

# City of Bloomington Common Council

## Legislative Packet

**06 June 2012**

*Please consult the [legislative packet](#)  
issued in interest of the 16 May 2012 Common Council meeting for Ordinance 12-11  
and Ordinance 12-12.*

*All other material for this week's Council meeting is contained herein.*

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

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
<http://www.bloomington.in.gov/council>



## **Packet Related Material**

**Memo**

**Agenda**

**Calendar**

**Notices and Agendas:**

*None*

### **Legislation for Second Reading:**

- **Ord 12-11** To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section I within the Renwick PUD - Re: 1533 S. Piazza Drive (Renwick Village Center, Petitioner)  
*Contact: Pat Shay at 349-3424 or shayp@bloomington.in.gov*
- **Ord 12-12** To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” - Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to Authorize Sale of Beer at Cascades Golf Course  
*Contact: Mick Renneisen at 349-3700, renneism@bloomington.in.gov*

*Please see the 16 May 2012 [Council Legislative Packet](#) for the legislation, summary and related information for these items.*

### **Legislation and Background Material for First Reading:**

- **Ord 12-14** To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 223 W. Dodds Street (Neighborhood Solutions, petitioner)  
- Certification (8-0-0); Aerial Photo; Map of Surrounding Zoning; Memo to the Council from Eric Greulich, Zoning Planner; Environmental Commission Memo (4/27/12); Petitioner Statement; Preliminary Plan; Site and Demolition Plan; Grading Plan; Landscaping Plan; Floodplain Provisions; **Elevations:** Single Family; Condominium; Mixed Use – Train Depot (NW); and Mixed Use - Carriage House (NE)  
*Contact: Eric Greulich at 349-3526 or greulice@bloomington.in.gov*

## **Minutes from Regular Session:**

- March 21, 2012

## **Memo**

### **Reminder: Internal Work Session on Monday at Noon in the McCloskey Room**

### **Two Ordinances Ready for Second Readings and One Ordinance Ready for Introduction on Wednesday, June 6<sup>th</sup>**

There are two ordinances ready for second reading (which can be found as indicated above) and one ordinance for introduction (which can be found in this packet and is summarized herein).

### **First Readings:**

#### **Item One – Ord 12-14 – Amending District Ordinance and Preliminary Plan for the 1.7 Acre Planned Unit Development (PUD) at 233 West Dodds (Neighborhood Solutions, Petitioner)**

**Ord 12-14** amends the District Ordinance and Preliminary Plan for the 1.7 acre Planned Unit Development at 233 West Dodds at the request of Neighborhood Solutions.

**Site and Surroundings** This site is a vacant former quarry property with trees scattered mostly on the southern two-thirds of the property and a floodplain at the tip of the southeast corner. It is surrounded by:

- offices on Dodds to the north;
- offices, warehouses, auto junk yard, and retail on the east (some of which would share the alley with this development);
- miniware-houses to the south; and
- the B-Line Trail, Morton Street and Industrial and residential properties (McDoel Neighborhood) to the west.

**Existing PUD.** The McDoel Station PUD was approved in 2009, but was never developed. At that time, it called for:

- Placing 17, 2-story single family homes on narrow lots that faced the B-Line trail on the west and a widened alley on the east (with an overall density of 11 units per acre);
- Constructing homes using Silver Level Green Building standards (but without any requirement that they be certified) and in five styles harkening back to the latter half of the 1800s; and
- The Plan Commission to approve the preliminary plat and staff to approve the final plan.

**Highlights of Changes in PUD.** The proposed amendment to this PUD would divide this site into 15 lots with 12 single-family detached homes on the southern two-thirds, a five-unit condominium directly to the north, and two mixed buildings at the northern end as described below:

**12 Narrow Single-Family Lots on Southern Two-Thirds of Site (Lots 1-12)**

The southern two-thirds of the site would develop much like the originally approved PUD. The houses would be oriented toward the B-Line Trail on narrow lots with setbacks similar to the existing ones. They would be constructed to Silver Level National Association of Home Builders Green Building standards (without the requirement of a formal certification) in a selection of three architectural types (i.e. Craftsman style, bungalows and foursquares) that harken back to the early 1900s. Driveways and parking would be accessed off of the alley. Please see the petitioner statement for deviations from the proposed Residential Core (RC) development standards.

**5-Unit Condominium Building with Garden Plots (Lot 13)** – Directly north of the single-family homes would be a five-unit condominium building oriented to the north with garden plots on the south. Two, two-bedroom 1,000 s.f. units would serve as bookends to three one-bedroom 500 s.f. units in the middle. Six parking places would align with the alley and be joined by a covered area for parking bikes.

**2-Story Mixed-Use Building on Northwest (Lot 14)** – At the northwest corner of the site, there would be a two-story building with a 3,200 s.f. footprint. It would look like a train depot, with deep porches on the north and west sides, and have a non-residential use on the ground floor (e.g. restaurant) and three two-bedroom apartments above it. There would be 24 parking spaces onsite (some below the ground floor) and some newly created ones along

Dodds as well as both covered and uncovered parking for bicycles. Please see the petitioner's statement for deviations from the proposed Limited Commercial (CL) development standards and list of uses.

**2-Story Mixed-Use Building on Northeast (Lot 15)** - At the northeast corner of the site there would be a two-story, mixed use, live/work building having the appearance of a carriage house. The footprint would be 1,000 s.f. with a non-residential use on the first floor <sup>1</sup> and a two-bedroom apartment above it. Parking would be shared with the other mixed-use building. As with the other mixed-use building, please see the petitioner's statement for deviations from the proposed Limited Commercial (CL) development standards and list of uses.

### **Preliminary Plan and Plat Issues**

**Growth Policies Plan** The site is designated as a Community Activity Center (CAC) within the McDoel Switchyard Subarea Plan, which runs along the B-Line Trail from 11<sup>th</sup> Street on the north to past Tapp Road on the south. While CACs are intended for mid-scale commercial development, the Memo from Eric Greulich, Zoning Planner, highlights the proposal's fit with three Subarea Plan recommendations, which call for developments to:

- be focused towards creating a high quality urban greenway;
- occur, where appropriate, at industrial sites along the Morton Street corridor; and
- orient uses and buildings to the future greenway area.

In addition, the Report mentions other features of the project that conform to the Growth Policies Plan, including:

- redevelopment of underutilized property;
- mixed-uses and higher density development; and
- high-quality, environmentally friendly, owner-occupied housing next to the B-Line Trail which are compatible with existing neighborhoods.

**Access, Right-of-way and Parking.** The property lies south of Dodds and west of a north-south alley which runs between Dodds and Allen Street. The alley would serve the rear of these homes as well as continue to serve some of the adjacent commercial properties to the east and south. Access from the alley will include a driveway for each home, a driveway shared by the two mixed-use buildings, and six parking spaces for the condominium. The petitioner will dedicate the land along the alley and

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<sup>1</sup>Unless a retail tenant is not found, in which case, a one-bedroom unit will be allowed in that first floor space.

widen it from 16.5 feet to 20 feet and also dedicate 7.39 feet along Dodds to provide for 25 feet of right-of-way from the centerline. As noted above, four parking spaces along Dodds and 24 parking spaces onsite will serve the two mixed-use buildings along with a combination of covered and uncovered parking for bicycles (some of which will be along the B-Line Trail).

**Pedestrian Facilities** After consultation with the Parks and Recreation Department, the petition proposes the following connections to the 500 feet of the B-Line Trail that is adjacent to this project:

- one for each single-family structure;
- one for the condominium and another for the train depot; and
- a five-foot wide sidewalk on the south side of Dodds (that will also fill-in a missing link along that street).<sup>2</sup>

**Building Architecture and Energy Saving Features** The petitioner's statement sets forth the architectural requirements for all of the buildings on the site. This covers both the buildings' appearance and materials (which include fiber cement board, composite siding, brick or stone for the single-family homes and garages; brick and clapboard for the condominium building; and, fiber cement clapboard for the mixed-use buildings). It also indicates that the owner-occupied portion of the site will have many "green" features. In particular, the houses would follow the National Association of Home Builders' "Green Building Silver Level Standard" as a guideline (without the requirement that the houses be enrolled or certified) and the condominium will have "energy-efficient and environmentally friendly components." The Memo from Greulich also notes that "several components of the UDO Green Development Standards will be utilized for this overall project." Please see the petitioner's statement for a list of these possible features. In the case of the Silver Level standards, the features could include: high R-value insulation, high U value windows and doors, tankless water heaters, Energy Star appliances and passive solar lighting.

**Landscaping and Floodplain** The site contains several large-crowned trees scattered throughout the property and part of the 100-year floodplain for Jackson Creek is located on the southeast corner of the property. The petitioner will be removing most of the trees and replacing them with native species. (See Landscape Plan). The area within the 100-year floodplain will be subject to special floodplain provisions recommended and approved by the Indiana Department of Natural Resources. (See the attached regulations) The floodplain area will be placed in a

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<sup>2</sup> No sidewalks will be provided along the alley.

drainage easement but, given the size of site and intensity of uses, not made part of a common area. The three driveways crossing this easement would be made of permeable materials and require a “small amount of fill” (which will need to be approved by the Indiana Department of Natural Resources). Please note that the Plan Commission anticipated that the floodplain may be redrawn in the near future and may result in the reduction or removal of this area from the flood maps. In that event, the Plan Commission authorized staff to allow more construction to occur in that area.

**Development Standards** Except as provided in the petitioner’s statement, the three components of the project will have the following development standards:

- single family lots (Lots 1 – 12) - Residential Core (RC);
- condominium (Lot 13) - Residential Multifamily (RM); and
- two mixed-use buildings (Lot 14 & 15) – Limited Commercial (CL).

**Utilities** The petitioner intends to connect sanitary pipes with sanitary sewers along Morton Street (which would require boring under the B-Line Trail). Water would be provided via Dodds Street and a line running down the alley. Stormwater currently flows south and, under this proposal, would mostly flow north. This proposal would collect and direct the stormwater via underdrains to a device to clean it of debris before sending the water to a stormwater line on East Dodds. A small area on the southeast would continue to drain into the floodplain. Given the small size of the site and intensity of uses, the Commission agreed to waive the requirement that the stormwater be detained on each lot or in a common area. Please note that all the utilities outside of the right-of-way are within dedicated easements.

**Neighborhood Input** The Memo notes that there was a meeting with about 25 neighbors who were, in large part, supportive of the project. The questions dealt with: architecture and green features of the buildings, access to the B-Line Trail, preservation of trees, and impact of traffic on Dodds.

**Environmental Commission Report** The Environmental Commission made three recommendations which, in some cases were incorporated into the approval and, in some cases were not. These would require the petitioner to:

- Redesign the PUD to avoid fill in the floodway and create a floodway easement, or create an acceptable compensatory plan for water storage
  - Plan Staff Response: The petitioner has reduced the amount of fill in the floodplain and placed all of the floodplain within drainage easements. In addition, site constraints (i.e. small size and presence of large quarried

stone) and the proposed small lots led the Commission eschew any requirement to excavate an area for water storage.

- Replant as many native hard-wood trees as possible after construction is complete
  - Plan Staff Response: A condition of approval requires that all new landscaping consist of native species.
- Modify the plan with larger lots that would preserve more trees and improve the quality of stormwater run-off
  - Plan Staff Response: The reduction of lots would undermine the essential goals of this PUD and “green” components of this project more than offset the gains in water quality that might occur with a common detention area.

**Conditions of Approval** After one hearing on May 7<sup>th</sup>, the Plan Commission voted 8 – 0 to approve this proposal with the following conditions:

- Developer must:
  - Use permeable materials for driveways on single-family lots located within the floodplain;
  - Not place buildings within the floodplain and assure that the lowest finished floor of the residences are at least 2 feet above the 100-year floodplain elevation and;
  - Build structures in accordance with submitted elevations and materials;
  - Plant only native species;
  - Coordinate with the Parks and Recreation Department on the location and style of bike racks along the B-Line Trail and, prior to final plan stage, reach an agreement with the department regarding the location and maintenance of any materials placed on Parks property to access the B-Line Trail; and
- In addition:
  - The PUD ordinance must include the “Rules for the Special Flood Hazard Areas with the McDoel Station PUD;”
  - The number of parking spaces on Lot 14 shall remain unchanged regardless of uses on Lots 14 and 15;
  - Staff is authorized to allow developer to change the layout of lots affected by any reduction in the boundaries of the 100-year floodplain, if that reduction is known prior to development; and
  - Staff is also authorized to review the final plan.



**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, JUNE 6, 2012  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** March 21, 2012

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public \***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Ordinance 12-11 To Amend the Planned Unit Development (PUD) District Ordinance and Preliminary Plan for Lot 205 of Renwick Phase III, Section I Within the Renwick PUD – Re: 1522 S. Piazza Drive (Renwick Village Center, Petitioner)

Committee Recommendation:      Do Pass      8 - 0 - 0

2. Ordinance 12-12 To Amend Title 14 of the Bloomington Municipal Code Entitled “Peace and Safety” Re: Amending Section 14.36.090 (Intoxicating Beverages – Consumption in Public) to Authorize Sale of Beer at Cascades Golf Course

Committee Recommendation:      Do Pass      7 - 0 - 1

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 12-14 To Amend the Approved Planned Unit Development (PUD) District Ordinance and Preliminary Plan - Re: 223 W. Dodds Street (Neighborhood Solutions, Petitioner)

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

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the Agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



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

To Council Members  
From Council Office  
Re Weekly Calendar – 4 June – 9 June, 2012

**Monday, 4 June**

12:00 pm Staff-Council Internal Work Session, McCloskey  
5:00 pm Redevelopment Commission, McCloskey  
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room

**Tuesday, 5 June**

1:30 pm Development Review Committee, McCloskey  
4:00 pm Tuesday Farmers' Market, 6<sup>th</sup> and Madison  
5:30 pm Bloomington Public Transportation Corporation Board of Directors, Transit, 130 W. Grimes  
5:30 pm Board of Public Works, Council Chambers  
7:30 pm Telecommunications Council, Council Chambers

**Wednesday, 6 June**

12:00 pm Bloomington Urban Enterprise Association, McCloskey  
5:00 pm Celebration and Awards for Bloomington Lemonade Day, Atrium  
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey  
7:30 pm Common Council *Regular Session*, Council Chambers

**Thursday, 7 June**

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey  
5:30 pm Commission on Status of Women, McCloskey

**Friday, 8 June**

12:00 pm Economic Development Commission, Hooker Room  
1:30 pm Metropolitan Planning Organization Policy Committee, Council Chambers  
2:00 pm Bid Opening for 10<sup>th</sup> Street Intersections Improvements, McCloskey

**Saturday, 9 June**

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton  
8:00 am *A Fair of the Arts*, Showers Common, 401 N. Morton

*Posted and Distributed: Friday, 1 June 2012*

**ORDINANCE 12-14**

**TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) DISTRICT  
ORDINANCE AND PRELIMINARY PLAN  
- Re: 223 W. Dodds Street  
(Neighborhood Solutions, petitioner)**

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-18-12, and recommended that the petitioner, Neighborhood Solutions, be granted an amendment to the approved PUD district ordinance and preliminary plan approval. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD District Ordinance and preliminary plan shall be amended for the approved PUD on the property located at 223 W. Dodds St. The property is further described as follows:

Lots Number 4,5,6,7 and 8 in Lowe's Addition to the City of Bloomington, Indiana; Also a part of Lots Number 3 and 9 in Lowe's Addition as recorded in Plat Cabinet B, Envelope 6; Also that portion of Park Avenue in said City of Bloomington, Indiana, in Seminary Lot Number 64; Also a part of the West half of Section 4, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, all being recorded in the Office of the Recorder, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of Seminary Outlot 64 and the northwest corner of said Lot 9; Thence on the north line of said seminary outlot and said Lot 9 South 89 degrees 52 minutes 27 seconds East 132.00 feet; Thence leaving the north line of said seminary outlot and on the east line of said Lowe's Addition South 00 degrees 12 minutes 50 seconds East 13.50 feet to the true point of beginning;

Thence continuing on said east line South 00 degrees 12 minutes 50 seconds East 509.05 feet; Thence leaving said east line and bisecting Lot 3 North 89 degrees 33 minutes 16 seconds West 121.61 feet; Thence South 68 degrees 08 minutes 36 seconds West 26.24 feet to a point that is 14.00 feet west of the west line of said Lowe's Addition; Thence parallel to said west line North 00 degrees 12 minutes 50 seconds West 518.19 feet; Thence leaving said parallel line and on a line parallel with said north line of seminary outlot 64 and Lot 9 South 89 degrees 52 minutes 27 seconds East 146.00 feet to the Point of Beginning containing within 1.71 acres, more or less.

