requirements of IC 36-7-3-16.~~

- (c) ~~(d)~~ Exceptions: This section does not govern easements that are not ~~shown on a recorded plat. ÷~~
 - ~~(1) Required pursuant to a provision of the Unified Development Ordinance;~~
 - ~~(2) Offered as a commitment by the petitioner;~~
 - ~~(3) Required as a condition of approval by the Plan Commission or Board of Zoning Appeals; and~~
 - ~~(4) Shown on a recorded plat.~~

- (d) (e) Common Council: ~~Persons who own or hold an interest in a lot or lots adjacent to a platted easement~~ ~~When an easement has been platted pursuant to a provision of the Unified Development Ordinance, and either offered as a commitment by the petitioner, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may petition the Common Council for vacation of the easement in the manner outlined in Ind. Code Section 36-7-3-12~~ **this section.**

- (e) ~~(f)~~ Recording: If approved, ~~the easement vacation ordinance shall be recorded by the petitioner shall be responsible for recording the easement vacation ordinance in the County Recorder's office. The original recorded easement~~

shall be delivered to the grantee and a copy shall be delivered to the Planning Department. ~~The petitioner shall deliver one (1) copy of the recorded easement vacation ordinance to every other party to the easement and one (1) copy to the Planning Department.~~

- (f) ~~(g)~~ Removal of Improvements: When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the vacation of the easement.

**17. 20.10.320 Surety Standards: Performance Surety
Page 10-43 (Draft F); Page 10-39 (Integrated UDO)**

20.10.320 Surety Standards: Performance Surety

(d) Duration:

(2) *Extension of Completion Time*: Should the petitioner not complete the public facility improvements and installations as herein required within a two-year period, the City Engineering Department may approve the petitioner's written request for an extension of time for up to two (2) additional years, granted at six month intervals ~~and conditioned in every case upon extension or renewal of the surety accordingly,~~ for completion of the required public facility improvements and installations.

**18. 20.10.360 Amendments to Ordinance Text
Page 10-49 (Draft F); Page 10-44 (Integrated UDO)**

20.10.360 Amendments to Ordinance Text

~~(c) Pre-application Meeting: Prior to filing an application for a Unified Development Ordinance text amendment, the petitioner shall meet with the planning staff to review the proposed text amendment, review the regulatory ordinances and materials, review the procedures and examine the effect of the proposed text amendment on the development of property within the jurisdiction. The planning staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.~~

- ~~(d) Application: The planning staff shall file the application and required supportive information at least thirty (30) calendar days prior to the regularly scheduled Plan Commission meeting.~~

Re-letter the remaining subsections of this Section as (c) through (k) accordingly.

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

Council Amendment #: 26 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Staff -- Micuda

Date: 12/07/06

Synopsis

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).

The properties in question were rezoned to Planned Unit Development in 1979. The southeast corner of the intersection was designated for up to 90 multifamily units, while the northeast corner of the intersection was designated for commercial development. No final plans were ever issued for this PUD, and both areas of the PUD have since been absorbed into larger properties. The southeast area has been purchased by the Bloomington Country Club. The northeast area has been purchased by the Anointed Harvest Fellowship Church. Given the lack of development since 1979 and the current uses of the properties by a church and country club, Planning recommends that the PUD zoning be changed to match the adjacent zoning designations (IN for the Country Club, RS for the Fellowship Church).

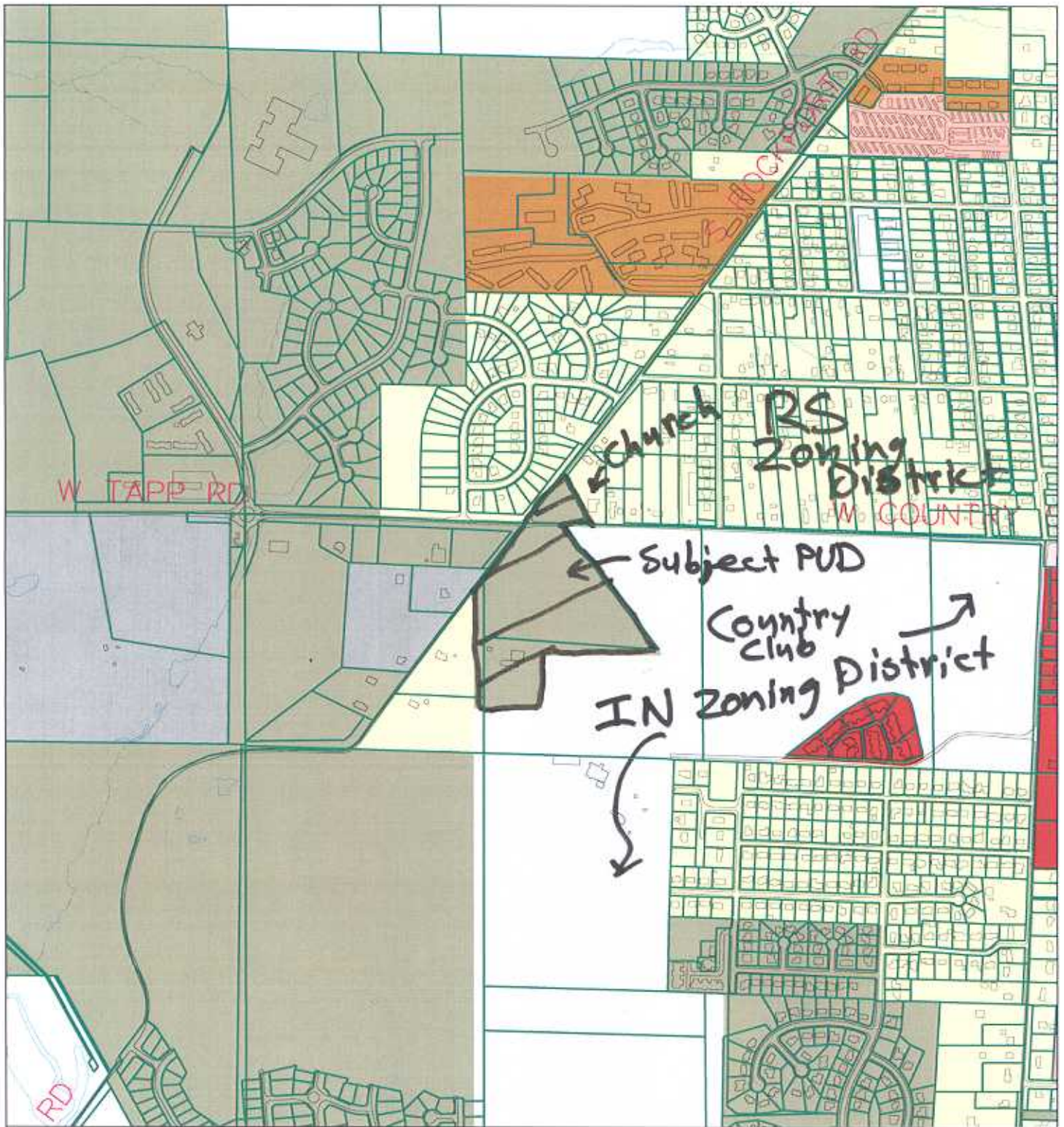
Action:

Action Date:

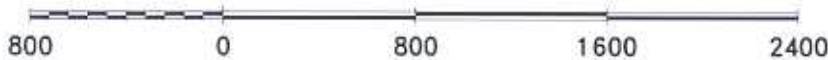
Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. **Zoning Map Amendment -- SE & NE Corners of the Rockport Road-Country Club Drive Intersection**

This amendment rezones thirteen (13) acres at the Southeast corner of the Rockport Road-Country Club Drive intersection to Institutional (IN) and rezones 1.3 acres at the Northeast corner of the intersection to Residential Single-Family (RS). *Please refer to the attached map depicting the changes.*



By: micudat
7 Dec 06



City of Bloomington
Planning



Scale: 1" = 800'

For reference only; map information NOT warranted.

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

Council Amendment #: 27 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Staff -- Micuda

Date: 12/07/06

Synopsis

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).

The subject area is currently zoned RM15 (Multifamily Residential at 15 units per acre) for the purpose of stimulating higher density housing development adjacent to the commercially zoned area known as Franklin Business Park. However, as part of the UDO zoning map update, the lower density of housing in this area initially caused the Planning Department to propose Residential Single Family (RS) zoning reflective of this less dense development pattern. As a result of more recent interest in higher density development, the Planning Department has reconsidered this decision and believes that RM zoning is warranted. Just recently, a 12.9 unit per acre condominium development was approved by the Plan Commission in this subject area. Additionally, there are two other potential multifamily developments being contemplated for this area.

