

City of Bloomington Common Council

Legislative Packet

Special Session on December 3rd, 2019 considering Amendments to the **Unified Development Ordinance (UDO)**

Council will consider amendments to Ordinance 19-24, which Repeals and Replaces the Entire Text of Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance.” This packet includes amendments that will be considered on Tuesday, December 3rd, 2019.

Special Sessions	UDO Meetings
<p>Meetings will be held in the Council Chambers and will begin at 6 PM. Please see the Revised Schedule for Common Council Consideration of Ordinance 19-24, which may be revised by action of the Council.</p> <p>Along with any statutory requirements, opportunity for public comment will be provided for each amendment. Public comment should explicitly focus on the proposed amendment being discussed.</p> <p>For information on the Council’s consideration of the proposed UDO, visit our webpage on the topic: (https://bloomington.in.gov/council/plan-schedule).</p>	<p style="text-align: center;"><u>NEXT MEETINGS</u></p> <ul style="list-style-type: none">• Tuesday, 3 December 2019• Tuesday, 10 December 2019• Thursday, 12 December 2019• Tuesday, 17 December 2019• Wednesday, 18 December 2019

For a schedule of upcoming meetings of the Council and the City’s boards and commissions, please consult the City’s [Calendar](#).

Office of the Common Council
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City of
Bloomington
Indiana



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To: Council Members
From: Council Office
Re: Weekly Packet
Date: 26 November 2019

LEGISLATIVE PACKET AGENDA ITEMS & PACKET CONTENT

UDO SPECIAL SESSION ON TUESDAY, 3 December 2019 AT 6:00 PM

- Memo from Council Office
- Agenda - Special Session
- Notice of Special Session
- Revised Schedule for Council Consideration of **Ordinance 19-24 (UDO)**
- Amendments submitted in interest of **Ordinance 19-24 - To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"** - for consideration on Tuesday night in the order they appear on the Agenda.

→ *Contact:*

Council Sponsors

Council Staff (Dan Sherman or Stephen Lucas) 812-349-3409,

shermamd@bloomington.in.gov, lucass@bloomington.in.gov

Scott Robinson 812-349-3423, robinsos@bloomington.in.gov

Item 1:

Amendments submitted in interest of Ordinance 19-24 - To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"

The amendments included herein are part of a first round of proposed amendments to Ordinance 19-24. The Council will take up and consider amendments pursuant to the schedule it adopted on October 2, 2019 and revised on November 20, 2019, found on the Council website.

The amendments are numbered, listed, and briefly described on the Agenda.

A number of the amendments contained herein may be suitable for a consent agenda, which the Council has utilized before during its consideration of the Comprehensive Plan, the Transportation Plan, and during its consideration of this proposed UDO. In order to expedite the work of the Council, councilmembers should consider which of the included amendments, if any, they may want to consider as part of a consent agenda. Amendment sponsors may wish to consult with the Council president and fellow councilmembers to determine which amendments are suitable for a consent agenda.

The Council Office will communicate with Planning staff to determine which amendments they believe are suitable for a consent agenda.

If any Councilmember has a preference for which amendments should or should not be included on the consent agenda, please contact the Council Office with those preferences by 12 noon on Monday, December 2 to let staff know.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL**

**SPECIAL SESSION
FOR PROPOSED AMENDMENTS TO ORDINANCE 19-24
WHICH REPEALS AND RE-ENACTS THE TEXT OF TITLE 20
(UNIFIED DEVELOPMENT ORDINANCE [UDO])**

**6:00 P.M., TUESDAY, 03 DECEMBER 2019
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. CONTINUED CONSIDERATION OF AMENDMENTS TO ORDINANCE 19-24 - TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE” ***

Presentation on Unanswered Questions from Previous Discussions

Conduct of Deliberations – Time Limits

CONSENT AGENDA

Amendments for consideration which may be adopted by one, roll-call vote.

Please note that Council members are reviewing the new amendments and may recommend some for quick consideration here. Please also note that any Council member may request that amendments on the Consent Agenda be moved to their ordinary order of deliberation later on in the agenda.

REGULAR AGENDA

Other First Round Amendments (Listed in the Order Amendments Affect the Ordinance)

20.02 - ZONING DISTRICTS

- 1. Am 40 (Cm. Sturbaum) - Affects 20.02.020(c) and 20.04.020(c) – Reduces the maximum height of R2 buildings from 40 feet to 35 feet.**
- 2. Am 41 (Cm. Sandberg & staff) - Affects 20.02.060(a)(5) – Provides clarification on upper floor façade setbacks and the relationship to a public street rather than setbacks along the building side or rear.**

20.03 – USE REGULATIONS

- 3. Am 42 (Cm. Sturbaum) – Affects 20.03.020 and Table 3-1: Allowed Use Table – Changes the approval of fourplexes, multifamily dwellings and live/work dwellings in a Residential Multifamily (RM) district from a permitted use to a conditional use.**
- 4. Am 43 (Cm. Sandberg & staff) – Affects 20.03.030(b)(10) – Reduces the spacing standard for group care homes from 500 to 300 feet to reflect a typical block length.**

20.04 – DEVELOPMENT STANDARDS & INCENTIVES

- 5. Am 44 (Cm. Sandberg & staff) – Affects 20.04.020(f)(1)(B) – Provides a new graphical illustration to better show how building height is measured.**
- 6. Am 59 (Cm. Piedmont-Smith) – Affects 20.04.030(g)(3) – Clarifies how to measure the buffer area from a compound sinkhole.**
- 7. Am 45 (Cm. Volan) – Affects 20.04.060(e) and (h) – Replaces the term “requirement” with the term “allowance” or “limit” to better characterize the maximum allowed amounts of parking for listed land uses; standardizes (by way of new default parking allowances) and reduces parking allowances for certain residential and nonresidential land uses; and adds a default parking allowance chart, which reduces the default parking allowances by specified amounts each year for 20 years.**

8. **Am 46 (Cm. Sandberg & staff) – Affects 20.04.070(c) and 20.05.050(j)(10)(D)** – Relocates MD District standards for street lighting to better align with the Downtown Vision and Infill Strategy Plan.
9. **Am 47 (Cm. Sturbaum) – Affects 20.04.070(d)** – Inserts a preface to 20.04.070(d) to give architects more creative freedom when designing mixed-use and nonresidential buildings.
10. **Am 48 (Cm. Sandberg & staff) – Affects 20.04.070 and 20.05.050** – Adds new subsections requiring inclusion of at least two elements of “universal design” in certain multifamily residential buildings, student housing, and dormitory buildings.
11. **Am 49 (Cm. Sandberg & staff) – Affects 20.04.080(c)(2)** – Provides clarification on plant species identification requirements.
12. **Am 50 (Cm. Sandberg & staff) – Affects 20.04.080(d) and (e)** – Makes changes to the landscaping lists to identify evergreens, to remove poor quality/invasive species, or to add new species.
13. **Am 51 (Cm. Sturbaum) – Affects 20.04.080(n)** – Allows fences with a maximum height of eight feet along the frontage of the secondary front building wall in R3 districts to be built to the property line, except under certain circumstances.
14. **Am 52 (Cm. Sandberg & staff) – Affects 20.04.100(i)(4); 20.06.020(c), (d), and (g); 20.06.080(b); and 20.07.010** – Removes the reference to the use variance process in the affected sections.
15. **Am 53 (Cm. Sturbaum) – Affects 20.04.120(e)** – Specifies that machinery such as HVAC equipment, ventilation and generators, and engines that service buildings and other structures are subject to noise control regulations contained in BMC Chapter 14.09.

20.05 – SUBDIVISION STANDARDS

16. **Am 54 (Cm. Sandberg & staff) – Affects 20.05.050(k)** – Gives authority to the Fire Chief to locate fire hydrant locations other than every 600 feet.

20.06 – ADMINISTRATION AND PROCEDURES

17. **Am 55 (Cm. Sturbaum) – Affects 20.06.030, Table 6-1: Summary Table of Review Procedures, and 20.06.050(b)(3)** – Requires a neighborhood meeting as part of the conditional use approval process.
18. **Am 56 (Cm. Sandberg & staff) – Affects 20.06.090(f)(2)(B)(ii)** – Clarifies that the use standards for corner lots and the respective setbacks are based on the highest classified street.

20.07 - DEFINITIONS

19. **Am 57 (Cm. Sandberg & staff) – Affects 20.07.010** – Provides a revised definition for Fraternity or Sorority House.
20. **Am 58 (Cm. Sandberg & staff) – Affects 20.07.070** – Provides a revised definition for “Use, Change In” and increases the scope of the definition

IV. COUNCIL SCHEDULE

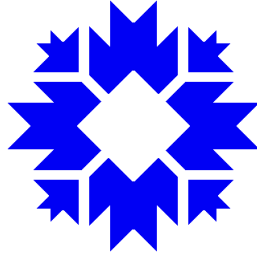
V. RECESS (Currently set for no later than 10:00 P.M.) *

Note: Upon recess tonight, the Council is scheduled to reconvene on Tuesday, December 10th to begin deliberations on Second Round amendments.

** Items V and VI of this agenda are part of a series of meetings that comprise one, long hearing on the proposed Ordinance 19-24. For further information regarding the formal notice, meeting procedures (including public comment and written objections), any subsequent revisions to the schedule and procedure, and the substance of the UDO and any amendments, please visit the Council website at <https://bloomington.in.gov/council/plan-schedule>.*

Written Objections Regarding Proposed Ordinance 19-24

*Persons who wish to file written objections to the proposed Ordinance 19-24 at this meeting should submit the record to the City Clerk or her staff, who will be seated at the table on south end of the Chambers. Please confirm with the Clerk or her staff that the written objection has been received before leaving this evening. **Written objections may also be filed at other times at the Office of City Clerk or Monroe County Auditor.** Please consult the Schedule (above) for the dates when those objections will be heard by the Council, the last date being Wednesday 18 December 2019.*



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

NOTICE

Tuesday, 03 December 2019 – 6 PM

The Council has decided to schedule an additional meeting of the *Special Session* to continue Consideration of Amendments to Ordinance 19-24 (UDO Ordinance).

**Council Chambers
(Suite #115) City Hall,
401 North Morton**

As a quorum of the Council may be present, this gathering constitutes a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Tuesday, 26 November 2019

**Revised Schedule for Common Council Consideration of Ordinance 19-24
which Repeals and Replaces the Entire Text of Title 20 of the Bloomington
Municipal Code Entitled “Unified Development Ordinance”
(revised 11/20/19)**

Meetings will be held in the Council Chambers (Room 115, Showers City Hall, 401 North Morton Street) and start at 6:00 p.m. unless otherwise noted below. This schedule may be revised by action of the Council. Along with any statutory requirements, opportunity for public comment will be provided on each chapter and amendment.