SECTION 2. This amendment to the District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
TIMOTHY MAYER, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

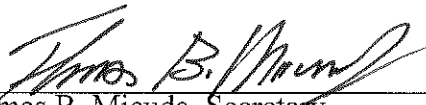
#### SYNOPSIS

This ordinance would amend the list of permitted uses and development standards, as well as approve a new District Ordinance and preliminary plan to develop a mixed-use development on a PUD originally approved in 2009.

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

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 12-14 is a true and complete copy of Plan Commission Case Number PUD-18-12 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on May 7, 2012.

Date: May 15, 2012

  
 \_\_\_\_\_  
 Thomas B. Micuda, Secretary  
 Plan Commission

Received by the Common Council Office this 16<sup>th</sup> day of May, 2012.

  
 \_\_\_\_\_  
 Regina Moore, City Clerk

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

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
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If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforseen Need _____	Other _____

Funds Affected by Request:

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

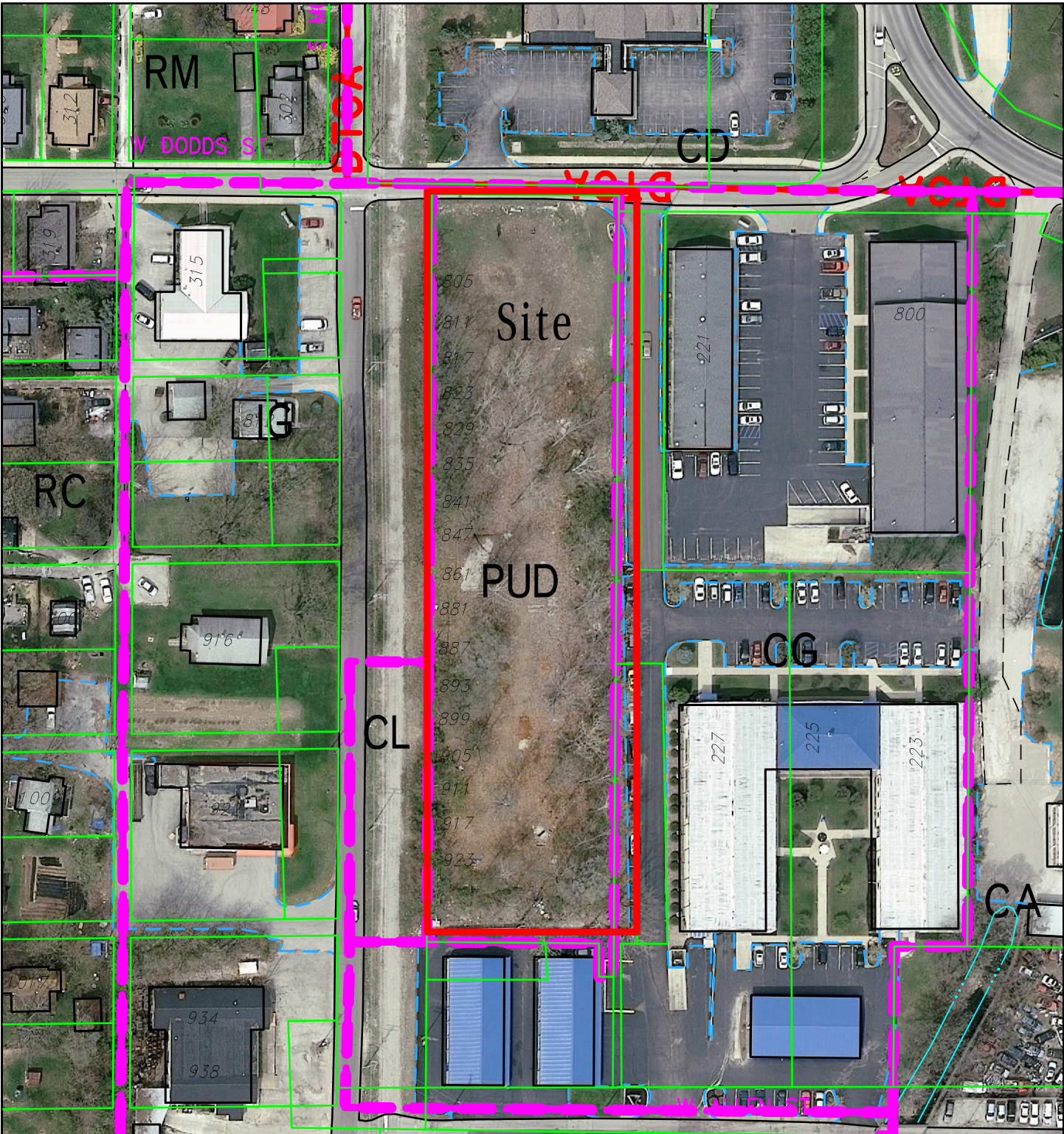
Signature of Controller

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

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

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

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



PUD-18-12 Neighborhood Solutions

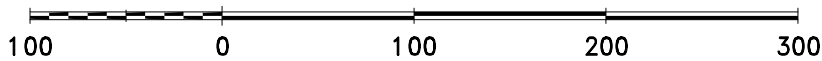
223 W Dodds Street

Plan Commission

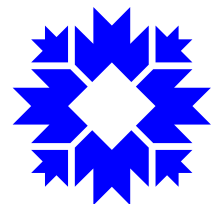
2010 Aerial Photograph

By: greulice

3 May 12

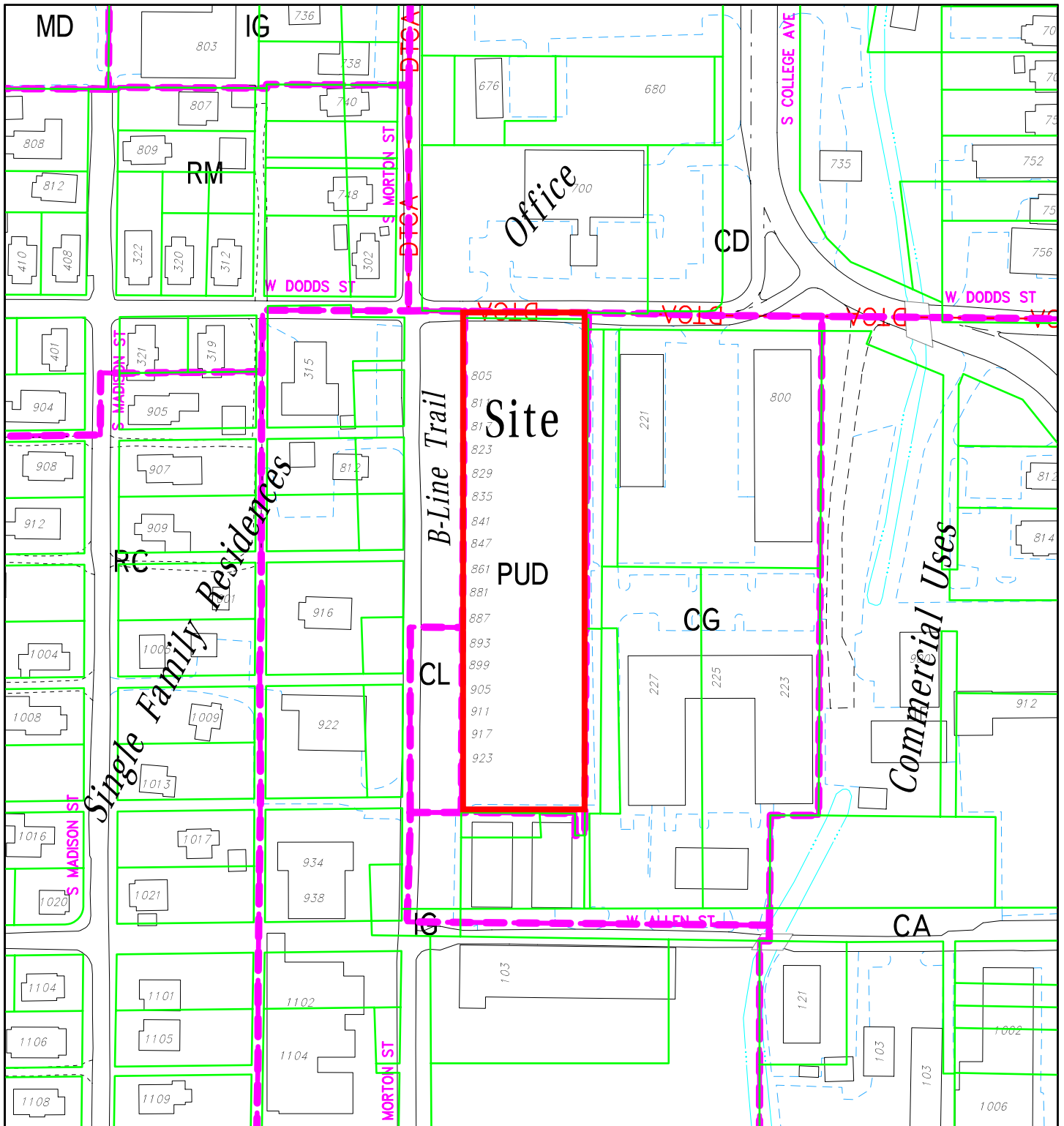


City of Bloomington  
Planning



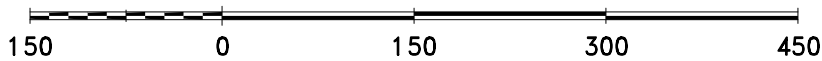
Scale: 1" = 100'

For reference only; map information NOT warranted.

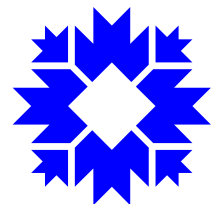


PUD-18-12 Neighborhood Solutions  
 223 W Dodds Street  
 Plan Commission  
 Site Location, Zoning, Land Use, Parcels

By: greulice  
 3 May 12



City of Bloomington  
 Planning



Scale: 1" = 150'

For reference only; map information NOT warranted.

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: Eric Greulich, Zoning Planner**  
**Subject: Case # PUD-18-12**  
**Date: May 9, 2012**

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission Case # PUD-18-12. The Plan Commission heard this petition at its May 7, 2012 meeting and voted 8-0 to send this petition to the Common Council with a favorable recommendation.

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**REQUEST:** The petitioner is requesting an amendment to the approved district ordinance and preliminary plan for a PUD originally approved in 2009.

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### **SITE INFORMATION:**

<b>Lot Area:</b>	1.71 acres
<b>Proposed Units:</b>	18.05 units (including D.U.E.)
<b>Proposed Density:</b>	10.5 units/acre
<b>Current Zoning:</b>	Planned Unit Development (McDoel Station)
<b>Proposed Zoning:</b>	Planned Unit Development
<b>GPP Designation:</b>	McDoel Switchyard - Community Activity Center
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Uses:</b>	Single Family Residential/Multi-Family Residential/Commercial
<b>Surrounding Uses:</b>	North – Offices South – Mini-warehouse East – Offices/Warehouse Storage/Retail West – Industrial/Single Family Residences (McDoel Neighborhood)

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**REPORT:** The site is located at the southeast corner of W. Dodds St. and S. Morton St. and is currently vacant. The property is an open field with several scattered mature trees throughout the property. The B-Line Trail (Phase 2) runs parallel with the property along the west property line. There is a 16.5' wide alley that runs north to south along the east side of the property that spans from Dodds St. to Allen St. to the south.

This property was rezoned in 2009 (PUD-32-09) to allow 17 single family dwelling units to be constructed on individual lots. No grading or building permits to start construction were applied for and the property has remained vacant. The petitioner is requesting to amend the PUD district ordinance and the preliminary plan to expand the uses and development of the site beyond single family uses. Specifically, they are requesting that multi-family and commercial uses be added to the list of permitted uses for some of the lots as well as new development standards. Preliminary plat approval was also granted for a 15-lot subdivision. Final plans were recommended to be delegated to Staff.



The proposed amendment and site plan are described as follows:

**Lots #1-12** – The southern 2/3 of the property would feature 12 single family lots. Proposed are single family residences that would all face the B-Line Trail to the west and would be constructed to the Silver level of the United States Green Building Council Standard for single family houses. Specific architecture and building elevations have been modified slightly from the original proposal and are included in this packet. The development standards for these lots are similar to the original PUD approval in 2009 with 4’ setbacks from side property lines and 28’ lot widths. The narrow lots and reduced setbacks are designed to increase density and to bring the houses closer to the B-Line trail. There is a 22’ build-to-line shown on the fronts to insure a uniform block face along the trail. Parking for each lot will be provided on individual driveways that access an existing alley that runs north/south behind the proposed houses.

**Lot #13** - To the north of the single family lots, the petitioner proposes a 5-unit condominium building. This building will feature 3 units with one bedroom each and a total interior area of 500 sq. ft. each. The other 2 units will have 2 bedrooms each and a total interior area of 1,000 sq. ft. each. These units will be sold individually as condos and have common area surrounding the building. Within the common area there will be garden plots to the south of each unit to be used by the owner of each unit. A covered bike parking area and 6 vehicular parking spaces have been provided on this lot to meet parking needs.

**Lot #14** – At the northwest corner of the property there will be a two-story, mixed-use building designed similar to a train depot station with a 3,200 sq. ft ground floor nonresidential space and 3, 2-bedroom apartments on the second floor. There will be a total of 24 parking spaces on-site to meet parking needs for the building. On-street parking will also be created on the south side of Dodds Street. Covered bike parking will be provided below the building for use by the tenants. A second bike parking area will be provided along the front for patrons. A specific list of uses and development standards for this lot were approved by the Plan Commission and have been included in the petitioner’s statement.