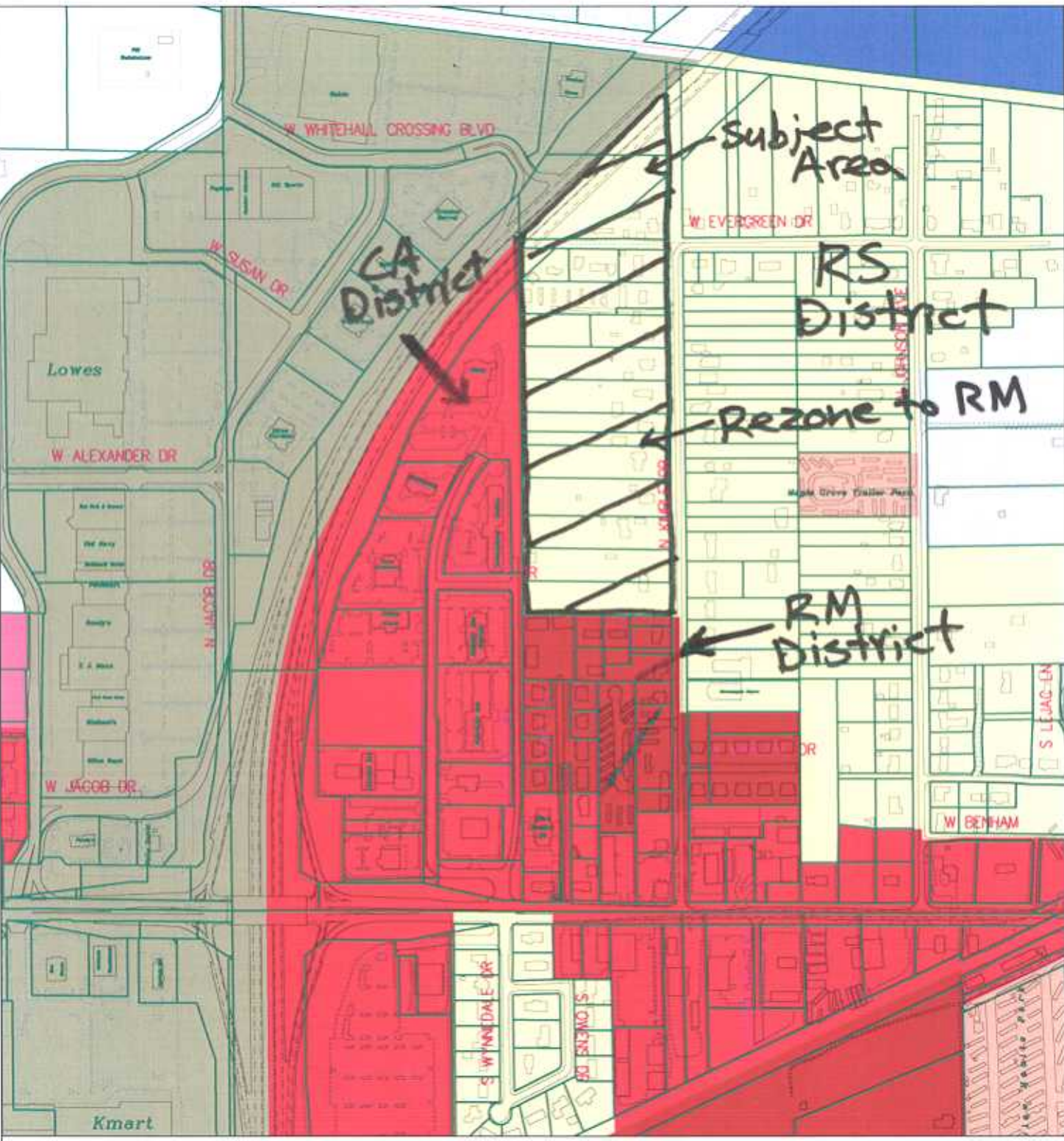
Action:

Action Date:

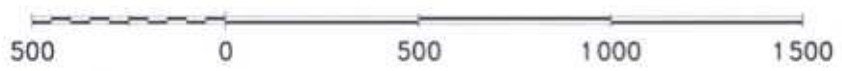
Proposed Amendment: This amendment adds the **shaded text** and deletes the ~~strikeout text~~ in the following sections:

1. **Zoning Map Amendment -- 111 N. Kimble Drive to 421 N. Kimble Drive and 2540, 2546, 2547 and 2563 West Evergreen Drive**

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).
Please refer to the attached map depicting the changes.



By: micudat
7 Dec 06



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 500'

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

Council Amendment #: 16 Plan Commission Amendment #: N/A

Sponsor: Gaal Date: 12/1/06

Synopsis

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.

Action:

Action Date:

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

1. **20.02.370 District Intent (for the Commercial Downtown (CD) District:
*Page 2-20 (Draft F and Integrated UDO)***

20.02.370

The CD (Commercial Downtown) District is intended to be used as follows:

- Protect and enhance the central business district, which contains many unique and historic structures.
- Promote high density development of mixed uses with storefront retail, professional office, and residential dwelling uses.
- Promote a diversity of residential housing for all income groups and ages.
- Development should incorporate pedestrian-oriented design (scale and massing) and accommodate alternative means of transportation.

Plan Commission/Board of Zoning Appeals Guidance:

- The downtown is targeted for intensified usage of vacant and underutilized buildings and sites.
- Space on the first floor of downtown buildings should be commercial with residential uses on the second floor and above.

***** 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:

Action Date:

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 #: 02 Plan Commission Amendment #: UDO-011 and UDO-019

Sponsor: Sturbaum Date: 11/28/06

Synopsis

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.

Action: 8 – 1 (Diekhoff) – Postpone Until December 11, 2006
Action Date: December 4, 2006
Action:
Action Date:

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:

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. ~~a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

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:

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the

right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

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)

(D) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

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)

(D) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of ten (10) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

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 3-32 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

(ii) For new development adjacent to the B-Line Trail, any building setback adjacent to the trail right-of-way shall be a minimum of fifteen (15) feet from the right-of-way edge. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.

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

Council Amendment #: 28 Plan Commission Amendment #: UDO-011 and UDO-019

Sponsor: Sabbagh Date: 12/07/06

Synopsis

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.

Action:

Action Date:

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:

(ii) For new development adjacent to the B-Line Trail, **no setback is required from the trail right-of-way.** ~~a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right-of-way.~~

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:

(ii) For new development adjacent to the B-Line Trail, **no setback is required from the trail right-of-way.** ~~a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right-of-way.~~

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)

(D) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

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)

(D) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

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 3-32 (Draft F); Page 3-28 (Integrated UDO)

(D) B-Line Trail:

(ii) For new development adjacent to the B-Line Trail, ~~no setback is required from the trail right-of-way. a maximum of seventy percent (70%) of the building façade facing the trail shall be built at the edge of the right of way.~~

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

Council Amendment #: 25 (Map Amendment) Plan Commission Amendment #: N/A

Sponsor: Volan

Date: 12/07/06

Synopsis

This amendment would revise the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10th Street to the north, Woodlawn Avenue to the east, East 7th 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.

This amendment was requested to be brought forward by Council members after testimony from Doug Horn, representing the Old Northeast Neighborhood Association. The impetus behind the amendment is concern for the stability of privately owned housing stock in close proximity of the Indiana University Campus. As shown in the attached map exhibit, there is substantial Indiana University ownership in this area, and there is concern that remaining housing stock might be lost unless zoning is changed to single family in nature (Residential Core). The purpose of the map amendment request is to protect and enhance home ownership in this area.