Introduction to the Unified Development Ordinance

Wednesday, October 16, 2019 - Chapter 1 (Ordinance Foundation) –
Chapter 2 (Zoning Districts)
Tuesday, October 22, 2019 - Chapter 3 (Use Regulations)
Wednesday, October 23, 2019 - Chapter 4 (Development Standards & Incentives) –
Chapter 5 (Subdivision Regulations)
Wednesday, October 30, 2019 - Chapter 6 (Administration & Procedures)
Chapter 7 (Definitions)
Consideration of Written Objections per I.C. 36-7-4-606(c)(3)

First Deadline for Submittal of Amendments by Council Members

Monday, November 4, 2019 at noon – *for all but technical amendments with narrow scope*

Consideration of Amendments to the Unified Development Ordinance

Wednesday, November 13, 2019
Thursday, November 14, 2019
Tuesday, November 19, 2019
Wednesday, November 20, 2019
Tuesday, December 3, 2019 (*this meeting was added on November 20, 2019*)

Second Deadline for Submittal of Amendments by Council Members

Monday, November 25, 2019 at noon – *intended for technical amendments with narrow scope
(Further deadlines may be adopted by the Council)*

*** Announcement of Further Consideration of the Unified Development Ordinance**

Wednesday, December 4, 2019

6:30 p.m. – Unless the Common Council has already done so, the Council may use its Regular Session on this date to announce its intention to further consider the UDO and approve a revised schedule for consideration of the UDO.

Further Consideration of Amendments to the Unified Development Ordinance

Tuesday, December 10, 2019
Thursday, December 12, 2019
Tuesday, December 17, 2019

Further Consideration of Written Objections and Action on Adoption of the Unified Development Ordinance

Wednesday, December 18, 2019
6:00 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.

Notes

Time of Meetings: *One meeting is scheduled to be held at a time other than 6:00 p.m. That meeting will start at 6:30 pm and is the Regular Session of the Council scheduled for Wednesday, December 4, 2019.*

Revision of Schedule: *The Council may, if necessary, revise this schedule of meetings, which constitutes a hearing on the consideration of the UDO. These revisions may be decided at these meetings or any Regular or Special Session of the Council, or by call of the Council President.*

Further Information: *For further information regarding the formal notice, meeting procedures, subsequent revisions to schedule, and the substance of the UDO and any amendments, please visit the Council website at <https://bloomington.in.gov/council/plan-schedule>*

Proposed Amendments to Ordinance 19-24: To Repeal
and Replace Title 20 of the Bloomington Municipal
Code entitled “Unified Development Ordinance”

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 40

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/ Section	Page #
20.02.20(c) Table 2-4: R2 District Dimensional Standards	10
20.04.20(c) Table 4-2 Residential District Dimensional Standards	95

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Objectives	#5 Housing and Neighborhoods: Objective: Enhance quality of place for Neighborhoods and Development	16

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment reduces the maximum height of R2 buildings from 40 feet to 35 feet. Virtually all R2 buildings are presently two story houses at most. The proposed 40' max would allow three story (or even short four story buildings, which would radically change the quality and character of R2 neighborhoods. Reducing the max height to 35' would still permit a two story duplex and triplex structure.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.**

20.02.20 Zoning Districts
(c) R2: Residential Medium Lot

(2) Dimensional Standards

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

Table 2-4: R2 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	7,200 square feet (0.165 acres)[1]
B	Lot width	60 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
D	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
E	Side	First Floor: 8 feet Each story above the ground floor: 10 feet [1] [2]
F	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet 35 feet
	Accessory structure height (maximum)	20 feet

Notes:

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

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

20.04.20 Dimensional Standards
(c) General Dimensional Standards

Table 4-2: Residential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		RE	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (Minimum, only for lots created after the effective date)									Entire Development	Dwelling Site
Lot area	sq. ft.	108,900	20,000 [2]	7,200 [2]	5,000 [2]	4,000	5,000	5,000	43,560	3,000
	acres	2.50	0.459 [2]	0.165 [2]	0.115 [2]	0.092	0.115	0.115	1.00	0.069
Lot width		200 feet	100 feet [2]	60 feet [2]	50 feet [2]	35 feet	50 feet	50 feet	200 feet	40 feet
Building Setbacks (Minimum)										
Front build-to line		None	None	None	15 feet [3]	None	None	None	None	None
Front		30 feet	15 feet	15 feet [3]	None	15 feet [3]	10 feet	10 feet	25 feet	10 feet
Attached front-loading garage or carport		10 feet behind the primary structure's front building wall							None	None
Side		30 feet	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [4]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [4]	5 feet	10 feet [5]	10 feet [5]	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet
Rear		60 feet	25 feet [2]	25 feet [2]	25 feet [2]	25 feet	15 feet [5]	15 feet [5]	20 feet	
Other Standards										
Front parking setback (minimum)		None	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Impervious surface coverage (maximum)		20%	40%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)		None	None	None	None	None	40%	35%	None	None
Primary structure height (maximum)		40 feet	40 feet	40 feet 35 feet	35 feet	35 feet	3 stories, not to exceed 40 feet [2] [5]	5 stories, not to exceed 63 feet [2] [5]	None	20 feet
Accessory structure height (maximum)		30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet

Notes:

- [1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R2 residential lot standards.
- [2] See Section 20.04.110 (Incentives) for alternative standards.
- [3] Or the median front setback of abutting residential structures, whichever is less.
- [4] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.
- [5] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(4) (Neighborhood Transition Standards).

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 41

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.02.060(a)(5) Upper Floor Façade Stepbacks	54

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment provides clarification on upper floor facade setbacks and the relationship to a public street and not the side or rear.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.02.60 Overlay Districts

(a) DCO - Downtown Character Overlay District

(5) Upper Floor Façade Stepbacks

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

- (A) The first three stories of building façade in the DC character area, and the first two stories in the DG and ST character areas shall comply with the build-to range in Section 20.02.010 (Dimension Standards).
- (B) Portions of the building façade **facing the street** above three stories in the DC character area, and portions of the building facade **facing the street** above two stories in the DG and ST character areas, shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 42

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.03.20 Table 3-1: Allowed Use Table	63

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Objective 05 Vision Statement	"Enhance Quality of Place for Neighborhoods and Development"	16
	"Ensure all development activity makes a positive and lasting community contribution."	14

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment would change the approval of fourplexes, multifamily dwellings and live/work dwellings in a Residential Multifamily (RM) district from a permitted to a conditional use. The Residential Multifamily (RM) zone still contains many single family homes and single family forms that have become multifamily. The higher density forms that are fine in Residential High-Density Multifamily (RH) could have negative consequences in the RM zones. Conditional use still allows their use but the application will have a chance of being more context sensitive with a public process that the conditional use provides.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.**

Table 3-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
 NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*		P*			20.03.030(b)(1)	
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*			20.03.030(b)(2)	
Dwelling, duplex	C	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*			20.03.030(b)(3)	
Dwelling, triplex		C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*			20.03.030(b)(4)	
Dwelling, fourplex					C*	P* C*	P*		P*	P*	P*	P*			P*			20.03.030(b)(4)	
Dwelling, multifamily					C*	P* C*	P		P	P*	P*	P	P*	C	P*			20.03.030(b)(5)	
Dwelling, live/work					C*	P* C*	P*			P*	P*	P*			P*			20.03.030(b)(6)	
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*								20.03.030(b)(7)	
Dwelling, mobile home								P*										20.03.030(b)(8)	
Manufactured home park								P*										20.03.030(b)(9)	
Group Living																			
Assisted living facility					C	P	P			C	P	P		P	P	P			
Continuing care retirement facility					C	P	P			C	P	P		P	P	P			
Fraternity or sorority house									P					P					
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*		20.03.030(b)(10)	
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(b)(10)	
Nursing or convalescent home					C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*		20.03.030(b)(10)	
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(b)(10)	
Residential rooming house						P*	P*		P	P*	P	P	C*					20.03.030(b)(11)	
Student housing or dormitory						C*	P*		P	C*	P*	P*		P*	C*			20.03.030(b)(12)	
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P			20.03.030(c)(1)	

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 43

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.03.030(b)(10) Group Care Home, FHAA (Small and Large) & Opioid Rehabilitation Home (Small and Large)	72

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment further reduces the spacing standard for group care homes to reflect a typical block length, which is 300 feet. The existing UDO spacing standard for group care homes is 3,000 feet and the draft UDO is 500 feet. This change is proposed in order to be consistent with the federal Fair Housing Act Amendments of 1988 (FHAA).

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.03.30 Use-Specific Standards

(b) Residential Uses

(10) Group Care Home, FHAA (Small and Large) & Opioid Rehabilitation Home, (Small and Large)

- (A) Group homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, may be established in any Residential zone district or portion of a Mixed-Use zoning district or PD district that permits residential dwellings, provided that they meet the definition of "small" and "large" facilities in **Error! Reference source not found.** and are located in zoning districts where facilities of that size are allowed pursuant to Table 3-1, and subject to the licensing requirements of the state and the City of Bloomington.
- (B) In the MN and R4 zoning districts, group homes shall not be designed for or occupied by more than 20 residents living together.
- (C) No Group Care Home shall be located within ~~500~~ **300** feet of any other Group Care Home.
- (D) No Opioid Rehabilitation Home shall be located within ~~500~~ **300** feet of any other Opioid Rehabilitation Home.
- (E) Where minimum spacing is required by subsections (B) and (C) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 44

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.020(f)(1)(B) Figure 50: Building Height	101

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment provides a new graphical illustration to better show how building height is measured.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.**