**Lot #15** – At the northeast corner of the property there will be a two-story, mixed-use building designed similar to a Carriage House with 1,000 sq. ft. of ground floor nonresidential space and a 2-bedroom apartment on the second floor. This building is designed to be used as a live/work building. However, the petitioner has requested the option to allow for a one-bedroom, residential dwelling unit on the ground floor of this building if a retail tenant is not found. Parking for this lot will be shared with the parking lot for Lot #14. A specific list of uses and development standards for this lot were approved by the Plan Commission and have been included.

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#### **PRELIMINARY PLAN ISSUES:**

**Growth Policies Plan:** This property is located in the McDoel Switchyard Critical Subarea in the 2002 Growth Policies Plan and is designated as a “*Community*”

*Activity Center*". The GPP notes that redevelopment along the McDoel Switchyard Subarea should include the following-

- *"Redevelopment of the McDoel Switchyard and rail corridor should be focused towards creating a high quality urban greenway."* The long length of property that faces the B-Line trail allows for an opportunity to create a long, uniform look along the trail. This project has committed to a high level of architectural requirements to insure that a quality product faces the B-Line trail.
- *"In order to beautify the railway, explore redevelopment opportunities of industrial sites along the Morton Street corridor."* This former quarry property provides an excellent opportunity to redevelop a former industrial site directly on the B-Line trail. The single family residences next to the trail provide owner occupied housing directly on the trail, which meets many of the goals envisioned when the B-Line was being created. The inclusion of nonresidential uses provides neighborhood serving uses in close proximity to trail users and adjacent residential neighborhoods.
- *"Ensure that new development and redevelopment within this subarea has appropriate orientation of uses and buildings to the future greenway area."* All of the residences and buildings will have the fronts facing the trail to the west. In addition, each house will have individual connections to the trail to promote interaction and access to the trail. The condo building and mixed-use building will also have direct connections to the trail to increase accessibility.

This petition incorporates many goals described within the GPP including redevelopment of underutilized property, mixed-uses, compact urban form, and high quality, environmentally friendly, owner-occupied housing next to the B-Line trail. This petition also accomplishes many of the goals of a community activity center such as direct connections to a city-wide greenway system, use of appropriate higher density to provide a compact urban form, a design sensitive to surrounding residences, and the creation of a distinctive design style for this area.

**Pedestrian Facilities:** This property has over 500' of frontage directly adjacent to the B-Line trail. The petitioner has worked with the City Parks and Recreation Department to determine the appropriate connectivity to the trail. Each of the single family residences will have a direct connection to the trail. In addition, the condo building and mixed-use building will each have their own direct connection to the trail. Additionally, a new 5' wide concrete sidewalk is required along Dodds St. and will be installed with this petition. This sidewalk section will also connect to the B-Line trail and will complete a missing segment of sidewalk along the south side of Dodds St.

**Architecture:** The petitioner has committed to specific architectural requirements for all of the single family residences. The desired look of buildings will follow the

designs of a craftsman bungalow and/or foursquare style house with three different styles proposed. Finishing material for any house or accessory structure would be limited to fiber cement board, composite siding, brick, or stone. A complete list of all the specific standards and elevations is outlined in the petitioner's statement and attached exhibits.

The west side of the condo building that faces the B-Line Trail will be finished with brick that has been salvaged or recycled from previous use. The remaining sides of the building will be finished with clapboard siding.

The mixed-use building at the northwest corner of the property will be designed similar to a 1900's clapboard sided train depot. There will be a 12' deep porch along the west side (B-Line Trail) and the north side (Dodds St.) of the building. The building will be finished with clapboard siding along all four sides. Color elevations are included in the packet.

The second mixed-use building will be designed similar to a Carriage House design with large arches over the ground floor windows. The building will be finished with fiber cement clapboard siding on all four sides. Color elevations have also been included for this building.

**Access:** There is an existing 16.5' wide alley that runs north and south along the east property line. This alley connects Dodds St. to Allen St. As part of this petition, the alley would be widened to 20' to allow the Fire Department adequate area to set up their vehicles. The petitioner is dedicating additional right-of-way along the alley to accommodate the widening. Each single family lot would have a driveway directly to the alley. The condo building would have 6 parking spaces directly off of the alley. The surface parking lot for the two mixed-use buildings will have one drivecut on the alley for sole access.

**Parking:** For the single family lots, the petitioner is proposing to provide a small driveway in the rear of the lots to provide parking for each lot. The driveways would each be accessed directly from the alley located along the east property line. The condo building would have 6 parking spaces for the 5 dwelling units, as well as covered bike parking adjacent to the building.

The Plan Commission recommended the 24 parking spaces that are shown for the use of businesses and tenants of Lot #14 and Lot #15. There will be 4 new on-street parking spaces created along the south side of Dodds St. adjacent to this project. Covered bicycle parking for the mixed-use buildings will be provided under the awning of the train depot, within the parking area under the building, and the petitioner has also committed to installing additional bicycle parking in front of the building within the B-Line trail right-of-way for trail users and patrons. The type and location of the spaces will be coordinated with the Parks Department.

**Landscaping:** New deciduous canopy trees will be installed along the single family lots with staggered trees shown along the front and back yards. New landscaping will be installed along the west and east sides of the condo building.

In addition, new landscaping will be installed around the building and parking areas for the mixed-use buildings. The petitioner is required to use only native species for plantings on the entire site.

**Environmental:** The property is mostly an open field with several scattered mature trees. A very small portion of the southeast corner of the property is located in the 100-year floodplain of Clear Creek. A drainage easement is required on the final plat for the floodplain and has been shown on the preliminary plat. The petitioner is proposing to install driveways on the southern 3 lots in the floodplain as well as place a small amount of fill in the floodplain. The 3 driveways are required to be constructed of permeable material. The Plan Commission found that the proposed development and small amount of fill in the floodplain is appropriate to meet the goals of this project. Any fill or excavation would require approval from the Indiana Department of Natural Resources prior to issuance of a grading permit.

**Floodplain Ordinance:** With this PUD amendment it is also necessary to include new language and updates to the floodplain development regulations of the UDO. Until the entire UDO can be updated, the Indiana Department of Natural Resources has recommended that the attached language be included in this petition to address missing language from the UDO concerning how floodplain disturbance should be regulated in PUD's. The attached exhibit contains language based on the state's model floodplain code that will allow the PUD amendment to conform to both local and state codes. This language has been approved by DNR.

**Green Building Features:** All of the single family residences that will be constructed in this subdivision are required to follow the National Green Building Standard requirements for a "Silver" rated structure. Although the petitioner is not required to certify the homes, they will be designed to meet the silver standards. Some of the possible features of the residences include high R-value for insulation, high U value windows and doors, tankless water heaters, energy star appliances, and passive solar lighting. In addition, several components of the UDO Green Development Standards will be utilized for this overall project including utilization of recycled building materials, use of permeable pavement, providing affordable housing, and location within one-quarter mile of a public multi-use trail facility. Green building features for the condo and mixed-use buildings have been described individually for each building in the petitioner's statement.

**Development Standards:** With this rezoning petition the petitioner is using the Residential Core (RC) district standards with the modifications listed in the petitioner's statement for the single family Lots #1-12. The lots would all have 4' sideyard building setbacks (regardless of story) for primary and accessory buildings. There is a 22' build-to-line shown along the front side of the lots to provide a uniform block face along the trail. These standards are found in the petitioner's statement.

Development Standards have also been provided for the remaining lots to allow for minor additions or modifications to the buildings. A list of permitted uses has been provided for each of the lots as well. The mixed-use buildings have a specific list of uses based on the Commercial Limited (CL) zoning district with some uses added. These are listed in the petitioner's statement.

**Neighborhood Input:** A neighborhood meeting was held to hear comments from the McDoel Neighborhood. There were approximately 25 neighbors at the meeting who had questions regarding the architecture and design of the houses, access to the trail, traffic impacts to Dodds St., the types of green building features the houses would have, and tree preservation. In general most of the neighbors were supportive of the project.

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### **PRELIMINARY PLAT ISSUES:**

**Utilities:** The petitioner is proposing to connect to an existing sanitary sewer line located along Morton St. A connection to the sanitary line will be placed under the trail and individual laterals will all be on the east side of the trail. Water connections are available along Dodds St. and a new line will be installed within the alley right-of-way that extends south along the property. Stormwater detention will be addressed through two underdrains that run north and south along the west and east sides of the property. These will all collect and drain into an Aquaswirl stormwater improvement structure before connecting to the City's existing stormwater lines in Dodds St. Easements have been shown for all utility lines not located within the public right-of-way. The UDO requires that stormwater detention areas must be located on the lot that they are serving or placed in common area if they serve multiple lots. Due to the unique layout and goals of this PUD it is not practical to create a separate lot solely for the purpose of stormwater detention. The Plan Commission recommended the stormwater detention system to go across multiple property lines and to also not be located in a common area.

**Sidewalk/Street Trees:** With the subdivision, the petitioner is required to dedicate right-of-way 25' from centerline of Dodds St, which has been shown on the preliminary plat. A 5' wide concrete sidewalk and street trees not more than 40' from center are required to be installed on Dodds St. The proposed site plan shows the sidewalk along Dodds St. and this will connect to the B-Line trail.

**Floodplain:** The petitioner has shown the 100-year base flood elevations on the preliminary plat. The plat has shown all portions of the site below the 100-year base flood elevation within a drainage easement. As mentioned previously, the Plan Commission did not recommend requiring the petitioner to place the floodway in a separate common area. No buildings are allowed to be constructed within the floodplain.

**Right-of-Way:** The petitioner is dedicating approximately 7.39' of right-of-way along Dodds St. to provide a total of 25' from centerline dedication. The petitioner is also dedicating 4' of right-of-way along the alley which has been shown on the preliminary plat.

**Addresses:** The single family lots and condo building will be addressed from Morton Street. The Fire Department has asked that the addresses be posted on the front and back sides of the houses. If a detached garage is constructed the address should be posted on the back side of the garage facing the alley. All addresses should be noted on the final plat. The mixed-use buildings will be address from Dodds Street.

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**ENVIRONMENTAL COMMISSION MEMO:**

- Recommendation #1 – The petitioner should redesign the PUD to avoid fill in the floodway and create a floodway easement, or create an acceptable compensatory plan.

**Staff Response:** The petitioner has placed the portions of the site in the floodplain in a drainage easement as well as marked the 100-year floodplain elevations on the upstream and downstream portions on the plat as required. The petitioner has modified the grading plan to reduce the amount of fill in the floodplain as much as possible. The Plan Commission recommending approving some fill in the floodplain that will be necessary as a result of removing large pieces of stone that are buried in the ground as well as to create driveways that are level with the alley. Due to the small amount of property in the floodplain and the lack of an opportunity to compensate for the necessary fill, the Plan Commission did not recommend requiring any compensatory excavation to offset the additional fill

- Recommendation #2 – The petitioner should re-plant as many native hardwood trees as possible after construction is complete.

**Staff Response:** Staff has included a condition of approval that all new landscaping on the entire property must be native species, including large canopy trees.

- Recommendation #3 – The petitioner should modify the plan such that the lots are larger and can provide better tree protection and water quality.

**Staff Response:** The size of the proposed single family lots is the same as what was approved originally and is essential to the goals of this project. The reduced lot size and setbacks allow for higher density in an area where it is desirable. The petitioner has committed to a high level of environmental components with this project, including the use of recycled materials for siding, environmentally friendly building materials, increased insulation, and gardening plots. The petitioner is meeting all stormwater detention and quality requirements of City of Bloomington Utilities Department. The Plan Commission did not recommend requiring any lots to be removed or modified and that the appropriate amount of environmental mitigation had been achieved with this project.

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**CONCLUSION:** The Plan Commission found that this petition accomplishes many of the goals envisioned by the Growth Policies Plan and the City's stated goals. The placement of environmentally friendly, owner-occupied single family housing adjacent to the B-Line trail in a compact urban form is highly desired. The further addition of mixed-uses and different housing types further promotes the City's goals of facilitating higher density infill development near City services.

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**RECOMMENDATION:** The Plan Commission voted 8-0 to forward this petition to the Common Council with a favorable recommendation and the following conditions of approval:

1. The driveways for the single family lots within the floodplain must be constructed of permeable materials.
2. No buildings are allowed within the floodplain. The lowest finished floor of the residences must be 2' above the 100-year floodplain elevation.
3. Final plans will be delegated to Staff level.
4. All landscaping must be native species.
5. Buildings must be consistent with the submitted elevations and materials.
6. The petitioner shall coordinate with the Parks Department on the appropriate location and style of bike racks along the B-Line trail.
7. The document titled "Rules for the Special Flood Hazard Areas within McDoel Station PUD Planned Unit Development" shall be included as a part of the PUD District Ordinance.
8. The number of parking spaces approved on Lot #14 shall remain regardless of the use in either building on Lot#14 and #15.
9. If, at any time prior to development, the boundaries of the 100-year floodplain are reduced with respect to this site, Staff may at their discretion allow the petitioner to make appropriate changes to the layouts of any individual lots affected by the reduction of the floodplain.
10. Prior to final plan stage, the petitioner will reach an agreement with Staff and the Parks Department concerning the location and maintenance of any pavers or other materials placed on Parks property to access the trail.

# MEMORANDUM

**Date:** April 27, 2012

**To:** Bloomington Plan Commission

**From:** Bloomington Environmental Commission

**Through:** Linda Thompson, Senior Environmental Planner

**Subject:** PUD-18-12, Neighborhood Solutions, Morton and Dodds Planned Unit Development  
223 W. Dodds Street

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This memorandum contains the Environmental Commission's (EC) input regarding the request for an amendment to the Preliminary Plan and Preliminary Plat for a 15-lot subdivision at 223 W. Dodds Street. A waiver for the second hearing is also requested. The property is 1.6 acres at the southeast corner of S. Morton and W. Dodds Streets. The petitioner is requesting to amend the McDoel Station Planned Unit Development (PUD) that was approved in 2009 for Bryan White that allowed a total of 17 single family dwelling units.

The turn-of-the-century style of the development shows the southern 2/3 of the property to be 12 single family units on individual lots facing the B-Line Trail. These would be constructed according to the LEED Silver standard of the US Green Building Council. The substantial difference from the original proposal involves the northern 1/3 of the site. This petitioner is proposing three new buildings including a 5-unit "mini" condo building with individual garden plots; a two-story, mixed-use, train-station-themed building with a 3,000 sq. ft. restaurant on the first floor and three, 2-bedroom apartments on the second floor; and a two-story live/work building at the northeast corner of the site.

The EC is delighted with the green intent of this plan. Originally, the EC had significant concerns with the floodplain fill, because of beliefs that the PUD requirements should not be less protective of natural resources than the Unified Development Ordinance (UDO) regulations. The EC is now pleased that the Petitioner has agreed to avoid complete fill of the floodplain.