Action:

Action Date:

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

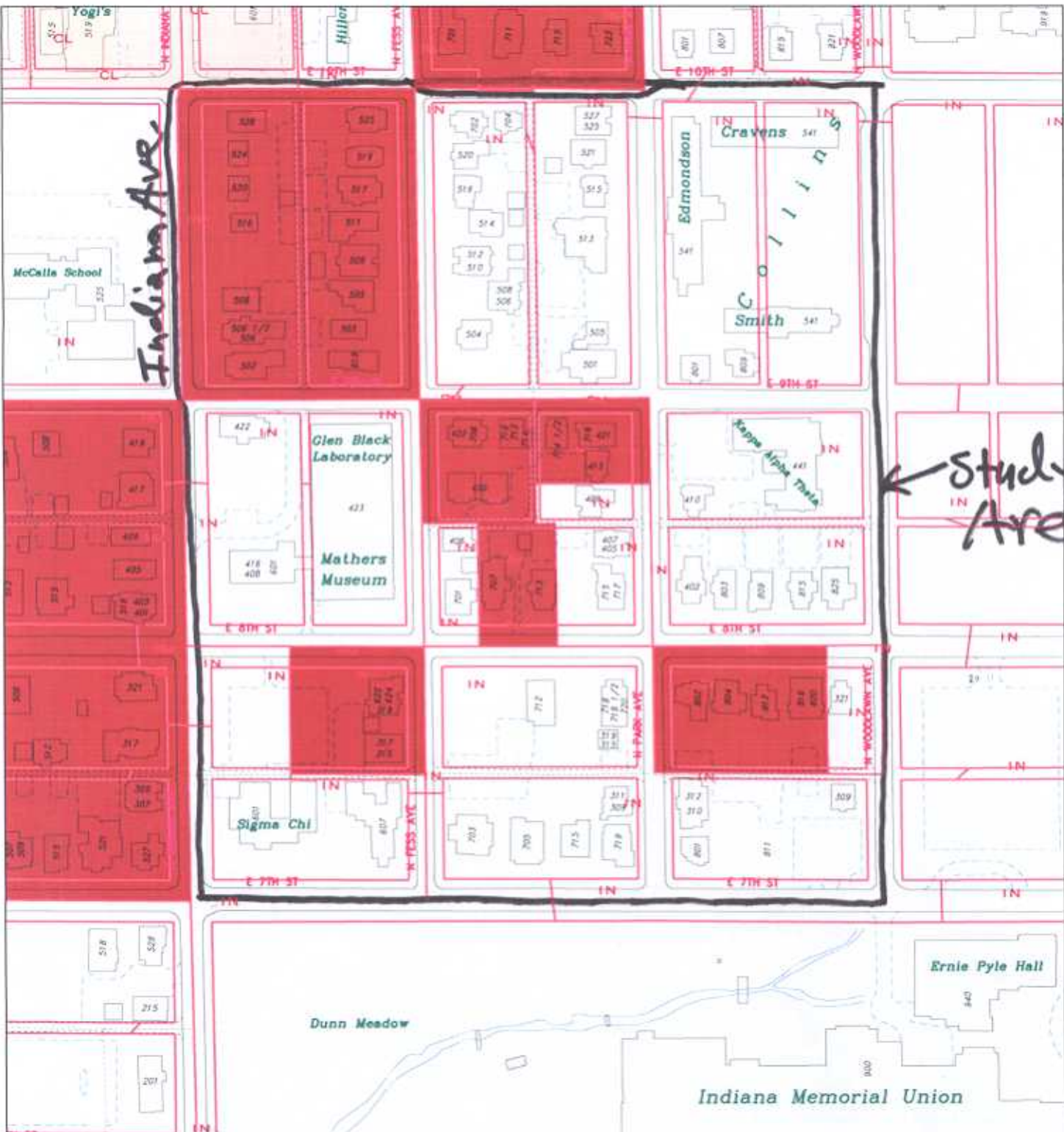
1. **Zoning Map Amendment -- Old Northeast Neighborhood bounded by East 10th to the north, Woodlawn Ave. to the east, E. 7th to the south and Indiana Ave. to the west**

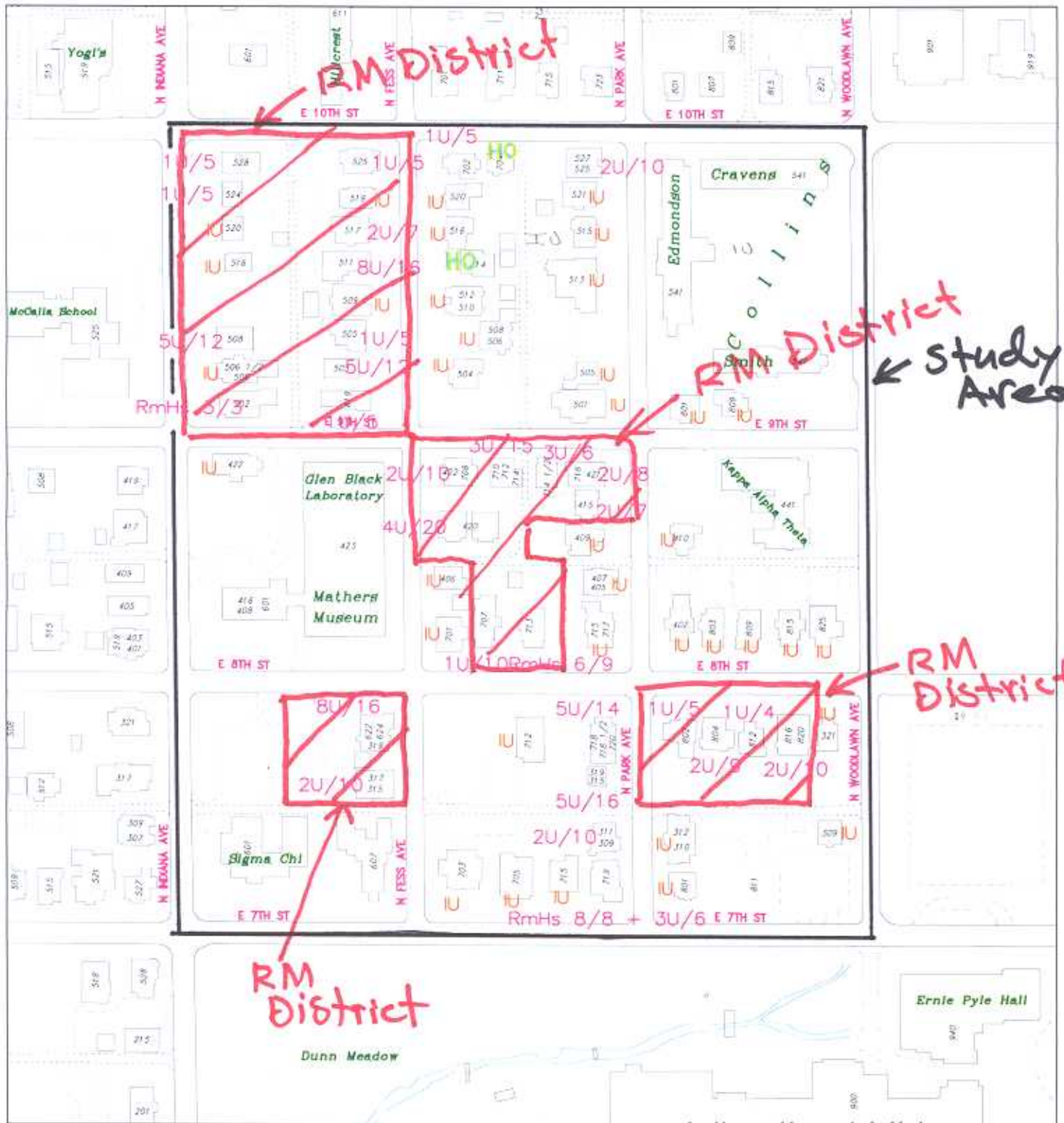
This amendment changes the zoning map for a portion of the Old Northeast Neighborhood bounded by East 10th Street to the north, Woodlawn Avenue to the east, East 7th Street to the south, and Indiana Avenue to the west. The amendment would change proposed RM (Residential Multifamily) zoning to RC (Residential Core) zoning for four separate areas within the neighborhood. *Please refer to the attached map depicting the changes.*

Planning Staff Map Analysis: During the Council meeting of December 4, Planning staff advised the Council that the subject area for the amendment should be analyzed for the following components: 1) ownership patterns, 2) presence of rental units, and 3) presence of multi-unit structures and general occupancy patterns. The attached map provides information concerning all these components.

- 1) Ownership Patterns – As anticipated, the ownership in this area is split between the private sector and Indiana University. The University is the dominant property owner, owning approximately 42 of the 78 structures in the overall study area. In the four areas specifically proposed for RM zoning and subject to the amendment, Planning staff has done a good job separating privately owned properties from Indiana University properties. Only in the northwest portion of the study area (around 10th and Indian Avenue) is there much of a mix between the two ownership entities.
- 2) Presence of Rental Units – For properties held in private ownership, registered rentals are the overwhelming use. There are only two properties that have owner-occupied status: 704 East 10th Street and 514 North Fess Avenue. From a land utilization perspective, this would be one reason to maintain the RM zoning proposed by staff.
- 3) Presence of Multi-unit Structures – In the southwest area proposed for RM zoning, both properties contain multi-unit structures. In the southeast area, there are two multi-unit structures and two single unit structures. Both of the single unit structures contain more than three unrelated adults. In the central area, all structures are multi-unit in nature. For the northwest area, the privately held properties are divided up into five multi-unit structures and five single unit structures. Once again, the single unit structures contain multifamily type occupancies.

Planning Staff Conclusion: Staff recommends against the proposed amendment due to the presence of non single-family housing patterns. If Council ultimately ends up supporting a change in zoning from RM to RC, staff would recommend that this zoning change only be done for the southeast and northwest portions of the study area where single unit structures more commonly exist. In that case, Planning would still be required to notify affected property owners and allow them to grandfather their rental properties for multifamily occupancy.