The amendment provides a new image for Figure 50: Building Height

(B) Overall Dimension

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

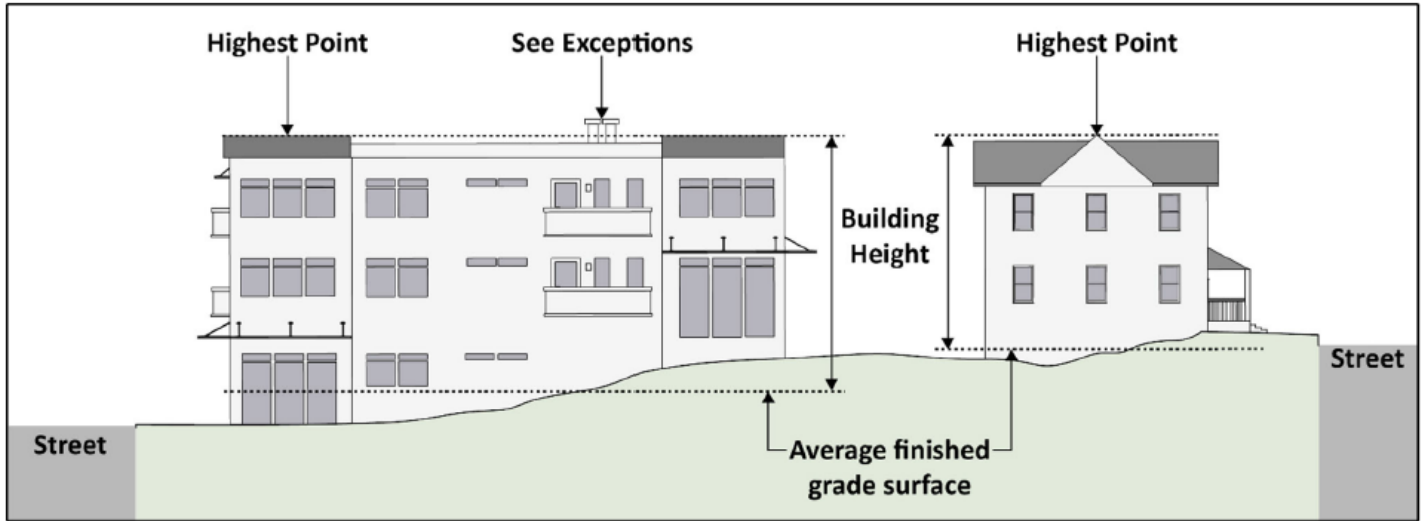


Figure 50: Building Height

(2) Exceptions to Height Requirements

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

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 59

Name of Sponsor(s): Isabel Piedmont-Smith

Date Submitted: 11/4/19

UDO Chapter, Section, and Page

Chapter	Section	Page #
20.04 Development Standards	20.04.30 Environmental (g) Karst Geology	110

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Chapter 3: Environment	Programs – Water: Assess karst features and regulations to protect sinkholes and other karst features.	47

Synopsis and Legislative Intent (brief description of amendment and its motivation)

When combining two sinkholes into a compound sinkhole for the purpose of better protecting water quality, connecting from the widest points provides environmental protection for the widest possible area. Not doing so results in the possibility of karst features being infringed upon by development activity. This amendment is intended to install this practice into the UDO.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.030 Environment

(g) Karst Geology

(3) Compound Karst Features

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

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 45

Name of Sponsor(s): Steve Volan

Date Submitted: 10/31/2019 (amended 11/25/2019)

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.060(e) Maximum Vehicle Parking Requirement	135-140
20.04.060(h) Adjustments to Maximum Parking Requirements	142

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
6	Goal 6.1: Increase Sustainability - Policy 6.1.3: In land use decisions, require sufficient density through infill, redevelopment, and reuse of vacant or under-utilized parcels to support multimodal transportation and discourage urban sprawl.	74
6	Goal 6.4 Prioritize Non-Automotive Modes	75

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is sponsored by Cm. Volan and adjusts provisions related to maximum parking requirements. The amendment replaces the term "requirement" with the terms "allowance" or "limit" to better reflect that the maximum parking standards contained 20.04.060(e) are the maximum allowed amounts of parking for the listed land uses. It replaces many of the specific maximum parking allowances with a standardized default parking allowance, with different default parking allowances for residential and nonresidential uses. The amendment adds a default parking allowance chart, which reduces the default parking allowances for residential and nonresidential uses by specified amounts each year for 20 years after the effective date of the UDO. The purpose of this amendment is to promote density, reduce the amount of land dedicated to surface parking, and to encourage non-automotive modes of transportation.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

- over -

20.04.060 Parking and Loading

(e) Maximum Vehicle Parking Requirement Allowance

In no case shall any land use or development subject to this Section ~~20.40.30~~ 20.04.060 provide more than the maximum number of vehicle parking spaces ~~required~~ allowed for each land use listed in Table 4-10: Maximum Vehicle Parking Requirements Allowances.

(1) Default Parking Allowance - Residential

The default parking allowance for residential uses subject to the default parking allowance chart in 20.04.060(e)(3). This allowance applies to residential uses, unless a different allowance is specified in Table 4-10 for that particular residential use.

(2) Default Parking Allowance - Nonresidential

The default parking allowance for nonresidential uses subject to the default parking allowance chart in 20.04.060(e)(3). The term "nonresidential uses" includes the following uses: public, institutional, and civic uses; commercial uses; employment uses; utilities and communication; accessory uses; and temporary uses. This allowance applies to nonresidential uses, unless a different allowance is specified in Table 4-10 for that particular nonresidential use.

(3) Default Parking Allowance Chart

The default parking allowances for residential and nonresidential uses will be reduced each year after [Effective Date] pursuant to the following schedule. If the number of spaces allowed pursuant to the default parking allowance chart results in a fractional number of spaces allowed, then the parking allowance will be rounded up to the nearest whole number of spaces.

DEFAULT PARKING ALLOWANCE CHART		
YEAR	DEFAULT ALLOWANCE - RESIDENTIAL	DEFAULT ALLOWANCE - NONRESIDENTIAL
2020	.50 spaces per bedroom	2.00 spaces per 1,000 sq. ft. GFA
2021	.49 spaces per bedroom	1.97 spaces per 1,000 sq. ft. GFA
2022	.48 spaces per bedroom	1.94 spaces per 1,000 sq. ft. GFA
2023	.47 spaces per bedroom	1.91 spaces per 1,000 sq. ft. GFA
2024	.46 spaces per bedroom	1.88 spaces per 1,000 sq. ft. GFA
2025	.45 spaces per bedroom	1.85 spaces per 1,000 sq. ft. GFA
2026	.44 spaces per bedroom	1.82 spaces per 1,000 sq. ft. GFA
2027	.43 spaces per bedroom	1.79 spaces per 1,000 sq. ft. GFA
2028	.42 spaces per bedroom	1.76 spaces per 1,000 sq. ft. GFA
2029	.41 spaces per bedroom	1.73 spaces per 1,000 sq. ft. GFA
2030	.40 spaces per bedroom	1.70 spaces per 1,000 sq. ft. GFA
2031	.39 spaces per bedroom	1.67 spaces per 1,000 sq. ft. GFA
2032	.38 spaces per bedroom	1.64 spaces per 1,000 sq. ft. GFA
2033	.37 spaces per bedroom	1.61 spaces per 1,000 sq. ft. GFA
2034	.36 spaces per bedroom	1.58 spaces per 1,000 sq. ft. GFA
2035	.35 spaces per bedroom	1.55 spaces per 1,000 sq. ft. GFA
2036	.34 spaces per bedroom	1.52 spaces per 1,000 sq. ft. GFA
2037	.33 spaces per bedroom	1.49 spaces per 1,000 sq. ft. GFA
2038	.32 spaces per bedroom	1.46 spaces per 1,000 sq. ft. GFA
2039	.31 spaces per bedroom	1.43 spaces per 1,000 sq. ft. GFA
2040 and after	.30 spaces per bedroom	1.40 spaces per 1,000 sq. ft. GFA

Table 4-10: Maximum Vehicle Parking Requirements Allowances

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Requirement Allowance
RESIDENTIAL USES	
Household Living	
Dwelling, single-family (detached)	No requirement limit
Dwelling, single-family (attached)	
Dwelling, duplex	2 1 spaces per DU
Dwelling, triplex	
Dwelling, fourplex	
Dwelling, multifamily	125 percent of the required minimum, or 1.25 spaces per bedroom, whichever is less. Default Allowance - Residential
Dwelling, live/work	1 space per DU
Dwelling, cottage development	2 spaces per DU
Dwelling, mobile home	2 spaces per DU
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs
Group Living	
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 DUs
Continuing care retirement facility	
Fraternity or sorority house	0.8 spaces per bed Default Allowance - Residential
Group care home, FHAA small	4 .25 spaces per 4 persons bed design capacity
Group care facility, FHAA large	
Nursing or convalescent home	
Opioid rehabilitation home, small	
Opioid rehabilitation home, large	
Residential rooming house	2 spaces; plus 1 space per guest room
Student housing or dormitory	0.75 0.25 spaces per bedroom
Supportive housing, small	No requirement limit
Supportive housing, large	
PUBLIC, INSTITUTIONAL, AND CIVIC USES	
Community and Cultural Facilities	
Art gallery, museum, or library	1 space per 500 sq. ft. GFA Default Allowance - Nonresidential
Cemetery or mausoleum	No requirement limit
Club or lodge	1 space per 4 seats in main assembly area, or 1 space per 200 sq. ft. GFA Default Allowance - Nonresidential , whichever is greater
Community center	No requirement Default Allowance - Nonresidential
Conference or convention center	1 space per 500 sq. ft. GFA Default Allowance - Nonresidential for surface parking No requirement limit for structured parking
Crematory	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Day-care center, adult or child	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Government service facility	No requirement limit
Jail or detention facility	No requirement limit
Meeting, banquet, or event facility	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Mortuary	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Park	No requirement limit
Place of worship	1 space per 4 seats in main assembly area, or 1 space per 200 sq. ft. GFA Default Allowance - Nonresidential , whichever is greater
Police, fire, or rescue station	No requirement limit
Urban agriculture, noncommercial	No requirement limit
Educational Facilities	
School, college or university	No requirement limit
School, public or private	No requirement Default Allowance - Nonresidential
School, trade or business	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Healthcare Facilities	
Hospital	4 .5 spaces per patient bed design capacity
Medical clinic	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Methadone or other treatment facility	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Opioid rehabilitation facility	4 2.0 spaces per 300 1,000 sq. ft. GFA

COMMERCIAL USES

Agricultural and Animal Uses

Kennel	No requirement Default Allowance - Nonresidential
Orchard or tree farm, commercial	No requirement limit
Pet grooming	No requirement Default Allowance - Nonresidential
Plant nursery or greenhouse, commercial	1 space per 300 sq. ft. GFA retail sales Default Allowance - Nonresidential
Veterinarian clinic	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential

Entertainment and Recreation

Amenity center	No requirement Default Allowance - Nonresidential
Country club	No requirement Default Allowance - Nonresidential
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 1 space per 2.0 spaces per 400, 1,000 sq. ft. of site area used for recreation
Sexually oriented business	1 space per 200 sq. ft. GFA Default Allowance - Nonresidential
Stadium	No requirement limit