## **ISSUES OF SOUND ENVIRONMENTAL DESIGN:**

### 1.) FLOODPLAIN PROTECTION:

The EC is opposed to filling in any floodplain and is very appreciative that the Petitioner has agreed to cut and fill, opposed to fill only. If a developer proposes to place fill only, the EC is in agreement with the regulations the City currently has. For your edification, the UDO 20.05.048 (b) *Floodwater Storage Capacity*, states "Under no circumstances shall there be a



net loss of floodwater storage capacity. No development or other activity which might impair the flow of water in the floodplain shall be permitted. No development that may cause any increase in the elevation of the regulatory flood shall be permitted.” The EC understands that the Indiana Department of Natural Resources (IDNR) does, under certain circumstances, allow a small amount of fill in a floodway; however, the City does not. Granting a PUD allowance for such fill constitutes an inconsistency to our rules. More importantly, filling in a floodway is not good practice from the point of view of the environment or the safety of humans and property downstream from the fill.

Two recent PUD amendments included DNR-approved floodplain protection rules that differ from the UDO rules. These PUDs included the requirement of compensatory water storage. An excerpt from those rules follows.

Article 5. Provisions for Flood Hazard Reduction, Section A. General Standards.

“In all SFHAs and known flood prone areas the following provisions are required:”

“(9) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

- a). The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located;
- b). Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled;
- c). The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water;
- d). The fill or structure shall not obstruct a drainage way leading to the floodplain;
- e). The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water;
- f). The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement; and,
- g). Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this

article.”

The EC recommends that if the petitioner continues to request permission to fill in the floodway, that a compensatory plan for water storage be developed. The EC cannot support fill in the floodway without removing at least the equal amount of soil somewhere else nearby in the same floodway.

2.) **TREE PRESERVATION:**

The site is mostly wooded at this time; but, because of the compact urban form planned, almost none of the existing trees can be saved from grading, fill, and construction. There are more than 60 trees over 8 inches in diameter at breast height on this site, and the plan shows that they will be destroyed and new young trees planted after construction is complete. The EC acknowledges that many of the existing tree species are generally considered non-desirable floodplain trees, but would encourage the petitioner to attempt to protect the few that are desirable. Some examples of specimens that should be protected are hackberry, sycamore, and cherry. The EC also recommends that the petitioner re-plant as many native trees after construction as is possible so that ecological services can one day be replaced.

3.) **DENSITY:**

The EC usually favors high density for the sake of compact urban form. However, at this site because of tree canopy loss, little water quality protection, and floodplain encroachment, the EC believes that fewer lots should be created in favor of adequate natural resource protection.

**EC RECOMMENDATIONS:**

- 1.) The petitioner should redesign the PUD to avoid fill in the floodway and create a floodway easement, or create an acceptable compensatory plan.
- 2.) The Petitioner should re-plant as many native hard-wood trees as possible after construction is complete.
- 3.) The petitioner should modify the plan such that the lots are larger and can provide better tree protection and water quality.

# *Neighborhood Solutions, LLC*

601 W. Dodds St., Bloomington, IN 47403 812-331-3228 matt@neighborhoodsolutions.info

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April 23<sup>rd</sup>, 2012

Eric Greulich  
City of Bloomington Planning Department  
410 N. Morton St.  
Bloomington, IN 47403

Re. Morton and Dodds Project (223 W. Dodds) PUD Proposal

Dear Mr. Greulich,

I am submitting this letter and attached documents as the preliminary proposal for rezoning of the property at 223 W. Dodds to Planned Unit Development. I am requesting, with your approval, that these materials for the PUD rezoning be presented for consideration by the city's Development Review Committee, Plan Commission and Common Council. I also would like to request that Planning Staff support a waiver of a second hearing by the Planning Commission.

The property is at 223 W. Dodds St., consisting of approximately 1.71 acres of unimproved land. Historically, it was the site of a mill for the Fagan Stone Company. The context of the property is critical to the motivation behind the proposed site plan and the PUD rezoning request. The property has roughly 530 feet of frontage along the east side of the B-Line Trail, on the city's near-south side. It is within 8 blocks of downtown and is just over 2 blocks north of the McDoel Switchyard Park property. It resides along the Morton Street corridor, which is currently a mix of commercial uses, with a small amount of residential. It is expected that this entire corridor will evolve into a more vibrant, dynamic and use-intense area as the B-Line and upcoming Switchyard Park become more known to the community.

Just to the west of the property is the McDoel Gardens neighborhood. It is a core Bloomington neighborhood that has been active in preserving its historic heritage and architectural integrity, with the city's first conservation district. The neighborhood is home to many valuable examples of bungalow architecture and kit-homes. The petitioner currently lives in the McDoel Gardens neighborhood, in a 1925 bungalow just over 2 blocks from the Morton & Dodds property.

Under the proposed PUD, the property will both honor the aesthetic of the existing neighborhood and the rail heritage of the site. In addition, the mixed use components of the proposal will be a vibrant and valued contribution to the re-invigorated B-Line corridor.

## Site Plan:

The site will consist of 4 distinct components, or sections:

### Single-family Home Component (Lots 1 – 12):

The southern 2/3 of the property will consist of 12 lots of single-family. The homes will be oriented to face the B-Line, with a low, ornamental fence separating the homes from the trail. The homes will have vehicle access at the rear off the public right of way alley. The homes will adhere to the architectural standards and graphical materials presented in this submittal, and will reflect the heritage of the adjacent neighborhood. There will be a Declaration of Conditions, Restrictions, Reservations and Protective Covenants generated for the lots.

### Architectural Standards:

- 1-story bungalow, 1.5-story bungalow, and 2-story foursquare designs
- 8-foot deep front porch with front entry doors facing the trail
- 20-foot primary house width
- Optional 1-foot bay structure may be built in the south side-yard set-back (not to exceed 50% of side wall length)
- Roof slope on homes 3-12 minimum and 12-12 maximum
- Wall materials: fiber cement board, composite siding, brick, stone
- Accessory structures, such as but not limited to carports and garages, must be built using the approved materials list.

### Lot Development Standards:

- Lot Development standards and uses shall be those of the Residential Core (RC) district unless stated otherwise.
- Build-to line is 22' from the front property line. The face of the front porch shall sit on the build-to line
- Min Side Yard Setback (primary and accessory structure): 4'
- Bay structure without a foundation may encroach up to 1'
- Max impervious coverage: 65%
- Min rear setback: 20' (primary and accessory structures)

The single-family homes will be built using the Silver Level of the National Association of Home Builders' Green Building Standards as a guideline. Homebuyers will be given the option to have their homes certified under the NAHB program, at their expense.

### Condominium Component (Lot 13, Green Condo):

Lot 13 of the Morton and Dodds property will have a 5-unit "Green" condominium structure. The architecture of the building will emulate a circa 1900 clapboard and brick sided warehouse. It will have two standard 2-bedroom units and three 1-bedroom "micro" units. The parking stall for each unit will have provisions for wiring a vehicular charging station via an electrical conduit installed from the units' panel to the parking stall. Bike lockers will be provided at the southeast corner of this lot for each unit.

The units in this structure will include some or all of the following energy-efficient and environmentally friendly components:

- Compact urban form
- Proximity to B-Line
- Grayfield in-fill
- Salvaged brick exterior on west facade
- Commitment to 10% locally sourced building materials
- Pre-wiring for electric vehicle charging stations adjacent to parking stalls
- Pre-wiring for roof-mounted photovoltaic systems
- Garden plots immediately to the south of each unit
- Rain barrels for each unit
- Concrete thermal mass flooring in south-facing living areas
- Covered bicycle storage
- Area for composting

### Architectural Standards:

- 2-story townhouses with rowhouse/party wall designs
- Porches on east and west ends of building
- Optional, up to 6-foot deep porches on the south/garden side with patio doors facing the garden
- Optional up to 4-foot deep covered or open entry porches on the north elevation with entry doors
- 24 to 28-foot primary condo depths
- 20 to 24-foot end unit widths (each end) and 12 to 14-foot unit widths (middle 3 units)
- Optional 4-foot deep second story covered or open balcony/patio structures may be built in the south side yard set-back (not to exceed 8-foot width of side wall length per unit)
- Roof slope on Condos: 4/12
- Optional skylights
- Exterior siding materials: fiber cement board, composite siding, brick, stone
- Accessory structures, such as but not limited to carports and garages, must be built using the approved materials list
- Optional carport on parking area

### Lot Development Standards:

- Lot Development standards and uses shall be those of the Residential Multifamily (RM) district unless stated otherwise.
- Build-to line will be established on the site plan. The face of the front porch shall sit on the build-to line.
- Lot Width: up to 60'
- Min Side Yard Setback: 5' north, 24' south
- Min Front Yard Building Setback: Front Porch shall be on the building setback line
- Max no. of dwelling units: 5
- Max impervious coverage: 70%

There will be a Declaration of Conditions, Restrictions, Reservations and Protective Covenants generated for these units.

### Commercial Mixed-Use Component #1 (Lot 14, Depot Building):

The commercial mixed-use component of this project will consist of two buildings. The first building (Lot #14) will be located at the northwest corner of the property, adjacent to the B-Line. Its main floor interior will be not more than 3500 square feet, dedicated to commercial uses. Above, will be three 2-bedroom rental apartments. The architecture of the building will emulate a circa 1900 clapboard sided train depot. In addition, the building will have a long, covered patio area fronting along the B-Line, in the style of a train platform. A parking area will be to the east of the building, and will also run under the commercial building. Enclosed bike parking will be provide adjoining the covered parking spaces as well as on the south covered platform facing the B-line trail.

### Architectural Standards:

- 3-story building with stacked floor plates
- Up to 12-foot deep covered porches on the north and west sides with entry and patio doors facing the trail and Dodds St.
- Optional 4-foot deep covered balcony or bay structures may be built on the east wall (up to 12 feet in width, per unit)
- Up to 40-foot primary building depth (along Dodds St.)

## Lot Development Standards

- Lot Development standards and uses shall be those of the Commercial Limited (CL) district unless stated otherwise. See amended list of uses below.
- Front Yard Building Setback: 4' (north)
- Side Yard Building Setback: 10' build-to-line (west), 20' (east)
- Rear Yard Building Setback: 10' (south)
- Front Yard Parking Setback: 20' behind the front of the building
- Side Yard Parking Setback: 7' (east)
- Rear Yard Parking Setback: 10' (south)
- Maximum Impervious Surface Coverage: 85%

## Permitted Uses:

Permitted uses for Lot #14 will adhere to the permitted uses as enumerated in the Commercial Limited (CL) District list of permitted uses, chapter 20.02 of the City of Bloomington UDO, with the following additional uses:

- Billiard/arcade room
- Cellular phone/pager services
- Equipment rental/event rental (indoor)
- Fitness center/gym
- Furniture store
- Home electronics/appliance sales
- Library
- Museum
- Office supply sales
- Plant nursery/greenhouse
- School, trade or business

## Commercial Mixed-Use Component #2 (Lot #15, Carriage House):

The second commercial mixed-use building (Lot #15) will be a two-story structure facing Dodds Street, immediately to the north of the parking for Lot #14. It will be designated as having a live-work and live-live optional use, with commercial/residential space on the ground floor and a 2-bedroom residential apartment on the second floor. The ground floor will be primarily designated for commercial uses, but will have an optional use as a studio residential apartment. The architecture for the building will emulate a circa 1900 carriage house, with two arched garage doors fronting Dodds Street. The exterior materials will be painted fiber cement clapboard siding.

## Architectural Standards:

- 2-story building with stacked flats.
- Optional, up to 4-foot deep covered or porches on the north, south, east or west elevations with entry and/or patio doors.
- Optional 4-foot deep covered or open balcony structures may be built on the north, south, east or west walls (not to exceed 8-foot width of side wall length per apartment or commercial unit)
- Optional, up to 1-foot deep, second story bay structures may be built on the north and west elevations (not to exceed 12-foot width of side or end wall length per elevation)
- Roof slope on building, 1/4-12 (low slope, flat roof) minimum and 12-12 maximum
- Wall materials: fiber cement board, composite siding, brick, stone
- Exterior stair structures are permitted on the south or east elevation.
- HC Ramp (if any) is permitted on the north and south sides of the building

## Lot Development Standards

- Front Yard Building Setback – 4’
- Side Yard Building Setback – 4’ (west) 10’ (east)
- Rear Yard Building Setback – 4’ (south)
- Maximum lot coverage 70%

## Permitted Uses:

Permitted uses for Lot #15 will adhere to the same list of permitted uses as Lot #14.

## Landscaping:

Landscaping for this project is outlined in attached documents. Landscaping has been provided for the commercial and condominium lots as shown in the landscape plan. As part of the B-line trail construction, the Parks Department has planted shade tree as approximately 30-foot centers along the length of the property. We are proposing to add additional deciduous trees along the B-line trail, not to conflict with the Parks Department trees, and along the alley.

## Access to Property:

Vehicle access to the property will be served by the existing 16.5-foot alley along the east property line of the site that runs from Dodds to Allen. This alley will be widened to 20 feet by a 4.5-foot wide right of way dedication from this property's east side to allow adequate access for public safety vehicles.

In consultation with the Parks Department, each residential lot will have an individual walk to the B-Line Trail. We will be using a paving detail matching the decorative pavers the Parks Department used at the trail intersection with Dodds Street. A low, decorative fence will separate the trail from the residential lots and a low gate will provide access to the trail.

Each single-family home will have a driveway off the alley and will be able to select from a parking pad, carport, attached garage or detached garage. Parking for the condominium building will be on the alley.

Parking for the commercial building and carriage house building will be immediately to the south of the carriage house building and partially under the commercial building. A total of 24 parking spaces will be provided, including 10 spaces under the commercial building and 14 surface spaces.

## Current Lot Conditions:

The property is mostly an open field with several scattered mature trees. A portion of the southeast corner of at the property is located in the floodplain of Clear Creek. A few of the single family driveways will have to cross the edge of the flood plain. This is at the very edge of the flood plain and will have little impact on the floodplain or development. No structures are proposed in the floodplain and a DNR permit will be applied for prior to construction in this area.

As part of this request we are asking for preliminary plat approval consisting of 15-lots. The project will be constructed in two phases. Phase I will consist of Lots #8 thru 15 and commence once all approvals are granted. Phase II will consist of Lots #1 thru 7 and will commence once a DNR permit is granted for construction in a floodplain.

## Green Components of Proposed Development:

- Urban grayfield infill site
- Proximity to B-Line Trail encourages walking and biking

- Compact urban form and efficient land-use mixed use development
- Small building footprints
- On-site storm water mitigation
- High-efficiency heating and cooling systems
- Water-conserving plumbing fixtures
- Recycled content fiber cement siding on all structures

Neighborhood Input:

The McDoel Gardens Neighborhood Association has been contacted regarding this proposed project, as well as adjacent landowners. A meeting with the neighbors has been held, which included a workshop on building design standards and an extensive input process with attendees. The meeting was attended by planning staff. Neighbors will have ongoing access to the petitioner as he is both a resident of the McDoel Gardens neighborhood and also a current member of the executive committee for the neighborhood association.