- IU - Property Owned by I. U.
- HO - Homeowner Occupied
- U/# - Number of units in a structure / maximum # of occupants allowed in the structure

By: darland
30 Nov 06



City of Bloomington
Planning



Scale: 1" = 200'

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

Council Amendment 21 Plan Commission Amendment #: N/A
#:

Sponsor: Volan Date: 12/1/06

Synopsis

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 .

Action:

Action Date:

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

1. Change the term “alternative transportation” to “traditional transportation” wherever it appears in the Unified Development Ordinance.

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

Council Amendment #: 18 Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

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.

Action:

Action Date:

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

1. Courthouse Square Overlay (CSO) District
20.03.050 Development Standards
Page 3-5 (Draft F and Integrated UDO)

20.03.050 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

- (1) *General:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) *Buildings located on the Courthouse Square:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

- (1) *Minimum Surface Parking Setback:*
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:* No parking spaces required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line:* 0 feet.

(2) *Maximum Front Setback:* n/a.

(3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

2. **Downtown Core Overlay (DCO) District**

20.03.110 Development Standards

Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 180 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage:* 100%.

(b) Height Standards:

(1) *Minimum Structure Height:* 35 feet

(2) *Maximum Structure Height:* 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(D) For developments located south of 4th Street, no parking shall be required.~~

(3) *Nonresidential Parking Standards:* No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line:* 0 feet.

- (2) *Maximum Front Setback*: n/a.
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

3. **University Village Overlay (UVO) District**
20.03.190 Development Standards
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*:
 - (A) General: 85%;
 - (B) Kirkwood Corridor: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet
 - (B) Maximum Structure Height: 55 feet
- (2) *Restaurant Row Corridor*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) General:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 5 feet;
 - (iii) Rear Yard: 5 feet.
- (B) Kirkwood Corridor:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 0 feet;
 - (iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

- (A) No parking required.
- (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.
 - ~~(A) For the first ten (10) bedrooms, no parking shall be required.~~
 - ~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~
 - ~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards*: No parking required

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;

- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code;
- (4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

4. Downtown Edges Overlay (DEO) District
20.03.260 Development Standards
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 60 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage*: 70%.

(b) Height Standards:

- (1) *Minimum Structure Height*: 25 feet
- (2) *Maximum Structure Height*: 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

- (A) Front Yard: 20 feet behind primary structure's front building wall;
- (B) Side Yard: 7 feet;
- (C) Rear Yard: 7 feet.

(2) *Residential Parking Standards*: ~~0.8 spaces per bedroom.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards*: ~~Fifty percent (50%) of the minimum parking required~~

~~Chapter 20.05; §PK: Parking Standards.~~ No parking required.

(d) Building Setback Standards:

- (1) *Build-to Line*: n/a;
- (2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback*: 7 feet;
- (4) *Minimum Rear Setback*: 10 feet.

5. Downtown Gateway Overlay (DGO) District
20.03.330 Development Standards
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage*: 75%.

(b) Height Standards:

- (1) *Minimum Structure Height*: 25 feet

(2) *Maximum Structure Height*: 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~—(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~————(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(3) *Nonresidential Parking Standards*: Seventy five percent (75%) of the minimum parking required in **Chapter 20.05; §PK: Parking Standards**.~~ No parking required.

(d) Building Setback Standards:

(1) *Build-to Line*: n/a;

(2) *Maximum Front Setback*: 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback*: 5 feet;

(4) *Minimum Rear Setback*: 5 feet.

6. **Showers Technology Park Overlay (STPO) District**
20.03.400 Development Standards
Page 3-31 (Draft F); Page 3-27 (Integrated UDO)

20.03.400 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 45 bedrooms/Acre

(2) *Maximum Impervious Surface Coverage*: 75%

(b) Height Standards:

(1) *Minimum Structure Height*: 25 feet.

(2) *Maximum Structure Height*: 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall

(B) Side Yard: 7 feet

(C) Rear Yard: 7 feet

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall

be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* No parking required.

~~(A) Commercial Retail: No parking required;~~

~~(B) Other Nonresidential Uses: Seventy-five percent (75%) of the minimum parking required in Chapter 20.05; §PK: Parking Standards.~~

(d) Building Setback Standards:

(1) *Build-to Line:* n/a

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way

(3) *Minimum Side Setback:* 5 feet

(4) *Minimum Rear Setback:* 5 feet

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

Council Amendment #: 19 Plan Commission Amendment #: N/A

Sponsor: Volan Date: 12/1/06

Synopsis

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.

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.

Action:
Action Date:

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

1. 20.05.070 PK-01 [Parking Standards; General]

Pages 5-63 -- 5-72 (Draft F) and Pages 5-65 – 5-74 (Integrated UDO)

20.05.070 PK-01 [Parking Standards; General]

Purpose: To provide adequate on-site parking for developments, minimize any detrimental effects of on-site parking areas on adjacent properties, and ensure the proper and uniform development of parking areas throughout the City. On-site parking and loading spaces for every use shall be provided in accordance with the standards established in this section. Further, parking areas shall be designed to:

- A. Minimize dangerous traffic movements;
- B. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers (ITE) Transportation & Traffic Engineering Handbook and the Master Thoroughfare Plan; and
- C. Conform to the applicable parking requirements and provide for the optimum number of parking spaces, while maintaining design standards and preserving green space.

This Parking Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP] [IN] [MD] [QY]

(a) Number of Parking Spaces Required:

(1) ~~Minimum~~ **Maximum** Number of Parking Spaces Required:

- (A) Unless specifically stated otherwise in the Unified Development Ordinance, the number of on-site parking spaces shall not exceed the spaces as stated ~~be as specified in Exhibit PK-A: Required~~

Maximum Number of Parking Spaces by Land Use.

~~(B)~~ In cases where the number of parking spaces is based on gross floor area in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use***, an applicant may provide Planning staff with a notarized affidavit stating the square footage of the assignable area of the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based on assignable area rather than gross floor area. Space which is designated as non assignable shall not be used as assignable area without provision of additional required on-site parking for that area.

~~(B)~~~~(C)~~ If a use is not clearly noted in ***Exhibit PK-A: Required Maximum Number of Parking Spaces by Land Use***, the Planning Director shall determine which land use is most similar to the proposed development, and determine the required maximum number of parking spaces based on that similar use.

~~(2)~~ ***Maximum Number of Parking Spaces:*** Unless specifically stated otherwise in the Unified Development Ordinance, additional on-site parking spaces above the minimum required number may be provided based on the following standards:

~~(A)~~ For sites where fifteen (15) or fewer parking spaces are required by this Ordinance, a maximum of four (4) additional parking spaces above the minimum requirement may be provided.

~~(B)~~ For sites where sixteen (16) or more parking spaces are required by this Ordinance, additional parking spaces may be provided up to a maximum of fifteen percent (15%) above the minimum requirement.

~~(C)~~ Single family residences are exempt from the maximum parking requirement.

~~(3)~~ Upon the approval of the Planning Director, a parking lot may be built with fewer spaces than the required minimum spaces in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** if the following standards are met:

~~(A)~~ Landbank Area: Adequate space shall be landbanked such that the full number of parking spaces required in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** can be built on-site at a later date, should the need arise.

~~(i)~~ Parking Design Required: A design shall be presented showing how the full number of parking spaces required in ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** would be installed, and how drainage would be handled. This design shall be approved by the planning staff.

~~(ii)~~ Maximum Reduction: Under no circumstances shall less than fifty percent (50%) of the spaces required by ***Exhibit PK-A: Required Number of Parking Spaces by Land Use*** be installed.

~~(B)~~ Mixed Uses: Where a development contains multiple land uses with different peak travel generation, the total required parking spaces may be reduced by the Planning Director. In such instances,

~~parking space reductions shall be determined by utilizing the ITE: Trip Generation standards or similar professional parking or travel demand standards.~~

(2) ~~(C)~~ Multi-modal Proximity: Where a development is located within one-tenth (0.10) of a mile of a public transit stop or a multiuse trail facility, the ~~minimum~~ **maximum** parking requirement ~~may~~ **shall** be reduced by ~~up to a maximum of~~ fifteen percent (15%).

(b) Parking for the Disabled:

- (1) Accessible spaces shall be provided per the specifications of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and the Indiana Building Code (IBC).
- (2) Each accessible space shall be located adjacent to an access aisle and in proximity to the building entrance most accessible for the disabled.
- (3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(c) Multifamily Parking: Multifamily developments may utilize garages with individual driveways accessing the street provided that the street being accessed is designated a Secondary Collector or lower by the Master Thoroughfare Plan, or is a private street.