Food, Beverage, and Lodging

Bar or Dance club	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Bed and breakfast	1 space per guest bedroom
Brewpub, distillery, or winery	Indoor tasting/seating area: 1 space per 100 sq. ft. GFA; Outdoor tasting/seating area: 1 space per 200 sq. ft. of Default Allowance - Nonresidential
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: 1 space per 100 sq. ft. GFA; Outdoor seating area: 1 space per 200 sq. ft. of Default Allowance - Nonresidential

Office, Business, and Professional Services

Artist studio or workshop	No maximum limit
Check cashing	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Financial institution	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Fitness center, small	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Fitness center, large	1 space per 400 sq. ft. GFA Default Allowance - Nonresidential
Office	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Personal service, small	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Personal service, large	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Tattoo or piercing parlor	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential

Retail Sales

Building supply store	1 space per 500 sq. ft. GFA Default Allowance - Nonresidential
Grocery or supermarket	1 space per 200 sq. ft. GFA Default Allowance - Nonresidential
Liquor or tobacco sales	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Pawn shop	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Retail sales, small	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Retail sales, medium	1 space per 250 sq. ft. GFA Default Allowance - Nonresidential
Retail sales, large	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential
Retail sales, big box	1 space per 300 sq. ft. GFA Default Allowance - Nonresidential

Vehicles and Equipment

Equipment sales or rental	1 space per 2.0 spaces per 350, 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	No requirement limit
Vehicle fleet operations, small	No requirement limit
Vehicle fleet operations, large	No requirement limit
Vehicle fuel station	1 space per 200 sq. ft. GFA Default Allowance - Nonresidential
Vehicle impound storage	No requirement limit
Vehicle parking garage	No requirement limit

Vehicle repair, major	4 2.0 spaces per 350 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle repair, minor	
Vehicle sales or rental	
Vehicle wash	No requirement limit
EMPLOYMENT USES	
Manufacturing and Processing	
Commercial Laundry	No requirement limit
Food production or processing	No requirement limit
Manufacturing, artisan	No requirement limit
Manufacturing, light	No requirement limit
Manufacturing, heavy	No requirement limit
Salvage or scrap yard	No requirement limit
Storage, Distribution, or Warehousing	
Bottled gas storage or distribution	No requirement limit
Contractor's yard	No requirement limit
Distribution, warehouse, or wholesale facility	No requirement limit
Storage, outdoor	No requirement limit
Storage, self-service	4 2.0 spaces per 350 1,000 GFA of indoor sales/leasing/office space
Resource and Extraction	
Gravel, cement, or sand production	No requirement limit
Quarry	No requirement limit
Stone processing	No requirement limit
UTILITIES AND COMMUNICATION	
Communication facility	No requirement limit
Solar collector, ground- or building-mounted	No requirement limit
Utility substation and transmission facility	No requirement limit
Wind energy system, large	No requirement limit
Wind energy system, small	No requirement limit
ACCESSORY USES	
Chicken flock	No requirement limit
Crops and pasturage	No requirement limit
Detached garage	No requirement limit
Drive-through	No requirement limit
Dwelling, accessory unit	No requirement limit
Electric vehicle charging facility	No requirement limit
Greenhouse, noncommercial	No requirement limit
Home occupation	No requirement limit
Outdoor retail and display	No requirement limit
Outdoor trash and recyclables receptacles	No requirement limit
Recycling drop-off, self-serve	No requirement limit
Swimming pool	No requirement limit
TEMPORARY USES	
Book buyback	No requirement limit
Construction support activities	No requirement limit
Farm produce sales	No requirement limit
Real estate sales or model home	No requirement limit
Seasonal sales	No requirement limit
Special event	No requirement limit

(h) Adjustments to Maximum Parking Requirements Allowance

No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 4-10: Maximum Vehicle Parking **Requirements Allowances**, unless approved by the City Planning and Transportation Department based on the following:

- (1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;
- (2) The petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 4-10: Maximum Vehicle Parking **Requirements Allowances**, and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and
- (3) Any parking provided above the maximum required in Table 4-10: Maximum Vehicle Parking **Requirements Allowances** is constructed in a parking structure or with approved pervious surfaces.

Note: This amendment authorizes staff to update any citations outside of 20.04.060 that reference amended sections or tables within 20.04.060 as a result of this amendment.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 46

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.070(c) MD District	152
20.05.050(j)(10)(D) Street Lighting Plans in the MD District	226

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment relocates MD District standards for street lighting to better align with the Downtown Vision and Infill Strategy Plan.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.070 Site and Building Design

(c) MD District

(1) Generally

Notwithstanding subsections (d) and (e) below, all construction activity shall be subject to the design standards set forth in the applicable Downtown Character Area as specified in Section 20.02.030(g) (MD: Mixed-use Downtown) and Section 20.02.060(a) (DCO - Downtown Character Overlay District).

(2) Street Lighting Plans in the MD District

All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan and shall comply with the following:

(A) Generally

- (i) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- (ii) Pedestrian scaled street lighting shall not exceed 15 feet in height.

(B) Lighting Fixture Styles

- (i) Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.
- (ii) All pedestrian scaled street lighting in the MD district shall be of a traditional design style (gas lamp, acorn, or similar decorative style) except as otherwise provided below.
- (iii) Properties in the following Downtown Character Overlays may use traditional or contemporary design styles:
 - 1. Downtown Core;
 - 2. University Village (excluding Kirkwood Corridor and Restaurant Row);
 - 3. Downtown Gateway; and
 - 4. Showers Technology.

20.05.050 Subdivision Standards

(j) Streets and Right-of-Ways

(10) Street Lighting

~~(D) Street Lighting Plans in the MD District~~

~~All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the City of Bloomington Downtown Vision and Infill Strategy Plan and shall comply with the following:~~

~~(i) Generally~~

- ~~(1) Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.~~
- ~~(2) Pedestrian scaled street lighting shall not exceed 15 feet in height.~~

~~(ii) Lighting Fixture Styles~~

- ~~(1) Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.~~
- ~~(2) All pedestrian scaled street lighting in the MD district shall be of a traditional design style (gas lamp, acorn, or similar decorative style) except as otherwise provided below.~~
- ~~(3) Properties in the following Downtown Character Overlays may use traditional or contemporary design styles:~~
 - ~~[a] Downtown Core;~~
 - ~~[b] University Village (excluding Kirkwood Corridor and Restaurant Row);~~
 - ~~[c] Downtown Gateway; and~~
 - ~~[d] Showers Technology.~~

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 47

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.070 Site and Building Design (d) Building Design	152-153

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Vision Statement	* Ensure all land development makes a positive and lasting community contribution.	12

Synopsis and Legislative Intent (brief description of amendment and its motivation)

Sometimes the design regulations force architectural outcomes that may have been better if the design were left to the architect. Arbitrary variations are sometimes a positive, but sometimes create outcomes that may be regrettable and avoidable. This amendment would give architects more creative freedom.

Council Action – [Date]:

- over -

Amendment:

CS Am 07 – Waiver of Certain Design Decisions

20.04.070 Site and Building Design

(d) Building Design

(1) Mixed-Use and Nonresidential

The Planning and Transportation Director may retain an independent third party consultant to review any proposed building design in order to assist with review of compliance with the standards in this section, 20.04.070 (d). Where the decision on an application is made by the Plan Commission or City Council (as shown in Table 6-1), the consultant may offer alternative compliant design option(s) that addresses each element of building design addressed in this section 20.04.070(d). The body making the final decision on the application may approve some or all of the suggested design options if it determines that the suggested option:

- Significantly enhances the visual appeal of the building;
- Significantly enhances the perceived quality of the building facades visible from public streets;
- Creates no adverse impacts on surrounding properties beyond those that would be permitted if the standards in this Section 20.04.070(d) were applied; and
- Strengthen the public-private interaction at the street level.

(A) Applicability

The following standards shall apply to parcels in the MN, MM, MC, ME, MI, and MH zone districts.

(B) Exceptions

Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.01.010(a)(1). Such residential dwelling units shall be subject to the architectural standards in Section 20.04.70(d)(2).

(C) Materials

All facades of a primary building shall consist of one or more of the following materials:

(See Am 29 – Adopted on 19 November 2019)

(D) Exterior Facades

All facades of a primary building shall incorporate three or more of the following design elements every 40 feet to avoid blank, uninterrupted walls:

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

(E) Patterns

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

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

(F) Eaves and Roofs

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

(G) 360-Degree Architecture

>>>>

(H) Primary Pedestrian Entry

>>>>

(I) Windows on Primary Facades

>>>>

(J) Street Addresses

>>>>

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 48

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.070 Site and Building Design	156
20.05.050 Subdivision Design Standards	227

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
1	Policy 1.1.2: Continue and enhance programs that embrace Bloomington’s diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.	28
1	Policy 1.5.3: Implement infrastructure plans and projects that anticipate growth and reduce community vulnerability.	29
5	Policy 5.2.7: Encourage the addition of visitability and accessibility features, where practicable, and where not otherwise required, in all single family and multi-family residential new housing construction and modification	64

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment adds provisions related to the concept of “universal design.”

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.070 Site and Building Design

New subsection (f) Universal Design

- (1) In multifamily residential buildings and student housing and dormitory buildings constructed after [insert effective date here] that contain more than 25 dwelling units, at least 20 percent of the dwelling units shall incorporate at least two of the following elements of "universal design":
- a. At least one entrance at grade level and not requiring any steps up or down or a ramp for entry;
 - b. All interior doorways with at least 32-inch wide openings;
 - c. At least one bathroom with 32-inch counter height;
 - d. At least one bathroom with wall reinforcements for handrails; and/or
 - e. All light switches installed between 44 and 48 inches in height.

20.05.050 Subdivision Design Standards

New subsection (l) Universal Design

- (1) In subdivisions or phases of subdivisions approved after [insert effective date here] that contain more than 25 lots designed to accommodate single-family detached or single-family attached dwellings, at least 20 percent of the dwelling units shall incorporate at least two of the following elements of "universal design":
- a. At least one entrance at grade level and not requiring any steps up or down or a ramp for entry;
 - b. All interior doorways with at least 32-inch wide openings;
 - c. At least one bathroom with 32-inch counter height;
 - d. At least one bathroom with wall reinforcements for handrails; and/or
 - e. All light switches installed between 44 and 48 inches in height.
- (2) For purposes of determining the applicability of the 25 lot threshold, this subsection k, the Planning and Transportation Director may determine that a proposed subdivision or phase of a subdivision is a part of an earlier, adjacent, subdivision or phase of a subdivision in common or related ownership. If that determination is made, the two subdivisions or phases of subdivisions shall be treated as one, and the requirements of subsection 1 above shall apply to 20 percent of all lots in the two combined subdivisions or phases of subdivisions.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 49

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.080(c)(2) Plant Material Standards	158

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment provides clarification on plant species identification.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.**

20.04.080 Landscaping, Buffering, and Fences

(c) General Landscaping

(2) Plant Material Standards

(A) Live Plantings

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

(B) Species Identification

New plantings shall have species identification tags on the plant or paid purchase identification labels.