Utilities:

Sanitary sewer will be provided by the City of Bloomington Utilities. Sanitary sewer is located in Morton Street and in Dodds Street. The plan is to bore under the B-Line Trail at our south end of the property to connect to the existing sewer in Morton Street. The main will then be extended north along our west property line to serve the proposed structures. An alternative method of sewerage for the property would be to install a low pressure force main connecting to the sanitary sewer in Dodds. This would only be done if utility conflicts would make a gravity system not feasible. Water mains exist in Allen Street and Dodds Street. A new 8-inch main will be extended from the main in Dodds south to the north line of lot 8 where it will become a 4-inch main extending to the 24" main in Allen Street. A new fire hydrant will be installed between lots 10 and 11.

Duke, AT&T and Comcast will be in a joint trench along the east property lines of all lots providing service to the future tenants.

Storm Drainage:

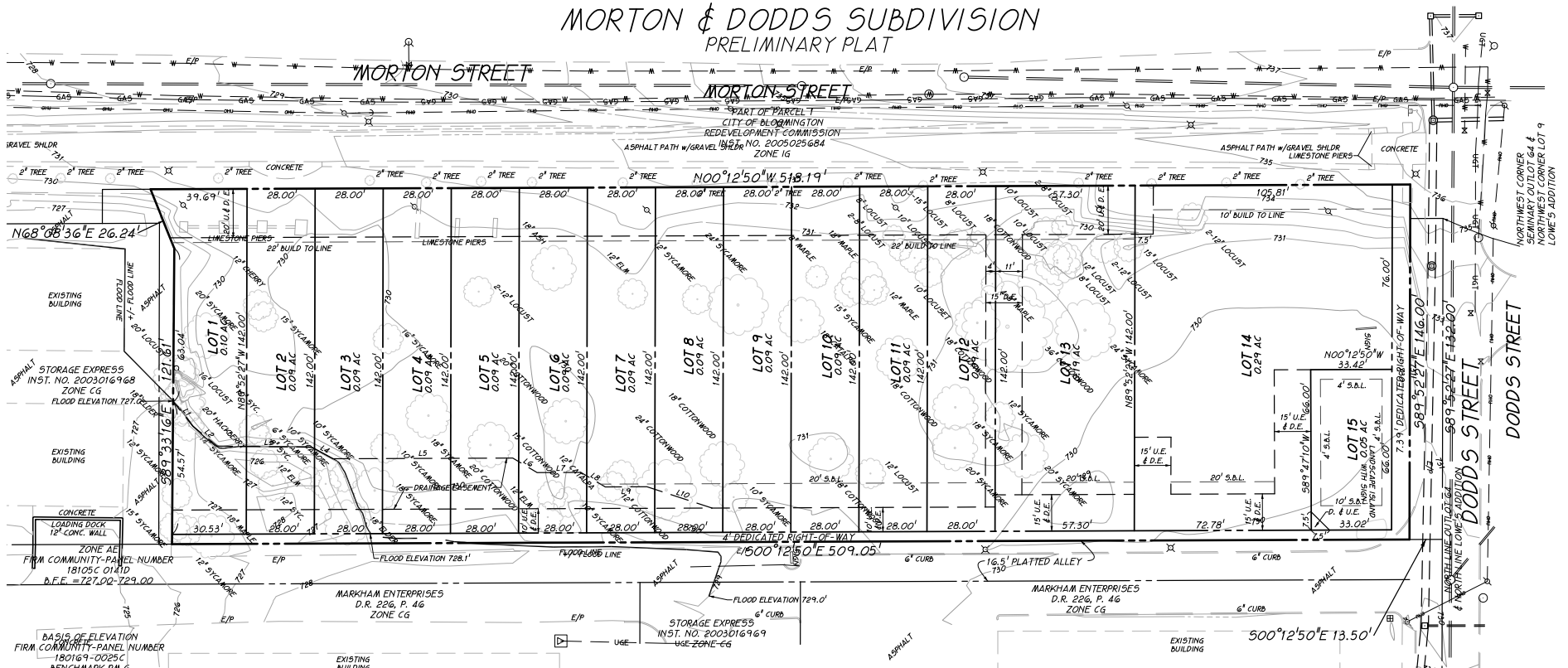
Bio-swales will be provided to treat and collect storm water from the east and west sides of the single family residences. These swales will connect to an underground storm water storage system consisting of 24" and 36" HDPE pipe to reduce the post development runoff to the predevelopment runoff. A mechanical storm water separator will be provided to treat the storm water runoff from the condominium and commercial lots.

Respectfully submitted,

Matthew D. Press  
Owner, Neighborhood Solutions, LLC



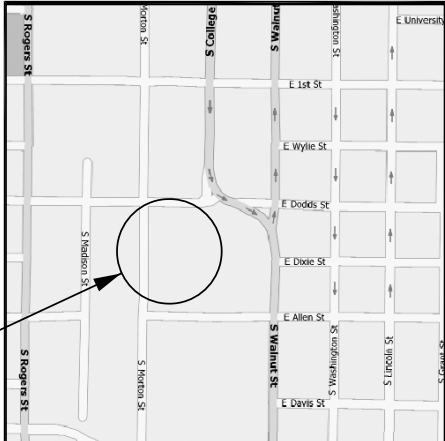
# MORTON & DODDS SUBDIVISION PRELIMINARY PLAT



NUMBER	DIRECTION	DISTANCE
L1	N51°03'07"E	12.91'
L2	N39°46'22"E	12.98'
L3	N00°38'10"E	38.94'
L4	N28°52'14"E	9.87'
L5	N00°12'50"W	73.99'
L6	N30°44'59"E	11.66'
L7	N00°12'50"W	18.00'
L8	N30°44'59"E	11.66'
L9	N00°12'50"W	17.13'
L10	N18°06'05"E	28.21'

PETITIONER  
 Matt Press  
 Neighborhood Solutions, LLC  
 601 W. Dods Street  
 Bloomington, IN  
 47403

PROJECT  
 LOCATION

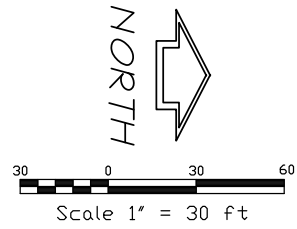


LOCATION MAP

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.  
 Douglas R. Curry  
 This instrument prepared by Douglas R. Curry.

**LEGEND**

- PROPERTY LINE
- EASEMENT LINE
- FENCE
- OVERHEAD UTILITIES
- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- WATER LINE
- SANITARY SEWER LINE
- DEED RECORD BOOK AND PAGE
- 5/8" REBAR WITH CAP SET
- MAG NAIL SET
- RECORD
- MEASURED
- RIGHT-OF-WAY
- UTILITY POLE
- FIRE HYDRANT
- ELECTRIC METER
- WATER METER
- TELEPHONE RISER
- ELECTRIC TRANSFORMER
- STORM BASH
- WATER VALVE
- SIGN
- AREA LIGHT
- SANITARY SEWER CLEAN OUT
- CABLE T.V. BOX
- GAS METER
- LANDSCAPE AREA
- INGRESS AND EGRESS EASEMENT
- DRAINAGE AND UTILITY EASEMENT
- UTILITY POLE ANCHOR
- ANTENNA
- RAIL BOX
- AIR CONDITIONING PAD
- GENERATOR
- L.P. GAS TANK
- HANDICAP PARKING SPACE

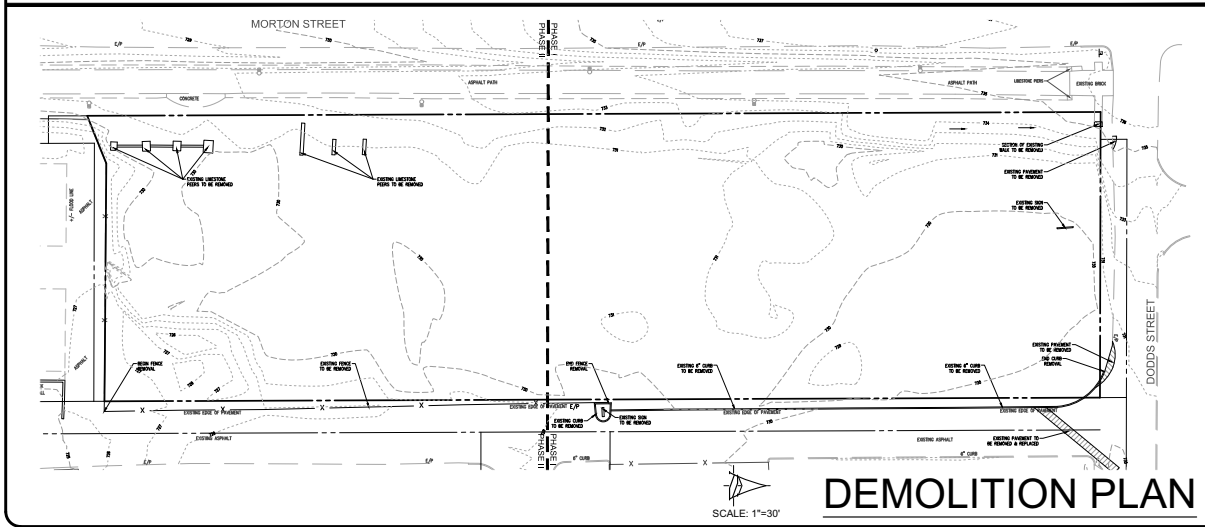
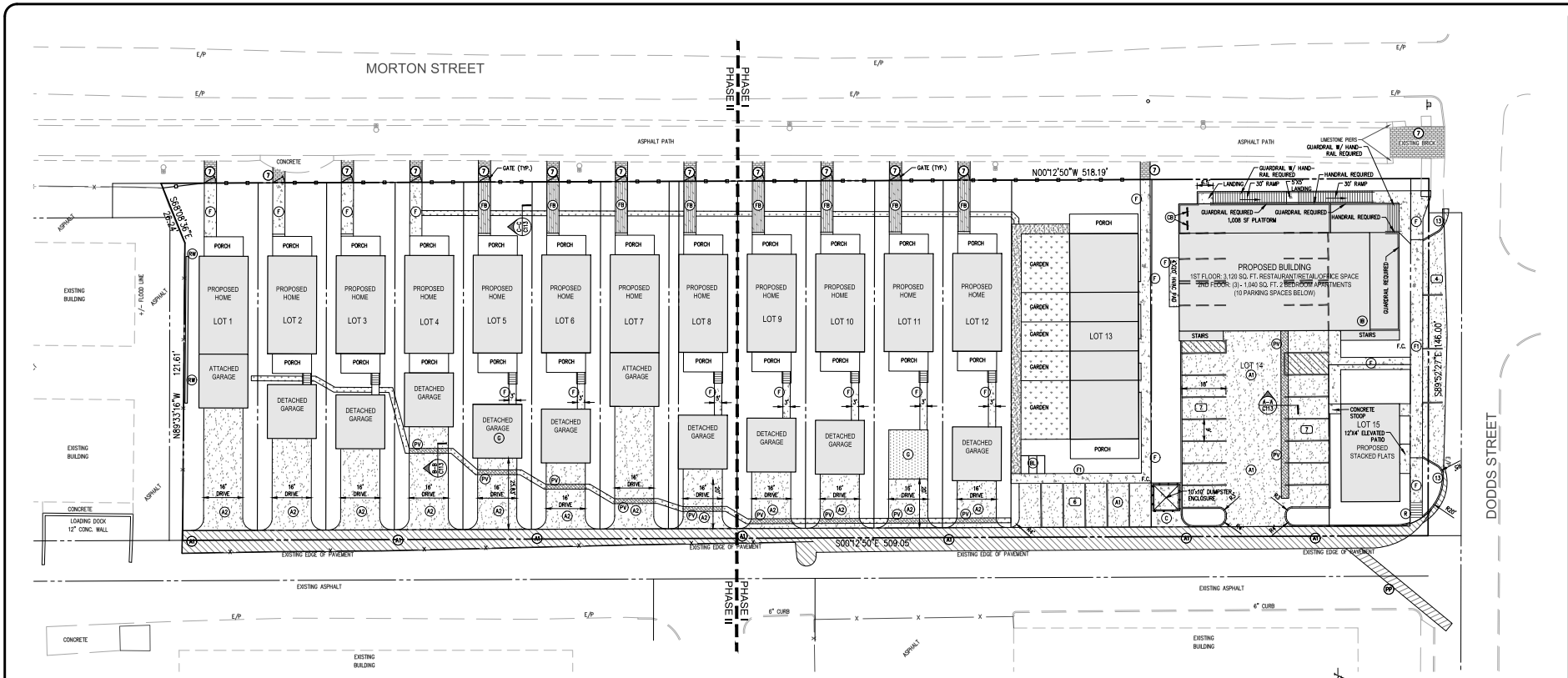


**SETBACK TABLE**

FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
22' BUILD TO LINE EXCEPT LOT 14 IS 10' 10' BUILD TO LINE	4' ON LOT LINES 4' ALONG DODDS R-O-W	20' ALONG ALLEY 10' FOR LOT 15

MORTON & DODDS SUBDIVISION  
 PRELIMINARY PLAT  
 223 W. DODDS STREET  
 APRIL 10, 2012  
 SHEET 1 OF 2

FLOOD NOTE:  
 According to Flood Insurance Rate Map (FIRM) Community-Panel Number: 18105C 0141 D having an Effective Date: December 17, 2010, a portion of the subject property is in Zone AE, an area with base flood elevations determined.  
 Source: FEMA



**DEMOLITION PLAN**

SCALE: 1"=30'

**SITE LEGEND**

- (A) PROPOSED BITUMINOUS PAVING
- (A1) PROPOSED BITUMINOUS PAVING
- (A2) PROPOSED BITUMINOUS PAVING
- (C) PROPOSED GRAVEL PAVING
- (13) PROPOSED BRICK WALK - CONTRACTOR TO MATCH EXISTING BRICK LAYOUT & STYLE FOUND AT THE END OF THE EXISTING ASPHALT PATH AT DODDS STREET
- (R) PROPOSED 6" STANDING CURB
- (R1) PROPOSED SIDEWALK TRANSITION RAMP
- (R2) PROPOSED ACCESSIBLE RAMP, RINDOT TYPE "A"
- (R3) PROPOSED ACCESSIBLE RAMP, RINDOT TYPE "C"
- (R4) PROPOSED MODULAR BLOCK RETAINING WALL
- (R5) PROPOSED PAVEMENT PATCH
- (S) PROPOSED STOP BAR, THERMOPLASTIC, SOLID, WHITE 24"
- (21) PROPOSED MARKING, PAINTED, SOLID, WHITE, 4"
- (26) PROPOSED STOP SIGN
- (T) PROPOSED CONCRETE SIDEWALK
- (T1) PROPOSED MONOLITHIC CONCRETE SIDEWALK AND CURB
- (T2) PROPOSED FOOT BRIDGE
- (P) PROPOSED BRICK PAVERS
- (H) PROPOSED HANDRAIL
- (6) PROPOSED BIKE PARKING, REFER TO ARCHITECTURAL PLANS FOR DETAILS
- (5) PROPOSED CONCRETE STEPS AS REQUIRED
- (S) PROPOSED CONCRETE STEPS - NO HANDRAIL REQUIRED - 4" LONG STEPS, 6" TALL AS INDICATED
- (F) PROPOSED NUMBER OF PARKING SPACES PER BAY

**SITE PLAN**

SCALE: 1"=20'

**LEGAL DESCRIPTION**

Owner: Neighborhood Solutions, LLC  
 Source: Instrument No. 2012002366  
 1.71 Acres

Lots Number 4,5,6,7 and 8 in Low's Addition to the City of Bloomington, Indiana; Also a part of Lots Number 3 and 9 in Low's Addition as recorded in Plat Case 18, Division 8. Also that portion of Park Avenue in said City of Bloomington, Indiana, in Seminary Lot Number 64; Also a part of the West half of Section 4, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, all being recorded in the Office of the Recorder, Monroe County, Indiana, more particularly described as follows:

Commencing at the northeast corner of Seminary Outlot 64 and the northeast corner of said Lot 9; Thence on the north line of said Seminary outlot and said Lot 9 South 89 degrees 52 minutes 27 seconds East 132.00 feet; Thence leaving the north line of said Seminary outlot and on the east line of said Lot 9 South 89 degrees 52 minutes 27 seconds East 13.50 feet to the true point of beginning;

Thence continuing on said east line South 00 degrees 12 minutes 50 seconds East 509.05 feet; Thence leaving said east line and bearing Lot 3 North 89 degrees 33 minutes 16 seconds West 121.61 feet; Thence South 68 degrees 05 minutes 16 seconds West 28.24 feet to a point that is 14.00 feet west of the west line of said Low's Addition; Thence parallel to said east line North 00 degrees 12 minutes 50 seconds West 518.19 feet; Thence leaving said parallel line and on a line parallel with said north line of Seminary outlot 64 and Lot 9 South 89 degrees 52 minutes 27 seconds East 146.00 feet to the Point of Beginning containing within 1.71 acres more or less.