(d) Minimum Dimensions: Parking spaces shall be designed to provide a parking area that is a minimum of nine (9) feet wide by eighteen (18) feet long. Except in the case of single-family detached or attached residential uses, all parking spaces shall be striped to clearly mark each space.

(e) Location:

(1) *Rights-of-way:* On-site parking spaces shall not be located within public rights-of-way.

(2) *Shared Parking Facilities:*

(A) Authorization: The owners of two (2) or more properties may join together to provide ~~the required~~ parking spaces for their respective uses. Upon request by the owners and after review of the request by the Planning Director, the Planning Director may authorize the shared use of parking facilities under the following conditions:

(i) ~~Minimum~~ **Maximum:** In a shared parking arrangement, each property shall provide **no more than** ~~a minimum of~~ sixty percent (60%) of the **maximum** individual parking ~~requirements~~ **allowance**. ~~In no case shall the total combined parking spaces be less than one hundred and twenty percent (120%) of the greater individual parking requirement.~~

(ii) Proximity: Any property utilizing shared parking facilities shall be located within three hundred (300) feet of such parking facility, using established sidewalks and crosswalks where available.

(B) Shared Parking Agreement: The property owner seeking leased spaces shall provide a recordable zoning commitment to the Planning Department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

~~(f) Stacked Parking: Stacked parking spaces shall not be used to fulfill minimum parking space requirements. Single family residences are exempt from this provision.~~

~~(g)~~ **(f)** Use of Parking Spaces:

- (1) *Exclusive Use:* Unless a shared parking agreement has been established in accordance with the requirements of Division (e)(2): Shared Parking Facilities, ~~required~~ on-site parking spaces shall be designed, maintained and used exclusively for the tenants, occupants and customers of the buildings or uses on the site.
- (2) *Storage of Vehicles or Equipment:* Parking lots and 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.
- (3) *Motor Vehicle Repair:* 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

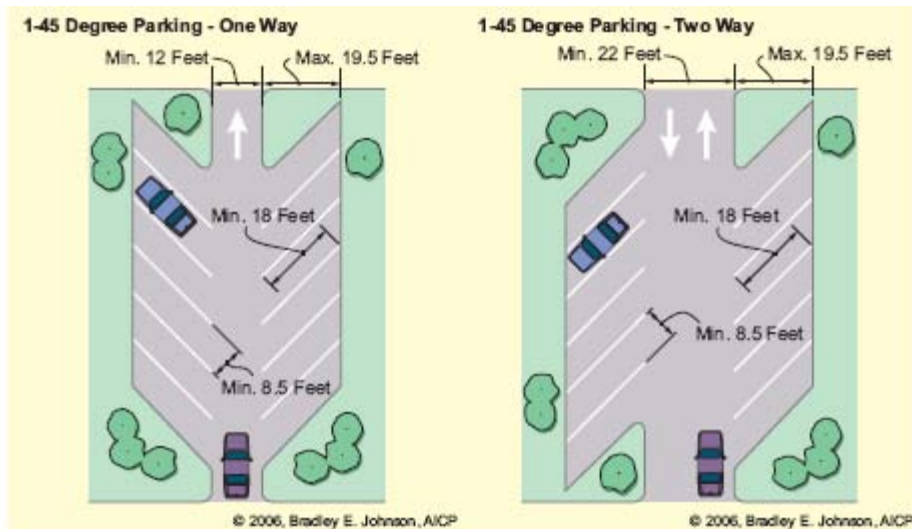
frequency, duration and scope of such use is reasonable and customary as accessory to the residential use; and no business is being conducted in conjunction with such repair use. Motor vehicle repair work in parking areas, ~~including both required and excess parking spaces,~~ shall be prohibited in all other zoning districts.

(h)(g) Parking of Nuisance Vehicles:

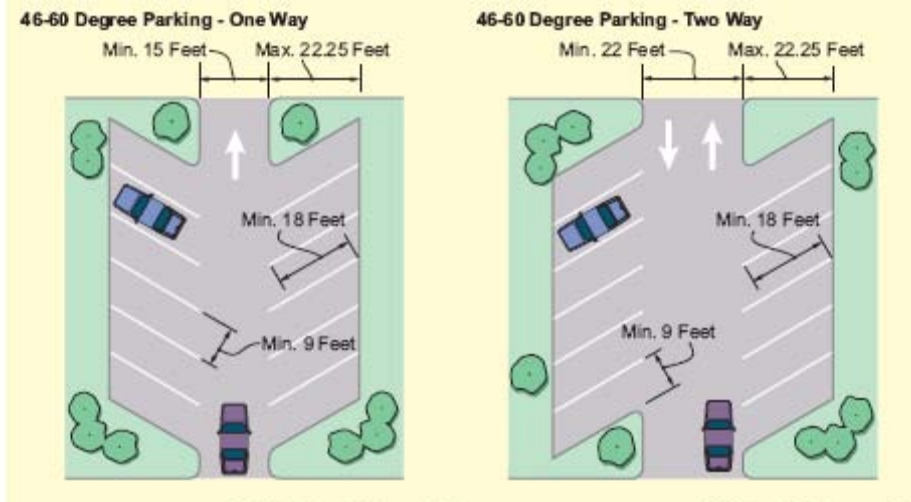
- (1) Vehicles and Trailers: The parking of any vehicle or trailer of any type without current license plates or in an inoperable condition shall be prohibited unless completely enclosed within a building or within an approved salvage/scrap yard.
- (2) Storage, Occupancy, or Similar Uses: Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.
- (3) Motor Vehicle Repair: A maximum of three (3) wrecked or inoperable vehicles awaiting repair may be stored on-site at one time. No such vehicle shall be stored on-site in excess of thirty (30) days.

(h)(h) Parking Aisles:

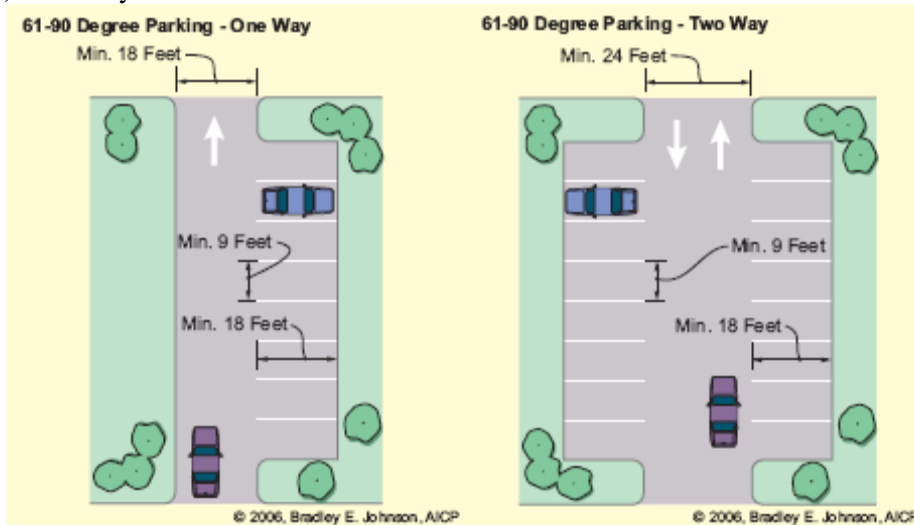
- (1) Widths: Parking aisle widths shall be as follows:
 - (A) Parallel Spaces:
 - (i) One-way: 12-foot wide aisle;
 - (ii) Two-way: 22-foot wide aisle.
 - (B) 1-45-degree Angle Space:
 - (i) One-way: 12-foot wide aisle;
 - (ii) Two-way: 22-foot wide aisle.



- (C) 46-60-degree Angle Space:
 - (i) One-way: 15-foot wide aisle;
 - (ii) Two-way: 22-foot wide aisle.



- (D) 61-90-degree Angle Space:
- (i) One-way: 18-foot wide aisle;
 - (ii) Two-way: 24-foot wide aisle.



- (2) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- (3) All driving lanes and parking aisles in parking lots shall be clearly striped or shall be curbed.

(k) **Back-out Parking:** Unless specifically stated otherwise in the Unified Development Ordinance, all on-site parking areas shall be designed to prevent vehicles from backing onto public streets.

(l) **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:

- (1) The lot in question does not exceed 20,000 square feet in area;
- (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
- (3) Parking shall directly access an improved alley.

(m) **On-street Parking:** The Planning Director may approve the utilization of on-street parking spaces to count toward the provision of the ~~minimum~~ number of spaces ~~required~~ for the development. Such on-street spaces shall be located along the property frontage on the same side of the street as the development requesting their use. In cases where new on-street spaces are being created as a component of the development, the design of such spaces shall meet the standards of the City Engineering

Department.