~~(B)~~ (C) Invasive Plants

Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements.

~~(C)~~ (D) ...

- .
- .
- .
- .

Note: This amendment authorizes staff to renumber or reletter the items under 20.04.080(c)(2) as needed as a result of this amendment, and also authorizes staff to update any citations outside of 20.04.080 that reference renumbered or relettered sections within 20.04.080 as a result of this amendment.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

*Please complete all fields indicated in **yellow**.*

Amendment Number: Am 50

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.080(d) Permitted Plant Species	161-165
20.04.080(e) Prohibited Plant Species	166-168

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment makes changes to the landscaping lists to identify evergreens, to remove poor quality/invasive species, or to add new species.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

-over-

Table 04-14: Permitted Street Tree Species

Bold text indicates evergreen species

Common Name	Scientific Name
Large Street Trees - 45 feet or more at mature height	
Black Maple	<i>Acer nigrum</i>
Red Maple	<i>Acer rubrum</i>
Sugar Maple	<i>Acer saccharum</i>
Sugar Hackberry	<i>Celtis laevigata</i>
Hackberry	<i>Celtis occidentalis</i>
American Beech	<i>Fagus grandfolia</i>
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>
Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
Sweetgum	<i>Liquidambar styraciflura</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Blackgum or Tupelo	<i>Nyssa sylvatica</i>
Sycamore	<i>Platanus occidentalis</i>
White Oak	<i>Quercus alba</i>
Swamp White Oak	<i>Quercus bicolor</i>
Scarlet Oak	<i>Quercus coccinea</i>
Shingle Oak	<i>Quercus imbricaria</i>
Bur Oak	<i>Quercus macrocarpa</i>
Red Oak	<i>Quercus rubra</i>
Shumard Oak	<i>Quercus shumardii</i>
Black Oak	<i>Quercus velutina</i>
Bald Cypress	<i>Taxodium distichum</i>
Basswood or American Linden	<i>Tilia americana</i>
Medium Street Trees - 25 feet to 45 feet at mature height	
Autumn Flame Red Maple	<i>Acer rubrum</i>
Downy Serviceberry	<i>Amelanchier arborea</i>
American Hornbeam or Blue Beech	<i>Carpinus caroliniana</i>
Yellowwood	<i>Cladrastis lutea</i>
Hop Hornbeam or Ironwood	<i>Ostrya virginiana</i>
Small Street Trees - Under 25 feet at mature height	
Shadblow Serviceberry	<i>Amelanchier canadensis</i>
<u>Allegheny Serviceberry</u>	<u><i>Amelanchier laevis</i></u>
Eastern Redbud	<i>Cercis canadensis</i>
Flowering Dogwood	<i>Cornus florida</i>
<u>Thornless Cockspur Hawthorn</u>	<u><i>Crataegus crus-galli</i></u>
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Green Hawthorn	<i>Crataegus viridis</i>
<u>Devil's Walkingstick</u>	<u><i>Aralia spinosa</i></u>

Table 04-15: Permitted Interior Tree Species

Bold text indicates evergreen species

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

Table 04-16: Permitted Shrubs, Bushes and Hedges Species

Bold text indicates evergreen species

Common Name	Scientific Name
<u>Red Chokeberry</u>	<i>Aronia arbutifolia</i>
Black Chokeberry	<i>Aronia melanocarpa</i>
New Jersey Tea	<i>Ceanothus americanus</i>
Buttonbush	<i>Cephalanthus occidentalis</i>
American Hazelnut	<i>Corylus Americana</i>
<u>Silverbell shrub</u>	<i>Halesia tetraptera</i>
<u>Spring Witch Hazel</u>	<i>Hamamelis vernalis</i>
Eastern Witch Hazel	<i>Hamamelis virginiana</i>
<u>Wild Hydrangia</u>	<i>Hydrangia arborescens</i>
<u>Inkberry</u>	<i>Ilex glabra</i>
<u>Oakleaf Hydrang</u>	<i>Hydrangia quercifolia</i>
Winterberry Holly	<i>Ilex verticillata</i>
Virginia Sweetpire	<i>Itea virginica</i>
<u>Juniper</u>	<i>Juniperus communis</i>
Spicebush	<i>Lindera benzoin</i>
Ninebark	<i>Physocarpus opulifolius</i>
Shrubby Cinquefoil	<i>Potentilla</i>
Sand Cherry	<i>Prunus pumila</i>
Fragrant Sumac	<i>Rhus aromatica</i>
Winged Sumac	<i>Rhus copallina</i>
Shinning Sumac	<i>Rhus glabra</i>
<u>Staghorn Sumac</u>	<i>Rhus typhina</i>
Virginia Rose	<i>Rosa virginiana, Rosa setigera, Rosa palustris</i>
Pussy Willow	<i>Salix discolor</i>
<u>Elderberry</u>	<i>Sambucus canadensis</i>
Bladdernut	<i>Staphylea trifolia</i>
Coralberry <u>or Indian Currant</u>	<i>Symphoricarpos orbiculatus</i>
<u>Canadian Yew</u>	<i>Taxus canadensis</i>
Highbush Blueberry	<i>Vaccinium corymbosum, Vaccinium vacillans</i>
Mapleleaf Viburnum	<i>Viburnum acerifolium</i>
Arrowwood	<i>Viburnum dentatum</i>
Nannyberry	<i>Viburnum lentago</i>
Black Haw	<i>Viburnum prunifolium, Viburnum rufidulum</i>
<u>American Highbush Cranberry</u>	<i>Viburnum trilobum</i>
Prickly Ash	<i>Zanthoxylum americanum</i>

Table 04-17: Permitted ~~Herbacaceous~~ Herbaceous Perennial Plant Species

Bold text indicates evergreen species

Common Name	Scientific Name
Flowering Perennials	
<u>Canada Anemone</u>	<u><i>Anemone canadensis</i></u>
Columbine	<i>Aquilegia canadensis</i>
Swamp or Marsh Milkweed	<i>Asclepias incarnata</i>
Common Milkweed	<i>Asclepias syriaca</i>
Butterflyweed	<i>Asclepias tuberosa</i>
Smooth Aster	<i>Aster laevis</i>
Short's Aster	<i>Aster hortii</i>
False Blue Indigo	<i>Baptisia australis</i>
Tall Coreopsis	<i>Coreopsis tripteris</i>
Larkspur	<i>Delphinium tricorne</i>
Purple Coneflower	<i>Echinacea purpurea</i>
Spotted-Joe-Pye-Weed	<i>Eupatorium maculatum</i>
Wild Geranium	<i>Geranium maculatum</i>
Autumn Sneezeweed	<i>Helenium autumnale</i>
Stiff or Prairie Sunflower	<i>Helianthus pauciflorus</i>
False Sunflower	<i>Heliopsis helianthoides</i>
Violet Lespedeza	<i>Lespedeza violacea</i>
<u>Rough Blazing Star</u>	<u><i>Liatris aspera</i></u>
Prairie Blazing Star	<i>Liatris pycnostachya</i>
Dense Blazing Star	<i>Liatris spicata</i>
Cardinal Flower	<i>Lobelia cardinalis</i>
Great Blue Lobelia	<i>Lobelia siphilitica</i>
Virginia Bluebells	<i>Mertensia virginica</i>
Bergamot or Bee-balm	<i>Monarda fistulosa</i>
Purple Prairie Clover	<i>Petalostemum purpureum</i>
Blue Phlox	<i>Phlox divaricata</i>
Summer Phlox	<i>Phlox paniculata</i>
Obedient Plant	<i>Physostegia virginiana</i>
Yellow Coneflower	<i>Ratibida pinnata</i>
<u>Orange Coneflower</u>	<u><i>Rudbeckia fulgida</i></u>
Black-Eyed-Susan	<i>Rudbeckia hirta</i>
Green-Headed Coneflower	<i>Rudbeckia laciniata</i>
Sweet Coneflower	<i>Rudbeckia subtomentosa</i>
Stiff Goldenrod	<i>Solidago rigida</i>
Blue-stemmed Goldenrod	<i>Solidago caesia</i>
Grey Goldenrod	<i>Solidago nemoralis</i>
Royal Catchfly	<i>Silene regia</i>
Fire Pink	<i>Silene virginica</i>

Table 04-17: Permitted ~~Herbacaceous~~ Herbaceous Perennial Plant Species

Bold text indicates evergreen species

Common Name	Scientific Name
Celandine Poppy	<i>Stylophorum diphyllum</i>
<u>Coralberry</u>	<u><i>Symphoricarpos orbiculatus</i></u>
Culver's Root	<i>Veronicastrum virginicum</i>
Violet	<i>Viola sororia</i>
Ground Covers	
Canada Anemone	<i>Anemone canadensis</i>
Wild Ginger	<i>Asarum canadense</i>
Palm Sedge	<i>Carex muskingumensis</i>
Common Oak Sedge	<i>Carex pensylvanica</i>
<u>Green and Gold</u>	<u><i>Chrysogonum virginianum</i></u>
Running Strawberry Bush	<i>Euonymus obovatus</i>
Wild Strawberry	<i>Fragaria virginiana</i>
Dwarf Crested Iris	<i>Iris cristata</i>
<u>Creeping Juniper</u>	<u><i>Juniperus horizontalis</i></u>
Creeping Phlox	<i>Phlox subulata</i>
Partridge Berry	<i>Mitchella repens</i>
Wild Stonecrop	<i>Sedum ternatum</i>
Foam Flower	<i>Tiarella cordifolia</i>
Vines	
Woolly Douchman's Pipe	<i>Aristolochia tomentosa</i>
Crossvine	<i>Bignonia capreolata</i>
Trumpet Creeper	<i>Campsis radicans</i>
<u>American Bittersweet</u>	<u><i>Celastrus scandens</i></u>
Virgin's Bower (native clematis)	<i>Clematis virginiana</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Ferns	
Maidenhair Fern	<i>Adiantum pedatum</i>
Lady Fern	<i>Athyrium filix-femina</i>
Giant Wood Fern or Goldie's Fern	<i>Dryopteris goldiana</i>
Evergreen Shield Fern	<i>Dryopteris marginalis</i>
Ostrich Fern	<i>Matteuccia struthiopteris</i>
Cinnamon Fern	<i>Osmunda cinnamomea</i>
Christmas Fern	<i>Polystichum acrostichoides</i>
Grasses	
Big Bluestem	<i>Andropogon gerardii</i>
Side-Oats Gramma	<i>Bouteloua curtipendula</i>
<u>Indian Seaoats</u>	<u><i>Chasmanthium latifolium</i></u>
Bottlebrush Grass	<i>Elymus hystrix</i>