**NOTE TO CONTRACTOR**

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEERS OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE  
 CIVIL ENGINEERING  
 PLANNING

BY/INM FAYO & ASSOCIATES, INC.  
 Bloomington, Indiana  
 (812) 339-2990 (Fax)

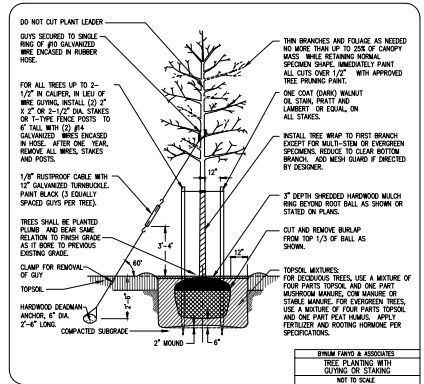
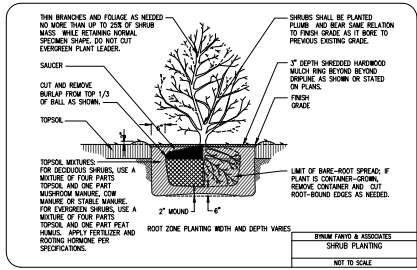
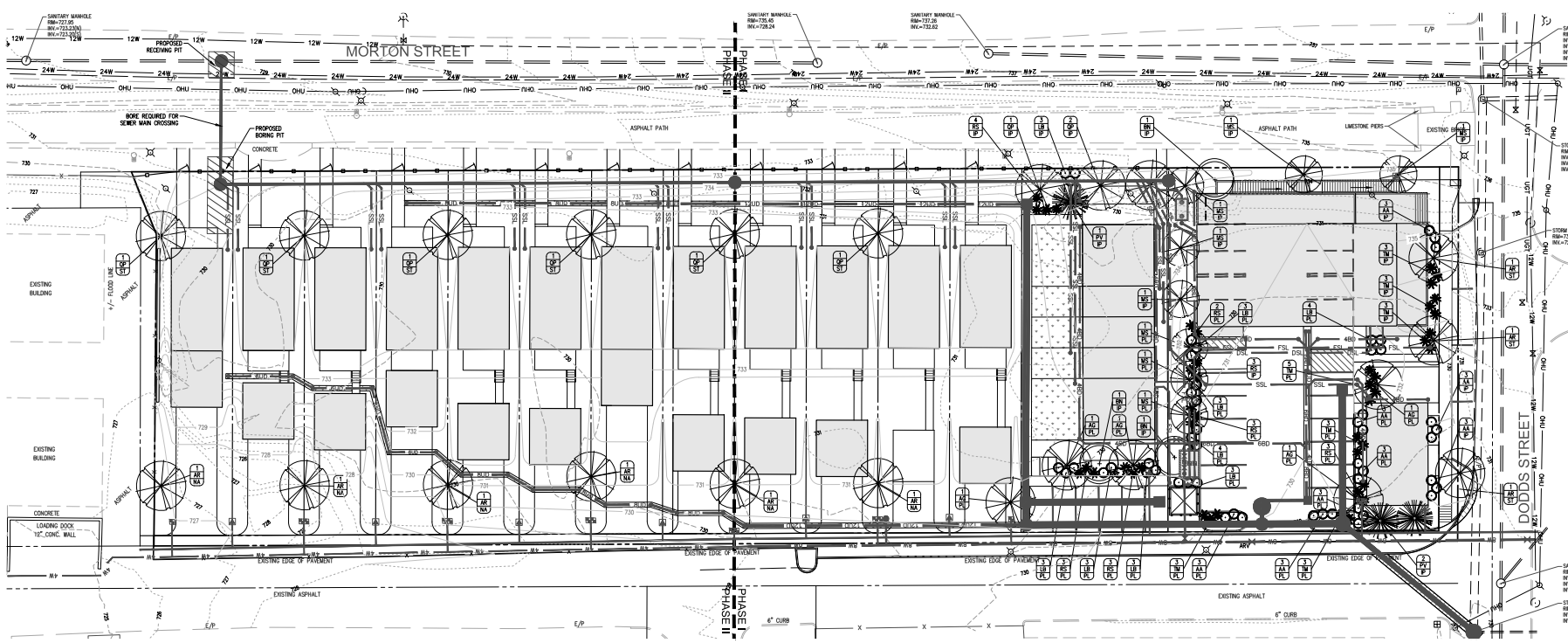
STATE OF INDIANA  
 PROFESSIONAL ENGINEER  
 No. 18283  
 Steven J. Fay  
 certified by [Signature]

PROPOSED  
**MORTON & DODDS**  
 MORTON & DODDS  
 BLOOMINGTON, INDIANA

title: DEMOLITION & SITE PLANS

designed by: JBT  
 drawn by: JR  
 checked by: JSF  
 sheet no: C102  
 project no: 401204





PLANT LIST					
LARGE CANOPY DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
DP	AS	QUERCUS PRINUS	CHESTNUT OAK	9	2" CAL. 8 & B
AS	AS	ACERUCUS FLAMMA	DOG ROOPEE	6	2" CAL. 8 & B
AS	AS	AZER RUBRUM	RED SWEET MAPLE	9	2" CAL. 8 & B
AS	AS	CORDIA CHANGES	EASTERN REDBUD	9	2" CAL. 8 & B
SMALL / MEDIUM DECIDUOUS TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
BN		BETULA NORA	RIVER BIRCH	3	2" CAL. 8 & B
EVERGREEN TREES					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
PS		PINUS VIRGINANA	VIRGINIA PINE	3	5-6' HEIGHT
DECIDUOUS SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
AA	LB	ARONIA ARBUTIFOLIA	BLACK CHOKERBERRY	23	24" SPREAD
		LEUKEA BENDON	SPOKESHUR	29	24" HEIGHT
EVERGREEN SHRUBS					
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
IN	PS	SAMPHOICARPUS OBSCURATUS	INDIAN CURRANT	20	24" HCL. CONT.
		HEUBRAN GENTIANA	ARBORWOOD	20	24" HCL. CONT.

**CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE.**

**NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.06 TABLES OF RECOMMENDED PLANT MATERIALS ARE GIVEN ORIGINALLY COMPARABLE DENSITY VALUES.**

**LEGEND:**  
 (DP) PLANT QUANTITY  
 (AS) PLANT TYPE  
 (BN) REQUIREMENT DESIGNATION  
 (PS) PLANTING LOT PRIMER PLANTING  
 (AA) INTERIOR PLANTING  
 (IN) SHADE-TREE

**NOTE TO CONTRACTOR**

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

BYNUM FAYO & ASSOCIATES, INC.  
Bloomington, Indiana  
528 North Walnut Street  
(812) 339-8030

STATE OF INDIANA  
No. 18263  
Professional Engineer  
Certified by: [Signature]

PROPOSED  
MORTON & DODDS  
MORTON & DODDS  
BLOOMINGTON, INDIANA

SCALE: 1"=20'

title: LANDSCAPE PLAN

designed by: JR  
drawn by: JR  
checked by: JSF  
sheet no: C107  
project no: 401204

RULES FOR THE SPECIAL FLOOD HAZARD AREAS PERTAINING  
TO #PUD-18-12, Ordinance #12-14  
223 W. Dodds Street

**Article 1. Statutory Authorization, Findings of Fact, Purposes, and Objectives.**

**Section A. Statutory Authorization.**

The City of Bloomington Indiana Unified Development Ordinance (UDO) is adopted by the City pursuant to its authority under the laws of the State of Indiana, The Bloomington Municipal Code (BMC), Indiana Code IC 36-7-4 and IC 14-28-4, and all other applicable authorities and provisions of Indiana statutory and common law. Therefore, the City of Bloomington, Indiana hereby adopts the following floodplain management regulations for this property under PUD-18-12 and Ordinance #12-14.

**Section B. Findings of Fact.**

(1) The flood hazard areas of this property are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose.**

These floodplain regulations are being adopted in conjunction with an amendment to the approved PUD District Ordinance and Preliminary Plan Amendment. This amendment will allow for multifamily and commercial uses, in addition to single family uses, outside of the floodplain. Development of this property will place fill and driveways in the floodway of Clear Creek.

The purpose of this PUD district ordinance is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in the PUD district by fulfilling the requirements of the National Flood Insurance Program.

#### **Section D. Objectives.**

The objectives of this PUD district ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential property owners are notified that this land is in a special flood hazard area.

#### **Article 2. Definitions.**

Unless specifically defined below, words or phrases used in this PUD district ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

**A zone** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Accessory structure** (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation of the one-percent annual chance flood.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Building** - see "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development** means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;



- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevated structure** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

**Elevation Certificate** is a FEMA form for recording a certified statement that verifies a structure's elevation information. Elevation Certificates can only be completed by a licensed land surveyor, engineer, or architect who is licensed by the State of Indiana to perform such functions. Elevation Certificates must be on file with the City of Bloomington Indiana for every structure within the SFHA that has been constructed or substantially improved since July 28, 1972.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction** means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

**Five-hundred year flood (500-year flood)** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Flood Prone Area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Flood”)

**Flood Protection Grade (FPG)** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

**Floodplain** means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this PUD district ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway** is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Freeboard** means 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.

**Fringe** is the portions of the floodplain lying outside the floodway.

**Functionally dependent facility** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hardship** (as related to variances of this PUD district ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Bloomington Indiana, Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Increased Cost of Compliance (ICC)** means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the Thomson Area PUD ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Amendment (LOMA)** means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
  - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map amendment** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**Map panel number** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter “A” is not used by FEMA, the letter “B” is the first revision.)

**Market value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD) of 1929** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred year flood (100-year flood)** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one percent annual chance flood. See “Regulatory Flood”.

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

**Participating community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)** is an official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Planned Unit Development (PUD)** is a large-scale unified development approved under the provisions of Chapter 20.04: Planned Unit Development Districts of the Unified Development Ordinance. Generally a Planned Unit Development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and/or required open space to the regulations established in any district of the Unified Development Ordinance. A planned development requires approval through a zoning map amendment. The uses and standards expressed in the PUD District Ordinance constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for a standard zoning district.

**Post-FIRM construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM construction** means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance**, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle which is

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regular program** means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3, Section B of this PUD ordinance. The "Regulatory Flood" is also known by the terms "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdictions of the City of Bloomington Indiana subject to inundation by the regulatory flood. The SFHAs of the property are generally identified as such on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO.

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance** is a grant of relief from the requirements of this PUD district ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means the failure of a structure or other development to be fully compliant with this PUD district ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation** means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.



**Zone** means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM, and are all subject to mandatory flood insurance purchase requirements.

**Zone B, C, and X** means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

**Zone X** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

### **Article 3. General Provisions.**

#### **Section A. Lands to Which This Ordinance Applies.**

This ordinance shall apply to all SFHAs and known flood prone areas within the property.

#### **Section B. Basis for Establishing Regulatory Flood Data.**

This PUD district ordinance protection standard covers the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the property shall be delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Monroe County, Indiana and Incorporated Areas and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated December 17, 2010.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the property, delineated as an “A Zone” on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated December 17, 2010, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

### **Section C. Establishment of Floodplain Development Permit.**

A Floodplain Development Permit, Building Permit, Grading Permit, or any other local, state, or federal permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities or land disturbing activities in areas of special flood hazard.

### **Section D. Compliance.**

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this PUD district ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

### **Section E. Abrogation and Greater Restrictions.**

This PUD district ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

### **Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.**

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

### **Section G. Interpretation.**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements; and
- (2) Deemed neither to limit nor repeal any other powers granted under state statutes.

### **Section H. Warning and Disclaimer of Liability.**

The degree of flood protection required by this PUD district ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Bloomington Indiana, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

### **Section I. Penalties for Violation Within Tract C(a) of the Thomson PUD.**

Failure to obtain a Final PUD Plan and all applicable local, state, and federal permits in the SFHA, or failure to comply with the requirements of them or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Bloomington Indiana. All violations shall be punishable according to the rules in Title 20 of the UDO.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The City of Bloomington Indiana shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the City of Bloomington Indiana from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

## **Article 4. Administration.**

### **Section A. Designation of Administrator.**

The City of Bloomington Indiana has appointed The Planning Director or his/her designee to administer and implement the provisions of this PUD district ordinance and is herein referred to as the Floodplain Administrator.

### **Section B. Permit Procedures.**

Application for a PUD Final Plan shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

- a). A description of the proposed development;
- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed, and;
- g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification on a FEMA Elevation Certificate form of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**Section C. Duties and Responsibilities of the Floodplain Administrator.**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this PUD district ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to this PUD district ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this PUD district ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed;
- (11) Review certified plans and specifications for compliance.
- (12) Stop Work Orders

- a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this PUD district ordinance shall immediately cease.
- b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits

- a). The floodplain administrator may revoke a permit or approval, issued under the provisions of this PUD district ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(14) Other Enforcement and Penalties

In addition to the contents of this PUD district ordinance, all enforcement procedures and penalties described in the UDO, Chapter 20.10 Enforcement and Penalties, shall apply to this PUD district ordinance.

(15) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized City of Bloomington Indiana officials shall have the right to enter and inspect properties located in the SFHA.