~~(m)~~(n) Storm Water Drainage:

- (1) Parking areas shall be constructed such that all surface water is directed into a storm water drainage system.
- (2) Water draining from a parking lot shall not flow across a sidewalk.
- (3) Storm Water Drainage Plans for off-street parking areas shall be reviewed and approved by City Utilities Department.

~~(n)~~(o) Surface Material

- (1) Unless specifically stated otherwise in the Unified Development Ordinance, all areas used for parking shall be asphalt, concrete, or other approved material.
- (2) The Planning Director may approve other structurally-engineered, permeable parking pavers for hard surface parking surfaces provided the parking area is intended for low intensity or intermittent parking uses and parking pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
- (3) Areas utilizing permeable parking pavers shall not count towards impervious surface calculations.

2. 20.05.075 [Required Number of Parking Spaces by Land Use]

Pages 5-69 ff (Draft F); Pages 5-71 ff (Integrated UDO)

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use]

amusements, indoor	1 space per 250 sq. ft. GFA
amusements, outdoor	1 space per 400 sq. ft. of site area accessible to the public
antique sales	1 space per 400 sq. ft. GFA
apparel and shoe sales	1 space per 250 sq. ft. GFA
art gallery	1 space per 300 sq. ft. GFA
arts/craft/hobby store	1 space per 300 sq. ft. GFA
assisted living facility	1 space per employee on the largest shift plus 1 space per 3 residential units
auto body shop	1 space per employee on the largest shift plus 2 spaces per repair bay
auto parts sales	1 space per 300 sq. ft. GFA
bank/credit union	1 space per 250 sq. ft. GFA
banquet hall	1 space per 250 sq. ft. GFA
bar/dance club	1 space per 250 sq. ft. GFA
barber/beauty shop	2 spaces per operator station
bed and breakfast	Per single family standard plus 1 space per guest room
billiard/arcade room	1 space per 250 sq. ft. GFA
boat sales	1 space per 1500 sq. ft. indoor and outdoor display area
bookstore	1 space per 200 sq. ft. GFA
bottled gas storage/distribution	1 space per employee on the largest shift
bowling alley	3 spaces per bowling lane
brewpub	1 space per 200 sq. ft. GFA
building supply store	1 space per 500 sq. ft. GFA
building trade shop	1 space per employee on the largest shift

business/professional office	1 space per 300 sq. ft. GFA
car wash, full service	1 space per employee on the largest shift plus 8 stacking spaces per washing bay
car wash, self service	4 stacking spaces per washing bay
cellular phone/pager services	1 space per 250 sq. ft. GFA
cemetery/mausoleum	1 space per 50 grave sites
check cashing	1 space per 300 sq. ft. GFA
coin laundry	1 space per 3 washing machines
communication facility	1 space
community center	1 space per 300 sq. ft. GFA
computer sales	1 space per 300 sq. ft. GFA
convenience store (with gas pumps)	1 space per employee on the largest shift plus 1 spaces per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1000 sq. ft. GFA of convenience store space
convenience store (without gas pumps)	1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenience store space
copy center	1 space per 300 sq. ft. GFA
country club	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use
crematory	1 space per employee on the largest shift plus 3 visitor spaces
day-care center, adult/child	1 space per 4 persons of licensed capacity
day-care home, adult/child	Per single family standard
department store	1 space per 200 sq. ft. GFA
distribution facility	1 space per employee on the largest shift
drive-through	5 stacking spaces per drive-through window
drugstore	1 space per 250 sq. ft. GFA

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

dry-cleaning service	1 space per employee on the largest shift plus 1 space per 300 sq. ft. accessible to the public
dwelling, mobile home	2 spaces per dwelling unit
dwelling, multifamily	1 space per bedroom
dwelling, single- family	2 spaces per dwelling unit
equipment/party/event rental (indoor)	1 space per 500 sq. ft of building space
equipment/party/event rental (outdoor)	1 space per 500 sq. ft of building space, plus 1 space per 3,000 sq. ft. of outdoor storage
fitness center/gym	1 space per 300 sq. ft. GFA
fitness/training studio	1 space per 400 sq. ft. GFA
flower shop	1 space per 300 sq. ft. GFA
food production/processing	1 space per employee on the largest shift
fraternity house/sorority house	0.8 spaces per bedroom
furniture store	1 space per 500 sq. ft. GFA
garden shop	1 space per 400 sq. ft. GFA
gift shop/boutique	1 space per 400 sq. ft. GFA
golf course	2 spaces per golf hole
golf driving range, outdoor	1 space per tee box
government office	1 space per 300 sq. ft. GFA
government operations (non-office)	1 space per employee on the largest shift
gravel/sand/cement production	1 space per employee on the largest shift
grocery/supermarket	1 space per 200 sq. ft. GFA
group care home for dev. disabled/mentally ill	1 space per employee
group/residential care home	1 space/employee on the largest shift + 1 space per 6 persons max occupancy
hardware store	1 space per 300 sq. ft. GFA
health spa	2 spaces per spa suite
heavy equipment sales/rental	1 space per 2000 sq. ft. indoor and outdoor display area
home electronics/appliance sales	1 space per 250 sq. ft GFA
homeless shelter	1 space per employee on the largest shift plus 1 space per 30 beds
hospital	1.5 spaces per bed
hotel/motel	1 space per lodging unit
impound vehicle storage	1 space per employee on the largest shift
jail	1 space per employee on the largest shift plus 1 visitor space per 8 cells
jewelry store	1 space per 300 sq. ft. GFA
Salvage/scrap yard	1 space per employee on the largest shift
juvenile detention facility	1 space per employee on the largest shift plus 1 visitor space per 10 beds
kennel	1 space per employee on the largest shift, plus 1 space per 500 sq. ft. GFA
library	1 space per 500 sq. ft. GFA
license branch	1 space per 300 sq. ft. GFA
liquor and tobacco sales	1 space per 250 sq. ft. GFA
lodge	1 space per 250 sq. ft. GFA
manufactured home park	2 spaces per unit plus 1 visitor space per 2 units
manufactured housing sales	1 space per 2000 sq. ft. indoor and outdoor display area

manufacturing, heavy/light	1 space per employee on largest shift
medical care clinic, immediate	1 space per 300 sq. ft. GFA
medical clinic	1 space per 300 sq. ft. GFA
miniature golf	1 space per golf hole

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

mini-warehouse facility	1 space per employee on largest shift plus 1 space per 25 storage units
mortuary	1 space per 4 chapel or parlor seats
multi-tenant nonresidential center less than 100,000 sq. ft. GFA 100,000 sq. ft. GFA or greater	1 space per 250 sq. ft. GFA 1 space per 300 sq. ft. GFA
museum	1 space per 300 sq. ft. GFA
musical instrument sales	1 space per 250 sq. ft. GFA
music/media	sales 1 space per 250 sq. ft. GFA
nursing/convalescent home	1 space per employee on the largest shift plus 1 space per 4 person maximum occupancy
office supply sales	1 space per 250 sq. ft. GFA
oil change facility	1 space per employee on the largest shift plus 2 stacking spaces per bay
orchard/tree farm	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
outdoor storage	3 to 5 parking spaces
outpatient care facility	1 space per 250 sq. ft. GFA
park	5 spaces per acre
pawn shop	1 space per 300 sq. ft. GFA
pet grooming	1 space per 400 sq. ft. GFA
pet store	1 space per 250 sq. ft. GFA
photographic studio	1 space per 400 sq. ft. GFA
place of worship	1 space per 4 fixed seats or 1 space per 50 square feet of seating area in sanctuary, whichever results in the greater number of spaces
plant nursery/greenhouse	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
police, fire or rescue station	1 space per employee on the largest shift post office 1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public
print shop	1 space per employee on the largest shift
prison	1 space per employee on the largest shift plus 1 visitor space per 15 cells
quarry	1 space per employee on the largest shift
radio/TV station	1 space per employee on the largest shift plus 1 visitor space per 3 employees
recreation center	1 space per 250 sq. ft. GFA
rehabilitation clinic	1 space per employee on the largest shift plus 1 space per 2 client capacity
research center	1 space per employee on the largest shift plus 1 visitor space per 10 employees
restaurant under 5,000 sq. ft. GFA: 5,000 sq. ft. GFA or greater	1 space per 200 sq. ft. GFA 1 space per 100 sq. ft. GFA
restaurant, limited service	1 space per 300 sq. ft. GFA customer seating area
retail, low intensity	1 space per 300 sq. ft. GFA
rooming house	2 spaces plus 1 space for each room for rent
school, business/trade	1 space per employee plus 1 space per two students maximum capacity
school, college/university	1 space per two employees plus 1 space per 4 students maximum capacity
school, preschool	1 space per employee plus 1.5 spaces per classroom