Table 04-17: Permitted ~~Herbacaceous~~Herbaceous Perennial Plant Species

Bold text indicates evergreen species

Common Name	Scientific Name
Virginia Wild Rye	<i>Elymus virginicus</i>
June Grass	<i>Koeleria macrantha</i>
Switch Grass	<i>Panicum virgatum</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Prairie Dropseed	<i>Sporobolus heterolepis</i>

(e) Prohibited Plant Species

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

Table 04-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
Prohibited Invasive Trees	
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Black Alder	<i>Alnus glutinosa</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Glossy Buckthorn	<i>Frangula alnus</i>
White Mulberry	<i>Morus alba</i>
Princess Tree	<i>Paulownia tomentosa</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Callery Pear and all cultivars	<i>Pyrus calleryana</i>
European or Common Buckthorn and all cultivars	<i>Rhamnus cathartica</i>
Glossy or Smooth Buckthorn and all cultivars	<i>Rhamnus frangula</i>
Buckthorn Tallhedge and all cultivars	<i>Rhamnus frangula columnaris</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Prohibited Non-Invasive TreesPlants with Poor Characteristics	
Box Elder	<i>Acer negundo</i>
Silver maple	<i>Acer saccharinum</i>
European White Birch	<i>Betula pendula</i>
Poison Hemlock	<i>Conium maculatum L.</i>
Ash	<i>Fraxinus species</i>

Table 04-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
Ginkgo (female only)	<i>Ginkgo biloba</i>
Giant Hogweed	<i>Heracleum mantegazzianum</i>
Rice Cutgrass	<i>Leersia oryzoides</i>
Flowering Crabapple	<i>Malus</i>
Wild Parsnip	<i>Pastinaca sativa</i>
<i>Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Doubloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'</i>	
Bradford Pear	<i>Pyrus calleryana</i>
American Elm	<i>Ulmus Americana</i>
Poison Ivy	<i>Toxicodendron radicans</i>
Poison Sumac	<i>Toxicodendron vernix</i>
Prohibited Invasive Herbaceous Perennials	
Japanese Chaff Flower	<i>Achyranthes japonica</i>
Wild Garlic and Wild Onion	<i>Alliums spp.</i> *
Garlic Mustard	<i>Alliaria petiolata</i>
Mugwort	<i>Artemisia vulgaris</i>
Spiny Plumeless Thistle	<i>Carduus acanthoides</i>
Cornflower or Bachelor's Button	<i>Centaurea cyanus</i>
Russian Knapweed	<i>Centaurea repens</i> *
Spotted Knapweed	<i>Centaurea stoebe</i>
Canada Thistle	<i>Cirsium arvense</i> *+
Bull Thistle	<i>Cirsium vulgare</i>
Poison Hemlock	<i>Conium maculatum</i>
Grecian Foxglove	<i>Digitalis lanata</i>
Teasel	<i>Dipsacus fullonum ssp. Sylvestris</i>
Cutleaf Teasel	<i>Dipsacus laciniatum</i>
Leafy Spurge	<i>Euphorbia virgata</i>
Giant Hogweed	<i>Fallopia japonica</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Meadow Fleabane or British Yellowhead	<i>Inula britannica</i>
Perennial Peppergrass	<i>Lepidium draba</i> *
Pepperweed	<i>Lepidium latifolium</i>
Bicolor Lespedeza	<i>Lespedeza cuneata</i>
Sericea Lespedeza	<i>Lespedeza cuneata</i>
Purple Loosestrife	<i>Lythrum salicaria</i> *
Sweet Clover	<i>Melilotus alba, M. officinalis</i>
Star of Bethlehem	<i>Ornithogalum umbellatum</i>
Lesser Celandine	<i>Ranunculus ficaria</i>

Table 04-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
Japanese Knotweed	<i>Polygonum cuspidatum</i>
<u>Giant Knotweed</u>	<i>Reynoutria sachalinensis</i>
<u>Bohemian Knotweed</u>	<i>Reynoutria x bohemica</i>
Perennial Sowthistle	<i>Sonchus arvensis</i> *
<u>Black Swallow-wort</u>	<i>Vincetoxicum nigrum</i>
<u>Pale Swallow-wort</u>	<i>Vincetoxicum rossicum</i>
Prohibited Invasive Grasses	
Quackgrass	<i>Agropyron repens</i> *
<u>Giant Reed</u>	<i>Arundo donax</i>
<u>Small Carpgrass</u>	<i>Arthraxon hispidus</i>
Smooth Brome	<i>Bromus inermis</i>
Tall Fescue <u>and all cultivars</u>	<i>Festuca elatior</i>
<u>Perennial Peppergrass</u>	<i>Lepidium draba</i> *
Japanese Stilt-Grass	<i>Microstegium vimineum</i>
Maiden Grass	<i>Miscanthus sinensis</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed Grass	<i>Phragmites australis</i>
Columbus Grass	<i>Sorghum almun Parodi</i> *
Shattercane	<i>Sorghum bicolor</i> *+
Johnson Grass or Sorghum Almun	<i>Sorghum halepense</i> *+
Prohibited Invasive Vines and Groundcovers	
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
<u>Asiatic Bittersweet</u>	<i>Celastrus scandens</i>
<u>Sweet Autumn Clematis</u>	<i>Clematis terniflora</i>
Field Bindweed	<i>Convolvulus arvensis</i> *
Crown Vetch	<i>Coronilla varia</i>
Black Swallow-Wort	<i>Cynanchum nigrum, syn. Vincetoxicum nigrum</i>
Pale Swallow-Wort	<i>Cynanchum rossicum</i>
Potato <u>V</u> ine	<i>Dioscorea batatas</i>
Chinese Yam	<i>Dioscora oppositifolia</i>
Purple Winter Creeper	<i>Euonymus fortunei</i>
Creeping Charlie	<i>Glechoma hederacea</i>
English Ivy	<i>Hedera helix</i>
Japanese Hops	<i>Humulus japonicus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Mile-A-Minute Weed	<i>Polygonum perfoliatum</i>
Kudzu	<i>Pueraria montana lobata</i>

Table 04-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
<u>Poison Ivy</u>	<i>Rhus radicans</i>
Bur Cucumber	<i>Sicyos angulatus</i> *+
Periwinkle or Myrtle	<i>Vinca minor</i>
<u>Wisteria</u>	<i>Wisteria sinensis</i>
<u>Asiatic Bittersweet</u>	<i>Celastrus scandens</i>
Prohibited Invasive Shrubs	
Black Alder	<i>Alnus glutinosa</i>
Japanese Barberry	<i>Berberis thunbergii</i>
Butterfly Bush	<i>Buddleia davidii</i>
Burning Bush	<i>Euonymus alatus</i>
<u>Bicolor Lespedeza</u>	<i>Lespedeza bicolor</i>
<u>Blunt-leaved Privet</u>	<i>Ligustrum obusifolium</i>
Common Privet	<i>Ligustrum vulgare</i>
Bush or Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow's Honeysuckle	<i>Lonicera morowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
<u>Bell's Honeysuckle</u>	<i>Lonicera x bella</i>
<u>Jetbead</u>	<i>Rhodotypos scandens</i>
Multiflora Rose	<i>Rosa multiflora</i> *
<u>Winberry</u>	<i>Rubus phoenicolasius</i>
Japanese Spirea	<i>Spiraea japonica</i>
Atlantic Poison Oak	<i>Toxicodendron pubescens</i> , syn. <i>Rhus pubescens</i>
Poison Sumac	<i>Toxicodendron vernix</i> , syn <i>Rhus vernix</i>
European Highbush Cranberry	<i>Viburnum opulus</i> v. <i>opulus</i>
<u>Amur Honeysuckle</u>	<i>Lonicera maackii</i>

(f) Street Trees

(1) Number

A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right-of-way or 20 feet for small trees under overhead utility lines.

(2) Type

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

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 51

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.080 Landscaping, Buffering, and Fences (n) Fences and Walls	158

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
5	2013 Vision Statement: " Meet basic needs and ensure self- sufficiency or all residents."	63

Synopsis and Legislative Intent (brief description of amendment)

In two recent cases, a fence that was requested along an arterial street was turned down and the rules would have placed the fence ten feet in from the property line. This put the fence in the yard in such a way as to make it impractical or give up a large area of the usable yard. In a second recent case, a fence was to be up against the sidewalk, as is common in the core neighborhoods. The owner wanted six feet to keep his large dog safely inside the yard. These rules prevented both desired outcomes without a clear public good resulting from the decision. This amendment allows fences along the frontage of the secondary front building wall in R3 districts to be built to the property line, except where there is an easement which prohibits the fence and no permission has been granted by the easement holder and except where located in the vision clearance triangle. In addition, the maximum height of these fences is eight feet.

Council Action – [Date]:

- over -

20.04.080 Landscape, Buffering, and Fences

(n) Fences and Walls

(2) Fence and Wall Location

- (A) Fences and walls shall be permitted up to the property line.
- (B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(3) Fence and Wall Height

(A) Interior Lots

- i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet. *Note: this text does not reflect changes made with the adoption of Am 33 as Amended on November 20th. These changes allowed for fences as high as 12 feet (with "open construction" for portions over 5 feet in height) if intended for the purpose of protecting food gardens.*
- ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

(B) Corner Lots

On corner lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

- i. Fences and walls along the front setback of the front building wall shall comply with Section 20.01.010(a)(1)(A).
- ii. **Except as provided in (B) iv, F fences and walls along the lot frontage of the secondary front building wall, shall not exceed four feet in height forward of the build to line or the building setback line, whichever applies.**
- iii. Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight feet in height *[added by Am 33: "unless for purposes of growing food, in which case the fence height may be up to twelve feet. The portion of the fence that exceeds five feet in height shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection."]*
- iv. **In the R3 district, fences and walls along the lot frontage of the secondary front building wall shall comply with 20.04.080(n)(2) (Fence and Wall Location) and and those fences and walls located forward of the build to or front building set back line, whichever applies, shall not exceed eight feet in height.**
- v vi ~~The portion of fences up to and between the build to line/building setback line and the~~ **Fences and walls along the lot frontage of** the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.
- iv. Any determinations as to the secondary front building wall shall be decided by the City Planning and Transportation Department.