**Article 5. Provisions for Flood Hazard Reduction.**

**Section A. General Standards.**

In all SFHAs and known flood prone areas the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the Flood Protection Grade (FPG);
- (3) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this PUD district ordinance shall meet the requirements of “new construction” as contained in this ordinance;

(8) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

## **Section B. Specific Standards.**

In the SFHAs of this property, the following provisions are required:

(1) In addition to the requirements herein this PUD district ordinance, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a). Construction or placement of any new structure having a floor area greater than 400 square feet;

b). Addition or improvement made to any existing structure:

(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

(ii) with a previous addition or improvement constructed since the community’s first floodplain ordinance.

c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;

d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.

e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

f). Reconstruction or repairs made to a repetitive loss structure.

(2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall be prohibited in a floodway.

(3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards herein. Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:

- a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth herein).
- b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(4) **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- a). provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area); and
- b). all openings shall be located entirely below the BFE; and
- c). the bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
- d). openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
- e). openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device; and
- f). access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and



- g). the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
- h). the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade; and
- i). where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

**(5) Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on permanent land fill in accordance with the following:

- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method;
- b). The fill shall extend at least ten feet beyond the foundation of the structure before sloping below the FPG;
- c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical;
- d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and
- e). The top of the lowest floor including basements shall be at or above the FPG.

**(6) Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
  - (i) outside a manufactured home park or subdivision;
  - (ii) in a new manufactured home park or subdivision;
  - (iii) in an expansion to an existing manufactured home park or subdivision; or
  - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
- b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c). Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished

living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

d). Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

e). Recreational vehicles placed on a site shall either:

(i) be on site for less than 180 days; and,

(ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(iii) meet the requirements for “manufactured homes” as stated earlier in this section.

### **Section C. Standards for Subdivision Proposals.**

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

(5) All subdivision proposals should minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

### **Section D. Critical Facility.**

Construction of new critical facilities should be located outside the limits of the SFHA. Construction of new critical facilities may be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities within the SFHA.

### **Section E. Standards for Identified Floodways.**

Located within SFHAs are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential.

If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot. For all projects involving channel modifications or fill (including levees) the City of Bloomington Indiana shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

#### **Section F. Standards for Identified Fringe.**

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

#### **Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.**

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indian Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this PUD district ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

#### **Section H. Standards of Flood Prone Areas.**

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5. Section A (1) through (10).

### **Article 6. Variance Procedures.**

#### **Section A. Designation of Variance and Appeals Board.**

Because this document is a Planned Unit Development District Ordinance, the Plan Commission as established by the City of Bloomington Indiana shall hear and decide appeals and requests for variances from requirements of this PUD district ordinance. If an appeal or variance is granted to a Petitioner, the rule change shall be manifested through a PUD District Ordinance amendment.

#### **Section B. Duties of Variance and Appeals Board.**

The Plan Commission shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Plan Commission may appeal such decision to the Board of Zoning Appeals.

### **Section C. Variance Procedures.**

In passing upon such applications, the Plan Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) 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.

### **Section D. Conditions for Variances.**

- (1) Variances shall only be issued when there is:
  - a). A showing of good and sufficient cause;
  - b). A determination that failure to grant the variance would result in exceptional hardship;and,

c). 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.

(2) No variance for a residential use within a floodway may be granted.

(3) Any variance granted in a floodway will require a permit from the Indiana Department of Natural Resources.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(6) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation 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.

(7) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

#### **Section E. Variance Notification.**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;

(2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

#### **Section F. Historic Structures.**

Variations may be issued for the repair or rehabilitation of “historic 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.

**Section G. Special Conditions.**

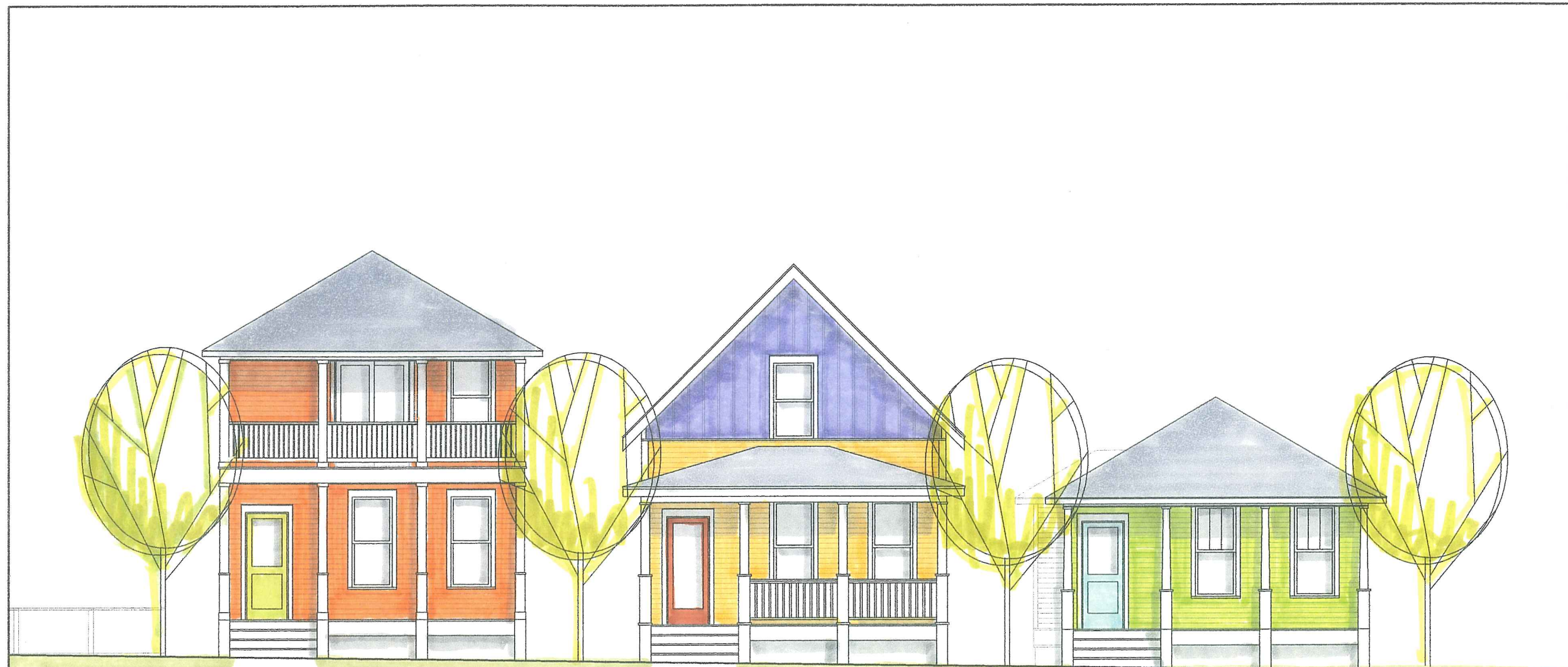
Upon the consideration of the factors listed herein, and the purposes of this PUD district ordinance, the Plan Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**Article 7. Severability.**

If any section, clause, sentence, or phrase of this PUD Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this PUD district ordinance.

**Article 8. Effective Date.**

This ordinance shall take effect upon its passage by the City of Bloomington Indiana, Common Council.



TYPE C - TWO STORY 4 SQUARE

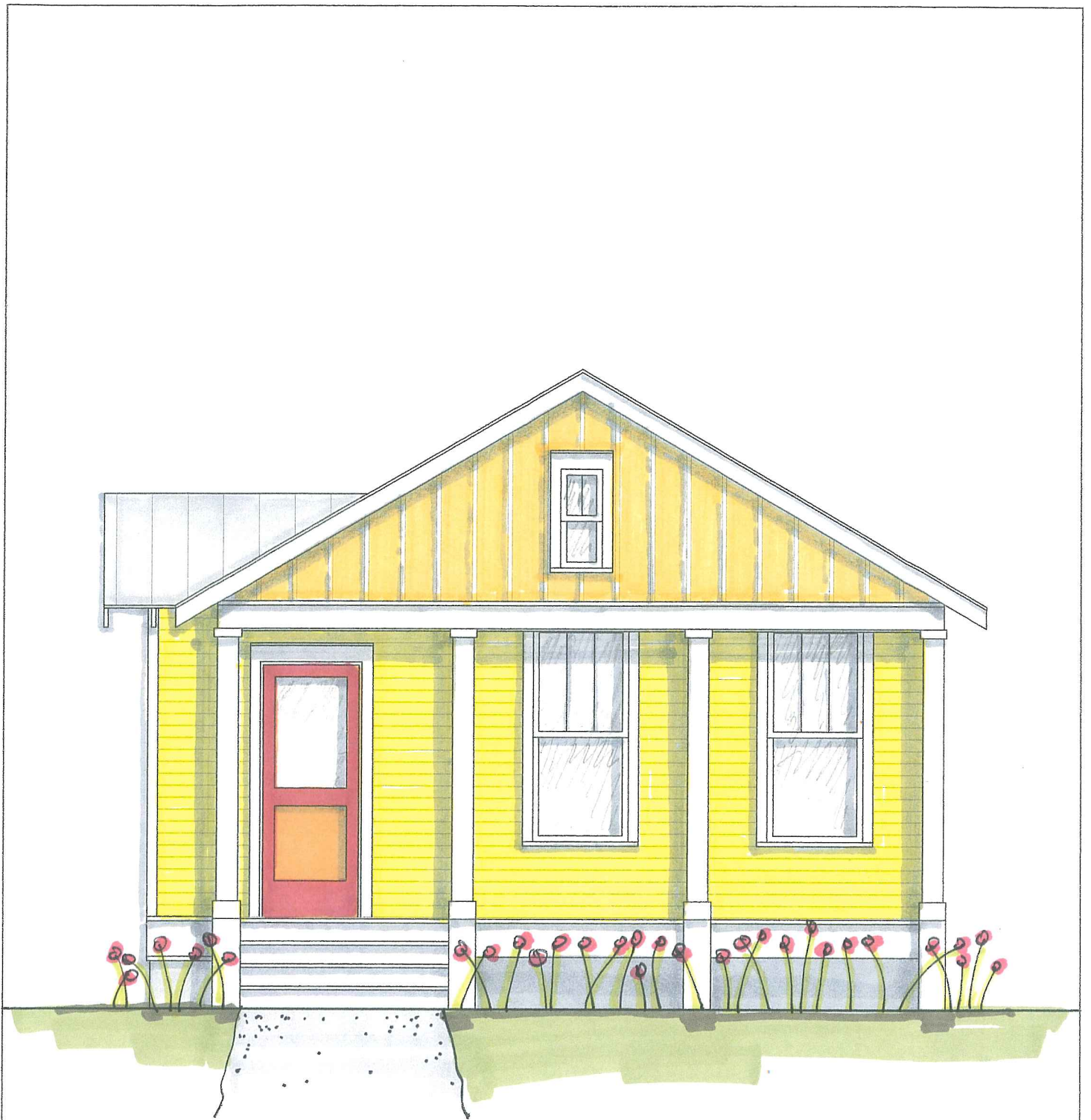
TYPE B - ONE & ONE HALF STORY  
BUNGALOW

TYPE A - ONE STORY BUNGALOW

**A.3** MORTON STREET / PARTIAL WEST ELEVATION B-LINE TRAIL VIEW  
SCALE: 1/8" = 1'-0" DATE: 04-16-2012

**DODDS and MORTON PUD**  
PROPOSED MIXED-USE DEVELOPMENT FOR NEIGHBORHOOD SOLUTIONS





TYPE - A FRONT ELEVATION

SCALE: 1/8" = 1'-0"

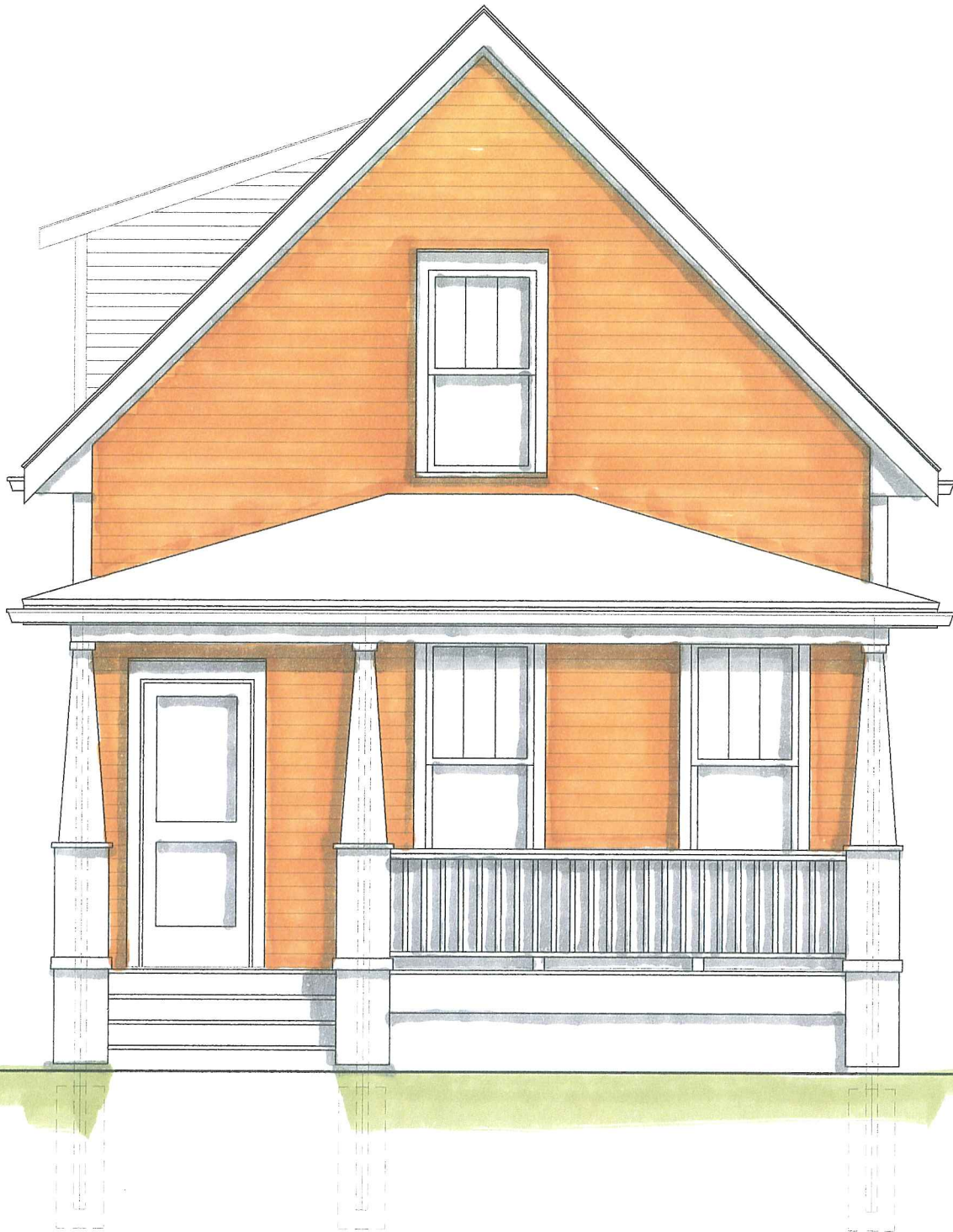
DATE: 2-17-2012



TYPE - B FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 2-17-2012



TYPE - B.1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"