20.05.075 Exhibit PK-A [Required Maximum Number of Parking Spaces by Land Use] (continued)

school, primary/secondary	1 space per employee plus 1 space per 10 students maximum capacity
sexually oriented business	1 space per 200 sq. ft. GFA
shoe repair	1 space per 400 sq. ft. GFA
skating rink	1 space per 200 sq. ft. GFA
social services	1 space per 250 sq. ft. GFA
sporting goods sales	1 space per 250 sq. ft. GFA
stone processing	1 space per employee on the largest shift
storage tanks	1 space per employee on the largest shift
tailor/seamstress shop	1 space per 400 sq. ft. GFA
tanning salon	1 space per 250 sq. ft. GFA
tattoo/piercing parlor	1 space per 300 sq. ft. GFA
testing lab	1 space per employee on the largest shift plus 1 visitor space per 10 employees
theater, drive-in	1 space per vehicle maximum capacity
theater, indoor	1 space per 4 seats
tool and dye shop	1 space per employee on the largest shift
transportation terminal	1 space per employee on largest shift plus 1 space per 400 sq. ft. GFA
utility substation and transmission facility	2 spaces
vehicle accessory installation	1 space per employee on the largest shift plus 2 spaces per bay
vehicle repair	1 space per employee on the largest shift plus 2 spaces per bay
vehicle sales/rental	1 space per 1,000 sq. ft. GFA indoor display area
veterinary clinic	1 space per 300 sq. ft. GFA
video rental	1 space per 200 sq. ft. GFA
warehouse	1 space per employee on the largest shift
welding	1 space per employee on the largest shift

**3. 20.05.074 PK-05 [Parking Standards; Commercial Downtown]
Page 5-68 (Draft F); Page 5-70 (Integrated UDO)**

20.05.074 PK-05 [Parking Standards; Commercial Downtown]

This Parking Standards section applies to the following zoning districts:

[CD]

(a) ~~Minimum~~ ~~Maximum~~ Number of Parking Spaces Required: ~~Minimum~~ ~~Maximum~~ parking requirements for all uses shall be as defined in the applicable Overlay District in Chapter 20.03: Overlay Districts.

(b) Surface Material:

- (1) Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, or comparable materials.
- (2) Under no circumstances shall crushed stone, stone, rock, dirt, sand, or grass be permitted as a parking surface.
- (3) 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 asphalt or concrete.

(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:

- (1) The lot in question does not exceed 20,000 square feet in area;
- (2) A maximum of eight (8) back-out parking spaces are permitted per site; and
- (3) Parking shall directly access an improved alley.

**4. Courthouse Square Overlay (CSO) District
20.03.050 Development Standards
Page 3-5 (Draft F and Integrated UDO)**

20.03.050 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density*: 100 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:

- (1) *General*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 55 feet.
- (2) *Buildings located on the Courthouse Square*:
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

- (1) *Minimum Surface Parking Setback*:
 - (A) Front Yard: 20 feet behind primary structure's front building wall.
 - (B) Side Yard: 0 feet.
 - (C) Rear Yard: 0 feet.
- (2) *Residential Parking Standards*:
 - (A) No parking required.
 - (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall

be provided.

(3) *Nonresidential Parking Standards*: No parking spaces required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line*: 0 feet.

(2) *Maximum Front Setback*: n/a.

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

5. **Downtown Core Overlay (DCO) District**

20.03.110 Development Standards

Page 3-11 (Draft F) and Pages 3-9 (Integrated UDO)

20.03.120 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density*: 180 bedrooms/Acre.

(2) *Maximum Impervious Surface Coverage*: 100%.

(b) Height Standards:

(1) *Minimum Structure Height*: 35 feet

(2) *Maximum Structure Height*: 60 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback*:

(A) Front Yard: 20 feet behind primary structure's front building wall.

(B) Side Yard: 5 feet.

(C) Rear Yard: 5 feet.

(2) *Residential Parking Standards*:

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

~~(D) For developments located south of 4th Street, no parking shall be required.~~

(3) *Nonresidential Parking Standards*: No parking required.

(d) Building Setback Standards: Except as otherwise provided in this Unified Development Ordinance, building setback standards are:

(1) *Build-to Line*: 0 feet.

(2) *Maximum Front Setback*: n/a.

(3) *Minimum Side Setback*: 0 feet; additional setback may be required per local building code.

(4) *Minimum Rear Setback*: 0 feet; additional setback may be required per local building code.

6. University Village Overlay (UVO) District
20.03.190 Development Standards
Page 3-17 (Draft F); Page 3-14 (Integrated UDO)

20.03.190 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage:*
 - (A) General: 85%;
 - (B) Kirkwood Corridor: 100%.

(b) Height Standards:

- (1) *General:*
 - (A) Minimum Structure Height: 25 feet
 - (B) Maximum Structure Height: 55 feet
- (2) *Restaurant Row Corridor:*
 - (A) Minimum Structure Height: 25 feet.
 - (B) Maximum Structure Height: 40 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) General:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 5 feet;
 - (iii) Rear Yard: 5 feet.
- (B) Kirkwood Corridor:
 - (i) Front Yard: 20 feet behind primary structure's front building wall;
 - (ii) Side Yard: 0 feet;
 - (iii) Rear Yard: 0 feet.

(2) *Residential Parking Standards:*

- (A) No parking required.
- (B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking space per bedroom shall be provided.~~

~~(C) For any bedrooms above twenty (20), eight tenths (0.8) parking space per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* No parking required

(d) Building Setback Standards:

- (1) *Build-to Line:* n/a;
- (2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback:* 0 feet; additional setback may be required per local building code;
- (4) *Minimum Rear Setback:* 0 feet; additional setback may be required per local building code.

7. Downtown Edges Overlay (DEO) District
20.03.260 Development Standards
Page 3-23 (Draft F); Page 3-19 (Integrated UDO)

20.03.260 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 60 bedrooms/acre.
- (2) *Maximum Impervious Surface Coverage:* 70%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 35 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall;
- (B) Side Yard: 7 feet;
- (C) Rear Yard: 7 feet.

(2) *Residential Parking Standards:* ~~0.8 spaces per bedroom.~~

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

(3) *Nonresidential Parking Standards:* Fifty percent (50%) of the ~~minimum~~ **maximum** parking required **Chapter 20.05; §PK: Parking Standards**.

(d) Building Setback Standards:

- (1) *Build-to Line:* n/a;
- (2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;
- (3) *Minimum Side Setback:* 7 feet;
- (4) *Minimum Rear Setback:* 10 feet.

8. Downtown Gateway Overlay (DGO) District
20.03.330 Development Standards
Page 3-27 (Draft F); Page 3-23 (Integrated UDO)

20.03.330 Development Standards

(a) Density & Intensity Standards:

- (1) *Maximum Residential Density:* 100 bedrooms/Acre.
- (2) *Maximum Impervious Surface Coverage:* 75%.

(b) Height Standards:

- (1) *Minimum Structure Height:* 25 feet
- (2) *Maximum Structure Height:* 50 feet

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

- (A) Front Yard: 20 feet behind primary structure's front building wall.
- (B) Side Yard: 5 feet.
- (C) Rear Yard: 5 feet.

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~—(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom shall be provided.~~

~~————(C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:* Seventy-five percent (75%) of the ~~minimum~~ maximum parking required in *Chapter 20.05; §PK: Parking Standards*.

(d) Building Setback Standards:

(1) *Build-to Line:* n/a;

(2) *Maximum Front Setback:* 15 feet from the existing public right-of-way;

(3) *Minimum Side Setback:* 5 feet;

(4) *Minimum Rear Setback:* 5 feet.

**9. Showers Technology Park Overlay (STPO) District
20.03.400 Development Standards
Page 3-31 (Draft F); Page 3-27 (Integrated UDO)**

20.03.400 Development Standards

(a) Density & Intensity Standards:

(1) *Maximum Residential Density:* 45 bedrooms/Acre

(2) *Maximum Impervious Surface Coverage:* 75%

(b) Height Standards:

(1) *Minimum Structure Height:* 25 feet.

(2) *Maximum Structure Height:* 55 feet.

(c) Parking Standards:

(1) *Minimum Surface Parking Setback:*

(A) Front Yard: 20 feet behind primary structure's front building wall

(B) Side Yard: 7 feet

(C) Rear Yard: 7 feet

(2) *Residential Parking Standards:*

(A) No parking required.

(B) Where parking is provided, no more than five-tenths (0.5) parking spaces per bedroom shall be provided.

~~(A) For the first ten (10) bedrooms, no parking shall be required.~~

~~————(B) For bedrooms eleven (11) through twenty (20), five tenths (0.5) parking spaces per bedroom~~

shall be provided.

~~_____ (C) For any bedrooms above twenty (20), eight tenths (0.8) parking spaces per bedroom shall be provided.~~

(3) *Nonresidential Parking Standards:*

(A) Commercial Retail: No parking required;

(B) Other Nonresidential Uses: Seventy-five percent (75%) of the ~~minimum~~ **maximum** parking required in *Chapter 20.05; §PK: Parking Standards*.

**10. 20.07.200 SD-01 [Sustainable Development Incentives; General]
Page 7-22 (Draft F); Page 7-23 (Integrated UDO)**

20.07.200 SD-01 [Sustainable 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 types of development:

[CV] [CS] [TD] [CI]

(a) Sustainable Development Practices: The following Sustainable Development Practices may be incorporated into a subdivision in order to achieve development standards bonuses as provided in *Subsection (b): Level One Incentives* and *Subsection (c): Level Two Incentives*. Any subdivision that incorporates these practices shall indicate such inclusion at the Preliminary Plat 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:* A 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) A commitment to use 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) A commitment to provide 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.

(2) *Goal 2:* 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) A commitment to incorporate a mix of residential and nonresidential land uses either within the subdivision or within individual buildings.

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

(C) Provision of automobile parking at least twenty-five percent (25%) below ~~required minimums~~ **stated**

maximums, coupled with provision to provide 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) A commitment to provide subsidized Bloomington Transit passes or the provision of a private van or shuttle.

(3) *Goal 3*: 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 fifty percent (50%) of the proposed subdivision lots 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 fifty percent (50%) of the proposed subdivision lots 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 fifty percent (50%) of the proposed subdivision lots within one-quarter ($\frac{1}{4}$) mile of a public school or park, provided these public facilities area accessible using pedestrian facilities. An allocation of acreage for a centrally located common area in compliance with **Section 20.07.090: Facilities Plan Standards** shall count towards fulfillment of this Sustainable Development Practice.

(D) Location of fifty percent (50%) of the proposed subdivision lots 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.

2. **20.05 Development Standards; 092 [Special Conditions; Convenience Store]
Page 5-87 (Draft F); Page 5-90 (Integrated UDO)**

20.05.092 SC-05 [Special Conditions; Convenience Store]

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

[CL] [CG] [CD] [BP]

(a) Convenience Store (with gas):

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

(3) In the [CG] and [CD] zoning districts, all major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building.

(4) In the [CG] and [CD] zoning districts, all spray painting shall be conducted within an approved spray booth.

(5) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

(6) Outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.

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

Council Amendment #: 09 Plan Commission Amendment #: UDO 064

Sponsor: Rollo Date: 12/1/06

Synopsis

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.

Action:

Action Date:

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

1. **20.05 Development Standards**
042 EN-04 [Environmental Standards; Riparian Buffer]
Page 5 – 28 (Draft F); Page 5 – 31 (Integrated UDO)

This Environmental Standards section applies to the following zoning districts:

[RE] [RS] [RC] [RM] [RH] [MH] [CL] [CG] [CA] [CD]] [IG] [BP] [IN] [MD] [QY]

(a) Riparian Buffer:

(1) **Applicability:** This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. ~~The requirements of this subsection shall not apply to platted lots of record less than one-half (0.5) acre in size.~~ However, platted lots of record of less than one (1) acre in size shall not be subject to part (a)(6) Intermediate Zone Design nor part (a)(7) Fringe Zone Design.

(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, such buffer zones shall be established according to the provisions of **this subsection.**

(3) *Easements:* All riparian buffer zones required to be preserved subject to this section shall be placed within Riparian Buffer Easements pursuant to the standards of **Chapter 20.07: Design Standards.**

(4) *Graduated Buffer Zones:* All intermittent or perennial streams shall be protected by a riparian buffer composed of three (3) 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.

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

Council Amendment #: 22 Plan Commission Amendment #: N/A
Sponsor: Rollo (and perhaps Sturbaum) Date: 12/1/06

Synopsis

This amendment would change the Green Development Incentives (20.05.050) and Sustainable Development Design Standards (20.07.200) by providing more rigorous energy-savings requirements and, perhaps, adjusting the incentive levels.

Action:
Action Date:

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

Forthcoming Amendment will affect the following provisions.

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)

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)

***** 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:
Action Date:

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.

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

Council Amendment #: 17 Plan Commission Amendment #: N/A

Sponsor: Ruff Date: 12/1/06

Synopsis

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.

Action:

Action Date:

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

1. **20.01.350 Summary of Authority**
 20.01.360 Common Council
 Page 1-14 (Draft F and Integrated UDO)

20.01.350 Summary of Authority

The administrative and decision making bodies and officials listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Unified Development Ordinance in the manner described in ***Chapter 20.01: Ordinance Foundation.***

20.01.360 Common Council

The Common Council shall have the following jurisdiction and authority subject to the provisions of this Unified Development Ordinance and the applicable provisions of the Indiana Code:

- (a) To initiate, adopt, or reject any amendment to the Official Zoning Map, and, to initiate, adopt, amend, or reject any amendment to the text of this Unified Development Ordinance, in accordance with Ind. Code 36-7-4-600 SERIES: ZONING ORDINANCE.
- (b) To adopt; impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a Planned Unit Development (PUD) district ordinance in accordance with Ind. Code 36-7-4-1500 SERIES: PLANNED UNIT

DEVELOPMENT.

(b) (c) To initiate, approve, amend, or reject proposed amendments to the City's Growth Policies Plan and its components, including but not limited to the Master Thoroughfare Plan and the Subarea Plans;

(e) (d) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this Unified Development Ordinance.

2. **20.04 Planned Unit Development (PD) Districts; 080 Process PUD District Ordinance & Preliminary Plan** *Page 4-7 (Draft F); Page 4-6 (Integrated UDO)*

(g) Common Council:

(1) *Action:* The Common Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Common Council may adopt or reject the proposal and may also exercise powers set forth under I.C. 36-7-4-1500 et seq. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the Ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the proposal is defeated.

(2) *Effect of Approval of a PUD District Ordinance and Preliminary Plan:*

(A) When a PUD District Ordinance and Preliminary Plan for a Planned Unit Development have been approved by the Common Council, the PUD District Ordinance and Preliminary Plan shall become effective and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a Planned Unit Development zoning district.

(B) Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Preliminary Plan, subject to approval of a Final Plan.

(C) No permit of any kind shall be issued until the Final Plan has been approved.

3. **20.10.090 Commitments; Zoning Map Amendments and PUD District Ordinances** *Page 10 – 7 and 8 (Draft F and Integrated UDO)*

(a) Authority: The Plan Commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the Unified Development Ordinance or the Growth Policies Plan. In the case of a PUD district ordinance, the Common Council may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel pursuant to I.C. 36-7-4-1512. In the case of PUD Final

Plan approval delegated to the planning staff by this Unified Development Ordinance, the planning staff may also allow or require the owner to make a written commitment under **this section**, and shall have all powers and duties of the Plan Commission under **this section** except the power to approve modification or termination of a Commitment. Commitments may be allowed or required as part of a proposal to amend the zoning map under IC 36-7-4-608 and **this chapter**; and, in connection with a proposal to adopt a PUD District Ordinance, or in connection with Final Plan approval, under the IC 36-7-4-1500 Series and **Chapter 20.04: Planned Unit Development Districts**.

(b) Approval Procedure: The procedure by which the Plan Commission or planning staff allows or requires a written commitment shall be the same as the procedure set forth in the Plan Commission Rules of Procedure and this Unified Development Ordinance for the underlying development proposal. The procedure by which the Common Council allows or requires a written commitment shall be the same as the procedure set forth in this code for consideration of the underlying ordinance. No additional notice or hearing shall be required.

•••

(g) Modification or Termination:

(1) *Procedure*: When a commitment has been allowed or required by the Common Council, Plan Commission or planning staff in conjunction with a petition under the Unified Development Ordinance, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the Plan Commission for modification or termination of the commitment. The Plan Commission may approve modification or termination after notice and public hearing pursuant to the Plan Commission Rules of Procedure in any case where the modification or termination will further the goals of the Unified Development Ordinance or the Growth Policies Plan.

(2) *Recording*: The petitioner shall record the modification or termination instrument in the County Recorder's office. The petitioner shall deliver one (1) copy of the recorded modification or termination instrument to the Planning Department within ten (10) business days of recording. A modification or termination instrument made hereunder shall be recorded in the County Recorder's office upon approval of the proposal and prior to issuance of a Certificate of Zoning Compliance for the area involved in the proposal.

(h) Automatic Termination of Commitments: A commitment made in connection with a zoning map amendment, adoption of a PUD District Ordinance, or PUD Final Plan approval terminates automatically if after adoption of the petition the zoning district applicable to the area involved in the proposal is changed (which shall include designation as a Planned Unit Development).