(C) Through Lots

On through lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

- i. Fences and walls along the front setback of the front building wall shall comply with Section 20.01.010(a)(1)(A).
- ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood street or secondary collector street, shall meet the building setback.

- iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least 10 feet from the property line.
- iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.
- v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height.

For Reference Only

(2) Fence and Wall Design

(A) Prohibitions

Except in the EM zone district, the following shall be prohibited from use as a component of a fence or wall:

- i. Barbed wire;
- ii. Security wire;
- iii. Sharpened top spikes;
- iv. Electrified wires; and
- v. Other similar elements or materials.

(B) Orientation

Fences and walls shall present the nonstructural face outward towards adjacent parcels and any adjacent public right-of-way.

(C) Vision Clearance

Fences and walls shall meet all vision clearance standards in Section **Error! Reference source not found.** (**Error! Reference source not found.**).

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 52

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.100(i)(4)	187
20.06.020(c), (d), & (g)	230-232, 236
20.06.080(b)	316-317, 319-321
20.07.010	396

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment removes the reference to the use variance process as the City is attempting to move away from such a process.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

- over -

(3) Multifamily

- (A) Multifamily developments containing between three and 14 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development.
- (B) Multifamily developments containing at least 15 dwelling units shall be permitted:
 - i. One freestanding sign per development vehicle entrance, not to exceed 32 square feet per side in maximum sign area and not to exceed six feet in height; and
 - ii. One wall sign per building not to exceed 24 square feet each.

(4) Conforming Nonresidential Uses

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

(5) Legal Nonconforming Multifamily Residential Uses

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

(6) Legal Nonconforming Nonresidential Uses

Legal nonconforming nonresidential uses shall be permitted:

- (A) Wall signage not to exceed 10 square feet in area and:
- (B) On lots with less than 30 feet of street frontage, no additional freestanding signs; and
- (C) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.

(7) Illumination

Signs within residential districts shall not be internally illuminated.

(8) Window Signs

Window signs are not permitted for residential uses.

(9) Temporary Signs

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

- (A) All temporary signs shall receive a sign permit from the City Planning and Transportation Department before being displayed;
- (B) A maximum of three temporary signs per display period described below are permitted;
- (C) Temporary sign types shall be limited to freestanding portable signs or materials not prohibited in 20.04.100(e)(8);
- (D) Temporary signs shall not exceed 16 square feet in area per side;
- (E) Freestanding temporary signs shall not exceed six feet in height; and
- (F) External illumination of temporary signs is prohibited.
- (G) Display of temporary signs shall be permitted for a maximum of three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

(2) **Conflicts**

- (A) Pursuant to Indiana Code § 36-7-4-223, a member of the Common Council may not participate in a hearing or decision of the Common Council concerning a zoning matter in which he or she has a direct or indirect financial interest. The Common Council shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.
- (B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(c) **Plan Commission**

(1) **Jurisdiction and Authority**

The Plan Commission shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code.

- (A) To initiate, hear, review, and certify recommendations to the Common Council on replacement or amendment of the Comprehensive Plan and this UDO, including the Official Zoning Map;
- (B) To hear, review, and make recommendations to the Common Council on the PUD district ordinance and preliminary plan for a proposed Planned Unit Development. When stipulated by the Plan Commission at the time of preliminary approval, to review and approve the final plan for a Planned Unit Development, unless the Plan Commission has delegated that authority to the Planning and Transportation Department;
- (C) To authorize a Hearing Officer pursuant to Indiana Code 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefore pursuant to Indiana Code 36-7-4-923 and Indiana Code 36-7-4-924;
- ~~(D) To hear, review, and make recommendations to the Board of Zoning Appeals on use variance petitions involving multifamily or nonresidential uses;~~
- ~~(E)~~(D) To review and approve or disapprove site plans and amendments to site plans, as required pursuant to Section 20.06.050(a) (Site Plan Review), including the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;
- ~~(F)~~(E) To aid and assist the Common Council and the mayor in implementing the City's adopted Comprehensive Plan and in planning, developing, and completing specific projects;
- ~~(G)~~(F) To review and report on any matters referred to it by the Common Council or the mayor;
- ~~(H)~~(G) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the city to aid them in the performance of their respective duties relating to the planning and development of the city;
- ~~(I)~~(H) To delegate responsibilities relating to ordinance administration and enforcement to the staff and to other appropriate executive departments and personnel;
- ~~(J)~~(I) To review and approve or disapprove plats and replats of subdivisions;

- ~~(K)~~(J) To supervise and make rules for the administration of the affairs of the Plan Commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the Common Council and the Planning and Transportation Department;
- ~~(L)~~(K) To prescribe uniform rules pertaining to investigations and hearings;
- ~~(M)~~(L) To keep a complete record of all proceedings;
- ~~(N)~~(M) _____ To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
- ~~(O)~~(N) _____ To prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized under this Chapter 20.06.;
- ~~(P)~~(O) To adopt a seal;
- ~~(Q)~~(P) To certify all official acts of the Plan Commission;
- ~~(R)~~(Q) To make recommendations to the Common Council or other bodies concerning any other matter within the jurisdiction of the Plan Commission, as authorized by the advisory planning law (Indiana Code 36-7-4: Local Planning and Zoning);
- ~~(S)~~(R) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;
- ~~(T)~~(S) To authorize a Plat Committee pursuant to Indiana Code 36-7-4-701(e);
- ~~(U)~~(T) To permit, require, modify, and terminate commitments;
- ~~(V)~~(U) To hear appeals from final plan decisions by staff, as authorized elsewhere in Indiana Code Title 36; and
- ~~(W)~~(V) _____ To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) **Membership, Term, and Organization**

The Plan Commission shall be composed as set forth in Chapter 2.13: (Plan Commission) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) **Conflicts**

- (A) Pursuant to Indiana Code § 36-7-4-223, a member of the Plan Commission may not participate in a hearing or decision of the Plan Commission concerning a zoning matter in which he or she has a direct or indirect financial interest. The Plan Commission shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a Comprehensive Plan.
- (B) A member of the Plan Commission or the Common Council may not directly or personally represent another person in a hearing before the Plan Commission or Common Council concerning a zoning matter.

(d) **Board of Zoning Appeals**

(1) **Jurisdiction and Authority**

The Board of Zoning Appeals shall have the following jurisdiction and authority subject to the provisions of this UDO:

- (A) To hear and decide upon petitions for development standards variances from this UDO;

- ~~(B)~~ To hear and decide upon petitions for use variances from this UDO;
- ~~(C)~~(B) To hear and decide upon petitions for conditional use permits;
- ~~(D)~~(C) To establish or extend time limitations placed upon variances and conditional uses;
- ~~(E)~~(D) To permit or require commitments under Indiana Code § 36-7-4-921 as a condition of approval of a variance or conditional use;
- ~~(F)~~(E) To hear and determine appeals from:
 - i. Any order, requirement, decision, or determination made by an administrative office, Hearing Officer, or staff member under this UDO;
 - ii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO;
 - iii. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this UDO requiring the procurement of a certificate of zoning compliance or certificate of occupancy.
- ~~(G)~~(F) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the city, to aid them in the performance of their respective duties relating to this UDO and its administration; and
- ~~(H)~~(G) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization

The Board of Zoning Appeals shall be composed as set out in Chapter 2.15: (Advisory Board of Zoning Appeals) of the Bloomington Municipal Code in accordance with Indiana statute.

(3) Meetings and Procedures

- (A) Meetings of the Board of Zoning Appeals shall be conducted in accordance with the rules established by the Board of Zoning Appeals;
- (B) The Board of Zoning Appeals shall adopt rules of procedure, which may not conflict with this UDO, concerning the:
 - i. Filing of appeals;
 - ii. Petition for ~~use variances, development standards~~ variances, and conditional uses;
 - iii. Giving of notice; and
 - ~~iv.~~—Conduct of hearings; ~~and~~
 - ~~v.~~iv. ~~Determination of whether a variance petition is for a use variance or development standards variance.~~
- (C) The Board of Zoning Appeals may also adopt rules of procedure:
 - i. Governing the creation, form, recording, modification, enforcement, and termination of commitments.
 - ii. Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.
- (D) Rules adopted by the Board of Zoning Appeals shall be printed and be made available to all petitioners and other interested persons.

- (I) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (J) Review certified plans and specifications for compliance;
- (K) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 20.06.050(d) (Floodplain Development Permit); and
- (L) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 20.06.050(d) (Floodplain Development Permit).

(g) Hearing Officer

(1) Authority

The Hearing Officer, as may be authorized in the Plan Commission rules of procedure, shall have authority to act upon those matters, if any, delegated by the Plan Commission pursuant to Indiana Code 36-7-4-923, which may include to approve or deny a:

- (A) ~~Development standards v~~variance from this UDO in accordance with Indiana Code 36-7-4-918.5; and
- ~~(B) Conditional use under the terms of this UDO in accordance with Indiana Code 36-7-4-918.2;~~
- ~~(C) Use variance from this UDO in accordance with Indiana Code 36-7-4-918.4. The Hearing Officer may consider use variances pursuant to that authority only if all of the following applies to the use variance request:~~
- ~~(D) The request is for expansion of a use currently existing on the property; and~~
- ~~(E)(B) The request is for a use that is consistent with the Comprehensive Plan.~~

(2) Procedures

The Hearing Officer shall review and hear petitions pursuant to procedures adopted by the Plan Commission by rule in accordance with Indiana Code 36-7-4-923 and Indiana Code 36-7-4-924. Where feasible and permissible, those procedures shall allow for the consolidation and simultaneous review of approvals connected with petitions relating to the same site.

(3) Appeals

Any interested person may appeal a decision by the Hearing Officer to the Board of Zoning Appeals within five days after the decision is made.

(h) Plat Committee

(1) Authority

The Plat Committee, as may be authorized in the Plan Commission Rules of Procedure, shall have authority to act upon those matters, if any, delegated to it by the Plan Commission, pursuant to Indiana Code 36-7-4-701(e), which may include approval or denial of:

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

(4) Minor Modification Review Process

(A) Petition Submittal and Handling

A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), or plat approval (primary or secondary). Each UDO standard in Table 06-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision

- i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the Planning and Transportation Director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5).
- ii. Where the concurrently reviewed petition requires review and approval by the Plan Commission or Common Council, the commission or council, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5).

(C) Effect of Approval

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the petition.

(D) Expiration of Minor Modification

A minor modification shall automatically expire if the associated development petition is denied or if approval of the concurrently reviewed petition expires, is revoked, or otherwise deemed invalid.

(5) Minor Modification Approval Criteria

A minor modification may be approved if the decision-making body finds that the modification:

- (A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
- (B) Is not necessitated by the petitioner's actions; and
- (C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance

(1) Purpose

The variance procedure provides a mechanism for the City to authorize variances from the development standards ~~or from the use regulations~~ of this UDO when it is demonstrated that such a variance will not be contrary to the public interest or the spirit of this UDO, where, owing to special conditions, literal enforcement of this UDO will result in practical difficulties or unnecessary hardship.

(2) **Applicability**

(A) **Development Standards ~~and Use Variances~~**

- i. The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures established in this UDO, may grant variances from the development standards ~~and use regulations~~ applicable to the zoning district in which the subject property is located.
- ii. It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant development standards variances of Chapter 20.05: Subdivision Standards.

(B) **Floodplain Variance**

- i. The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures established in this UDO, may grant variances from the standards in Section 20.04.040(d) (Flood Hazard Reduction), only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- ii. Variances may be granted for the reconstruction, restoration, repair, or rehabilitation of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. Upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- iii. No variance for a residential use within a floodway that requires a permit for construction in a floodway from the Indiana Department of Natural Resources pursuant to the provisions of IC 14-28-1 or a project that is subject to 20.04.040(d)(7)(A) (Drainage Area Upstream of the Site is Greater than One Square Mile), may be granted.

(3) **Variance Review Process**

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

Figure 06.08-1: Summary of Variance Procedure



2. Affordable Housing Incentive Criteria

In addition to the general approval criteria in subsection (1) above, the Board of Zoning Appeals or Hearing Officer may grant a variance from Section 20.04.070(d)(4) (Neighborhood Transition Standards) for any project that qualifies for the affordable housing incentives established in Section 20.04.110(c) (Affordable Housing) if the petitioner can demonstrate that:

- [a] The neighborhood transition standards substantially reduce or eliminate the building height incentive that would otherwise be allowed through the affordable housing incentive; and
- [b] The development impact to abutting and adjacent properties is minimized through building placement, design, and massing.

3. Determinate Sidewalk Variance Approval Criteria

While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

- [a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- [b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- [c] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or
- [d] The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or
- [e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

ii. ~~Use Variance~~

~~Pursuant to Indiana Code 36-7-4-918.4, the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:~~

- ~~1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and~~
- ~~2. The use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner; and~~
- ~~3. The need for the use variance arises from some condition peculiar to the subject property itself; and~~
- ~~4. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and~~
- ~~5. The approval of the use variance does not interfere substantially with the goals and objectives of the Comprehensive Plan.~~

iii.ji. Floodplain Variance

1. Review Considerations

In reviewing floodplain variance requests, the Board of Zoning Appeals or the Hearing Officer shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following:

- [a] The danger of life and property due to flooding or erosion damage.
- [b] The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- [c] The importance of the services provided by the proposed facility to the community.
- [d] The necessity of the facility to a waterfront location, where applicable.
- [e] The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- [f] The compatibility of the proposed use with existing and anticipated development.
- [g] The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
- [h] The safety of access to the property in times of flood for ordinary and emergency vehicles.
- [i] The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
- [j] The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

2. Review Criteria

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

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

iv.jii. Commitments

1. The Zoning Board of Appeals or the Hearing Officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).

2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.
3. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the Hearing Officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.

(F) Post-Decision Actions and Limitations

i. Effect of Approval

1. The granting of a variance from the development standards authorizes the development and establishes the terms of use.
- ~~2. The granting of a use variance authorizes the use and establishes the terms of use.~~
- ~~3.2.~~ Variances are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits shall be obtained before any grading, construction, or use commences.

ii. Signature and Notice

1. Generally

- [a] The findings of fact shall be signed by the chair of the Board of Zoning Appeals or the Hearing Officer.
- [b] The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or Hearing Officer.

2. Floodplain Variance

- [a] Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:
 - i. Specifies the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - ii. Clarifies the issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as 25 dollars for 100 dollars of insurance coverage; and
 - iii. Such construction below the flood protection grade increases risks to life and property.
- [b] The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

Variance, Use

~~The approval of a land use other than that prescribed by this UDO, granted pursuant to Indiana Code 36-7-4-918.4.~~

Vehicle

See "Motor vehicle."

Vehicle Fleet Operations

A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services. This use does not include a "Transportation Terminal."

Vehicle Fleet Operations, Small

A facility or establishment designed to accommodate up to 25 vehicles.

Vehicle Fleet Operations, Large

A facility or establishment designed to accommodate more than 25 vehicles.

Vehicle Fuel Station

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. When a primary use of land, accessory use may include convenience food and beverage sales.

Vehicle Impound Storage

A lot or part of a lot used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. This use does not include "Salvage or Scrap Yard," except where separately permitted.

Vehicle Parking Garage

A structure or portion of a structure composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either open or enclosed. This use does not include a primary use surface parking lot.

Vehicle Repair, Major

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting. This use does not include "Vehicle Fuel Station or Vehicle Wash"

Vehicle Repair, Minor

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or major repairs such as vehicle bodywork, painting, or repair of engines or transmissions or "Vehicle Fuel Station or Vehicle Wash"

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 53

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.120 Operation and Maintenance	205

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Objectives	11) "Ensure that all land development activity makes a positive and lasting community contribution"	16

Synopsis and Legislative Intent (brief description of amendment and its motivation)

Presently there is no mention of noisy machinery, but protecting neighbors from noise is just as important as protecting neighbors from unsightliness, especially because noise is a health issue and not only an aesthetic issue.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.120 Operation and Maintenance

(e) Noise

All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event. **The operation of machinery such as HVAC equipment, ventilation and, generators, and engines that service buildings and other structures are subject to, and to the extent required by, Chapter 14.09, shall comply with its provisions.**

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 54

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.05.050(k)(4) Fire Hydrants	227

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment gives authority to the Fire Chief to locate fire hydrant locations other than every 600 feet.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.05.50 Subdivision Design Standards

(k) Utilities

(4) Fire Hydrants

Fire hydrants shall be installed along all public streets and shall have a maximum distance between hydrants of 600 feet, **or otherwise approved by the Fire Chief.**

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 55

Name of Sponsor(s): Chris Sturbaum

Date Submitted: 11/3/19

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.06.30 Summary Table of Review Procedures – Table 6-1	237
20.06.50(b)(3) Conditional Use Permit Review Process	262

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Vision Statement	Fortify our strong commitment to equity, acceptance, openness and public engagement.	14

Synopsis and Legislative Intent (brief description of amendment and its motivation)

“Conditional Use” could represent an important change to a neighborhood. This amendment requires a neighborhood meeting as part of the process. This will ensure greater transparency and a more predictable procedural outcome.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

20.06.30 Summary Table of Review Procedures

Table 6-1 lists the development petitions authorized by this UDO, whether public notice is required, whether pre-submittal activities are required, and the role of City review and decision-making bodies.

Table 6-1: Summary Table of Review Procedures

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

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

20.06.050 Development Permits and Procedures

(b) Conditional Use Permit

(3) Conditional Use Permit Review Process

(A) Pre-Submittal Activities

- i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).
- ii. **A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).**
- iii. ~~ii.~~ Petitions subject to review and decision by the Hearing Officer shall not require a development review committee meeting ~~or a pre-submittal neighborhood meeting.~~
- iv. ~~iii.~~ For petitions subject to review and decision by the zoning board of appeals, a development review committee meeting ~~and pre-submittal neighborhood meeting~~ may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) ~~and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).~~

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 56

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.06.090(f)(2)(B)(ii) Parking Setback/Impervious Surface Coverage	333

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment clarifies the use standards for corner lots and the respective setbacks are based on highest classified street.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.06.090 Nonconformities

(f) Nonconforming Site Features

(2) Limited Compliance

(B) Required Compliance

A lawful nonconforming site or structure that meets or exceeds the thresholds established in paragraph (A) above shall comply with the following standards:

i. Buildings Setbacks and Height

Existing buildings shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case full compliance with this UDO shall be required.

ii. Parking Setback/Impervious Surface Coverage

If a site can be brought closer to compliance with required setbacks or impervious surface coverage standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks or impervious surface coverage standards shall be met with the removal of paved and gravel covered areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved and gravel covered areas, priority shall be given to the front setback. **If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.**

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 57

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.07.010 Defined Words	363

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment provides a revised definition for Fraternity or Sorority House.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.07.10 Defined Words

Fraternal Organization

See "Club or Lodge."

Fraternity or Sorority House

A building or portion of a building used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of ~~unmarried~~ students where **the most** students living in the building are enrolled at the **same college or university, are active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university.** ~~the Indiana University Bloomington campus and the students living in the building hold themselves to be or are reasonably considered by others in the university community to be members of, or affiliated with, an organization that is generally recognized as a college/university social fraternity or sorority.~~ This use shall also include a building or portion of a building in which individual rooms or apartments are leased to individuals, ~~but occupancy is limited to members of a specific fraternity or sorority,~~ regardless of the ownership of the building, **provided that the students living in the building are enrolled at the same college or university, or the means by which occupancy is so limited, provided that most students are enrolled at the Indiana University Bloomington campus. active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university.**

Freeboard

A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 58

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.07.010 Defined Words	395

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment increases the scope of the definition for "Use, Change In" to include "Any change from a nonresidential use to a multifamily use" and includes language about subheadings.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

Chapter 20.07 Definitions

20.07.10 Defined Words

Use, Accessory

An activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this UDO; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.

Use, Change In

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

- (1) Any change from a residential use to a nonresidential use;
- ~~(1)~~ **(2) Any change from a nonresidential use to a multifamily use;**
- ~~(2)~~ **(3) Any change from one residential land use to another, any increase in the number of dwelling units, and any increase in number of bedrooms for any unit;**
- ~~(3)~~ **(4) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;**
- ~~(4)~~ **(5) Any use which requires a conditional use approval;**
- ~~(5)~~ **(6) Any change from a single-tenant to a multi-tenant site or building;**
- ~~(6)~~ **(7) Any use that differs from the previous use of a building or land, as determined **by subheadings** in Table 3-1: Allowed Use Table, or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use; and**
- ~~(7)~~ **(8) Any establishment of a new use after a previous use has been abandoned, as defined by this UDO.**

Use, Conditional

See "Conditional use."