DATE: 3-30-2012



TYPE - C FRONT ELEVATION

SCALE: 1/8" = 1'-0"

DATE: 2-17-2012



57'-0"

PROPOSED CONDO BUILDING  
LOT-13

**A.2** MORTON STREET / PARTIAL WEST ELEVATION B-LINE TRAIL VIEW  
SCALE: 1/8" = 1'-0"

MCA  
MARC CORNETT ARCHITECT

101 E KIRKWOOD AVE  
BLOOMINGTON, IN 47408

PH 812.325.5964  
EMAIL: marccornett@yahoo.com

CERTIFIED BY:

PROPOSED MIXED-USE DEVELOPMENT FOR  
NEIGHBORHOOD SOLUTIONS

**DODDS and MORTON PUD**

CORNER of W. DODDS and S. MORTON  
BLOOMINGTON, INDIANA

PROJECT NO: 2012-05

DATE: 04-10-2012

REVISED: 04-18-12

**A103**

MCA  
MARC CORNETT ARCHITECT

101 E KIRKWOOD AVE  
BLOOMINGTON, IN 47408

PH 812.325.5964  
EMAIL: marccornett@yahoo.com

CERTIFIED BY:



PORCH

TWO BEDROOM UNIT

MICRO - ONE BEDROOM

MICRO - ONE BEDROOM

MICRO - ONE BEDROOM

TWO BEDROOM UNIT

PORCH

PROPOSED CONDO BUILDING  
LOT-13

**A.2** SOUTH ELEVATION GARDEN VIEW  
SCALE: 1/8" = 1'-0"

PROPOSED MIXED-USE DEVELOPMENT FOR  
NEIGHBORHOOD SOLUTIONS

**DODDS and MORTON PUD**

CORNER of W. DODDS and S. MORTON  
BLOOMINGTON, INDIANA

PROJECT NO: 2012-05

DATE: 04-18-2012

REVISED:

**A109**



PROPOSED DUPLEX BUILDING

PROPOSED MIXED-USE BUILDING

**B.1** DODDS STREET / PARTIAL NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

DATE: 04-16-2012

**DODDS and MORTON PUD**  
PROPOSED MIXED-USE DEVELOPMENT FOR NEIGHBORHOOD SOLUTIONS



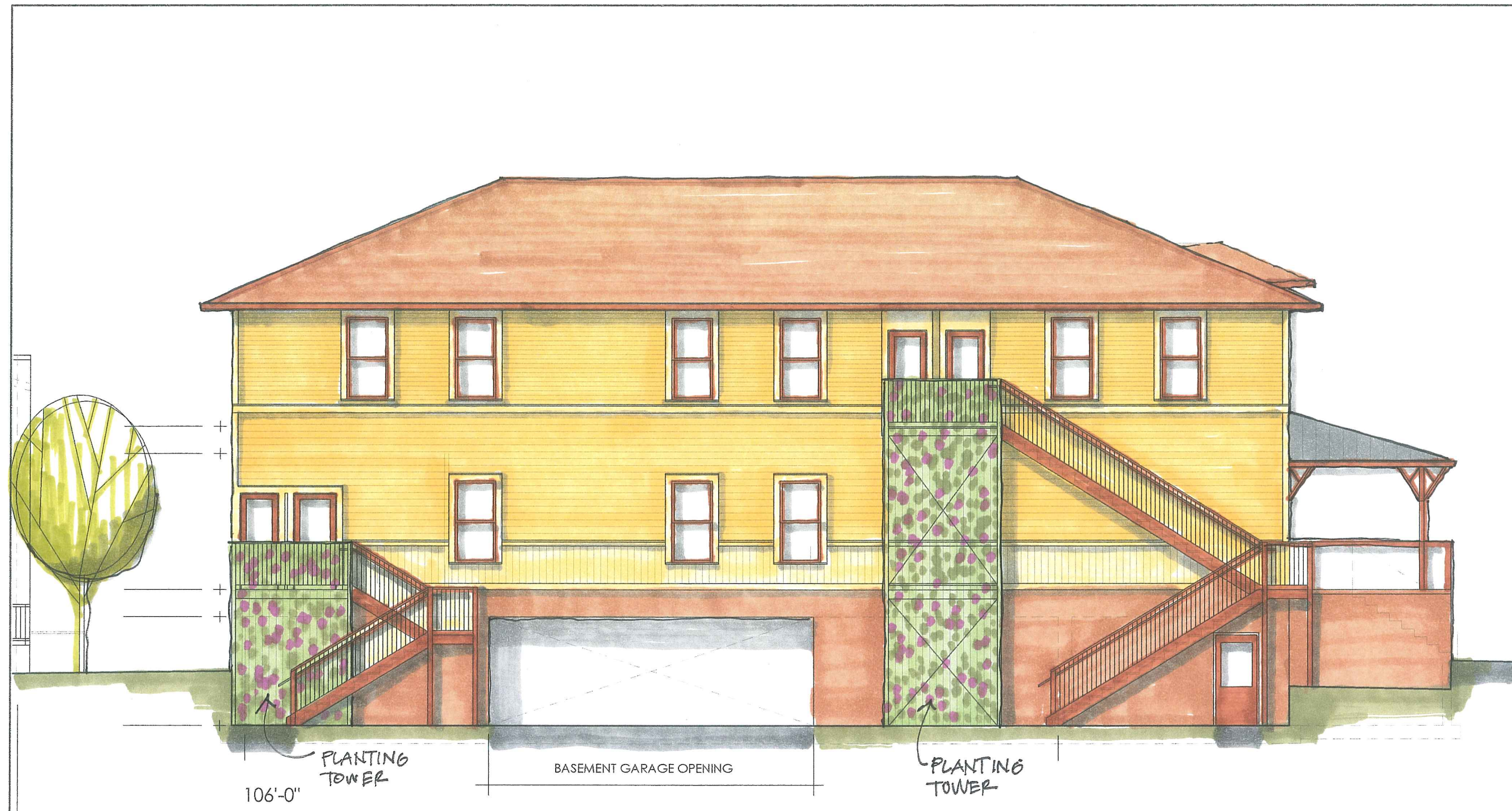
PROPOSED MIXED-USE BUILDING

**A.3** MORTON STREET / PARTIAL WEST ELEVATION B-LINE TRAIL VIEW  
SCALE: 1/8" = 1'-0" DATE: 04-16-2012

**DODDS and MORTON PUD**  
PROPOSED MIXED-USE DEVELOPMENT FOR NEIGHBORHOOD SOLUTIONS

MCA  
MARC CORNETT ARCHITECT





**A.1** EAST ELEVATION ALLEY / PARKING AREA VIEW  
 SCALE: 1/8" = 1'-0"

PROPOSED MIXED-USE BUILDING  
 LOT-14

**MCA**  
 MARC CORNETT ARCHITECT  
 101 E KIRKWOOD AVE  
 BLOOMINGTON, IN 47408  
 PH 812.325.5964  
 EMAIL: marccornett@yahoo.com

CERTIFIED BY:

PROPOSED MIXED-USE DEVELOPMENT FOR  
 NEIGHBORHOOD SOLUTIONS  
**DODDS and MORTON PUD**  
 CORNER of W. DODDS and S. MORTON  
 BLOOMINGTON, INDIANA

PROJECT NO: 2012-05  
 DATE: 04-18-2012  
 REVISED:

**A108**



PROPOSED DUPLEX BUILDING

PROPOSED MIXED-USE BUILDING

**B.2** DODDS STREET / PARTIAL NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

DATE: 04-16-2012

**DODDS and MORTON PUD**  
PROPOSED MIXED-USE DEVELOPMENT FOR NEIGHBORHOOD SOLUTIONS

**MCA**  
MARC CORNETT ARCHITECT

In the Council Chambers of the Showers City Hall on Wednesday, March 21, 2012 at 7:30 pm with Council President Tim Mayer presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
March 21, 2012

Roll Call: Mayer, Neher, Rollo, Ruff, Sandberg, Spechler, Sturbaum, Volan, Granger

ROLL CALL

Council President Mayer gave the Agenda Summation

AGENDA SUMMATION

Minutes for August 3, 2011 were approved by a voice vote

APPROVAL OF MINUTES

Councilmember Sturbaum said there had been nonsense spoken about healthcare, which he corrected with excerpts from Time Magazine. He said twenty years ago Switzerland had a system very similar to America's with private insurers and private providers with very similar problems. Now, Sturbaum said, two decades later quality of care remained very high, everyone had access and costs had moderated. He added that the article also highlighted health care programs and costs from other countries showing that the US health care program was more expensive with inferior outcomes.

REPORTS:  
COUNCILMEMBERS

Councilmember Sandberg mentioned the program called 'Imagine Bloomington' that was developed to help form the basis for the Growth Policies Plan and which will be the vision for Bloomington. She said the process of the meetings held for the public was half-way finished, and she encouraged citizens to participate. Sandberg also announced the Homeward Bound Walk.

Councilmember Spechler talked about a \$10,000.00 matching state grant for Bloomington to promote tourism. He said tourism was important to the community, but he cautioned that additional study on tourism was needed.

Councilmember Volan wished IU luck in the upcoming NCAA Sweet 16 basketball game.

Councilmember Rollo said in the next couple of meetings he wanted to revisit sustainability, related to and in the context of peak oil. He said the bigger problem was the incompatibility between sustainability and economic growth. He said the challenge was to reevaluate the economic system and find a way in which to develop an economy that worked in equilibrium with basic ecological support services.

Councilmember Ruff mentioned an AP article from March 15<sup>th</sup> that indicated that the so-called "right-to-work legislation" was not a reason that a company in Brookville, Indiana recently expanded, as had been stated by the Governor. He emphasized that this indicated that the Governor and others would say anything to have people believe that this legislation was beneficial.

Ruff also mentioned the recent Metropolitan Planning Organization (MPO) vote to include I-69 in the Transportation Improvement Program. He thanked all of the elected officials who voted against the proposal and said except for the Ellettsville representative, all of the elected officials on the MPO voted against the proposal. He also thanked Mayor Kruzan for voting no.

Councilmember Mayer welcomed the vernal equinox which arrived the previous day. He also recognized the roadway improvements on South Walnut St. and recognized the collaboration between the City Utilities and Public Works departments.

Jacqui Bauer, from the Economic and Sustainable Development Department for the City of Bloomington announced the addition of two electric vehicle charging stations at two of the downtown city garages: Garage Band at 7<sup>th</sup> and Walnut and Garage Market at Morton and 7<sup>th</sup>. She said both stations were public stations and were installed as a two-year Duke Energy pilot program at no cost to the city. Bauer said funding came from the American Recovery and Reinvestment Act, the federal stimulus package. She said knowing that downtown hotels were getting requests for this from their guests, it would give the city the opportunity to study the demand and use. For the opportunity to use the station, the user will need to pay the parking fees as well as a small usage fee.

MAYOR and CITY OFFICES

Spechler said he thought it was wonderful news, because electric cars will become our future.

Lisa Abbott, Director of Housing and Neighborhood Development was present to talk to about their "Pick It Up" program. HAND will pick up litter free of charge from all registered groups. She also reminded the council about the NeighborLink program which was a way for citizens to register complaints. Abbott said those filing would be contacted and the complaint addressed. She also offered advertising cards for council members to hand out to constituents.

COUNCIL COMMITTEES  
PUBLIC INPUT

Michael Malik, former HT reporter and currently a graduate student in IU SPEA was accompanied by Claire McGuire to announce the SPEA Auction and Gala which to be held on March 30<sup>th</sup> in Alumni Hall. Malik invited the public and issued a special invitation to the council members and Mayor Kruzan. He said the event was a fund raiser that would help fund stipends for SPEA students who take unpaid summer internships.

Gabe Rivera publicly proclaimed his support for Ron Paul for President.

Tony Minnick, Bloomington resident, representing a Quaker Youth group said they would like to raise funds to purchase and plant fruit trees along the B-Line Trail. He asked what he would need to do in order to make it happen. He was directed to Mick Renneisen, Director of City Parks and Recreation who just happened to be present. The council extended their thanks for this project.

It was moved and seconded that Andy Williams, Dianne May and Carissa Moncavage be appointed to the Environmental Commission, that Katherine Lessing be appointed to the Board of Housing Quality Appeals and that Gary Charbonneau be appointed to the Commission on Sustainability. The appointments were approved by a voice vote.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 12-01 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, giving the committee recommendation of do pass 8-0-0.

LEGISLATION FOR SECOND  
READING

It was moved and seconded that Appropriation Ordinance 12-01 be adopted.

Mick Renneisen, Director of Bloomington Parks and Recreation said this was a fairly simple request. He said there was a willing seller and the funds were available in the Parks Acquisition Fund. Renneisen said the \$10,000.00 was under market value, the acquisition would be a great addition to the trail network and this spur would connect to the B-Line Trail at the switchyard property sometime in the future.

Appropriation Ordinance 12-01 To  
Specially Appropriate from the Parks  
Land Acquisition Fund Expenditures  
Not Otherwise Appropriated  
(Appropriating Funds for the Purchase  
of Black Lumber Rail Spur)

In response to a council question, Renneisen explained that future funding for the connection would come from the Transportation

Improvement Plan (TIP), and said it was the state funding that each county received for transportation improvements.

Appropriation Ordinance 12-01 (cont'd)

Council Comments:

Sturbaum said that Parks had always done a good job of recognizing a bargain. He said he appreciated that and would support the legislation.

Mayer added that he had been involved with the B-Line since the inception many years ago, and the Black Lumber spur was always something the city had its eye on.

Appropriation Ordinance 12-01 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 12-04 be introduced and read by title and synopsis. Deputy Clerk Wanzer read the legislation and synopsis, along with the Legislative History and Anticipated Actions.

Ordinance 12-04 To Amend the Bloomington Zoning Maps from Institutional (IN) to Residential Multifamily (RM) - Re: 718 East 8th Street (Cheryl Underwood, Petitioner)

It was moved and seconded that Ordinance 12-04 be adopted.

It was moved and seconded that Ordinance 12-04 be tabled.

The motion to table received a roll call vote of Ayes: 8, Nays: 1 (Volan).

Ordinance 12-06 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Changing the Name and Focus of Section 2.26.050 from the "Community and Family Resources Commission" to the "Commission on the Status of Children and Youth"

LEGISLATION FOR FIRST READING

Ordinance 12-07 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: To Amend Chapter 15.26 Entitled "Neighborhood Traffic Safety Program" to Approve Installation of Traffic Calming Devices in the Prospect Hill Neighborhood (on West Third Street) and to Amend BMC 15.32.090 – Schedule N (Limited Parking) per 90-Day Order

Sturbaum announced that although he may have some interest in the neighborhood mentioned in Ordinance 12-07, it would not sway him from acting fairly, objectively and in the public interest, and that he made this statement per local code.

CONFLICT OF INTEREST STATEMENT

Volan objected to a portion of Sturbaum's statement that he said was an endorsement of the motion prior to the council even considering it, and should not be discussed during first reading. He asked that that portion be stricken from the record, therefore it is not included here.

There was no public input during this portion of the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:23 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Timothy Mayer, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington