BLOOMINGTON
INDIANA

UNIFIED DEVELOPMENT ORDINANCE
MODULE 3: ADMINISTRATION AND PROCEDURES

CLARION

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PUBLIC DRAFT

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Chapter 20.01: Ordinance Foundation

20.01.010 Title and Effective Date

(a) Title[1]

The ordinance codified in this UDO shall be known, cited and referred to as the "Bloomington Unified Development Ordinance" and may also be cited or referred to as the "Unified Development Ordinance," the “UDO,” the "Zoning Ordinance," or the "Subdivision Control Ordinance."

(b) Effective Date[2]

This UDO shall become effective on [insert month/day/20__]. All references in this UDO to the “effective date of this UDO” or to the “effective date” shall refer to that date unless otherwise stated.

20.01.020 Purpose[3]

This UDO is adopted to:

(1) Promote the orderly, responsible, and sustainable development and redevelopment of the areas within the planning jurisdiction in accordance with the comprehensive plan and its components, including but not limited to the Transportation Plan, and the subarea plans, which include among others the downtown vision and infill strategy plan, along with such additions and revisions as may be made to such plans after the effective date, and with all other city land use policy;

(2) Promote the public health, safety, morals, comfort, convenience, and general welfare;

(3) Protect the character and stability of residential, institutional, business, industrial, and natural areas;

(4) Minimize or avoid congestion in the public streets and to ensure safe, convenient, and efficient traffic circulation;

(5) Secure adequate light, air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air, and outdoor uses;

(6) Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction;

(7) Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;

(8) Regulate and restrict the location and intensity of use of buildings, structures, and land for trade, industry, residence and other uses;

(9) Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;

(10) Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO;

(11) Ensure ongoing compliance with the provisions of this UDO by requiring regular maintenance and replacement, as needed, of required improvements, including but not limited to landscaping;

(12) Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;

(13) Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;

(14) Ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;

(15) Prevent the pollution of air, water, and soil;

[1] From current 20.01.010. Added “UDO” to the list.
[2] Replaces current 20.01.080. Reference to “effective date” clarified.
[3] From current 20.01.030. Purposes 22 and 23 were added to reflect additional comprehensive plan goals.

(16) Ensure that the cost of design and installation of improvements in new, platted subdivisions are borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the city as a whole;

(17) Ensure proper legal descriptions, legal recording, and monumenting of subdivided land;

(18) Otherwise accomplish the purposes of Indiana Code § 36-7-4: Local Planning and Zoning;

(19) Further such other purposes as are stated within specific provisions of this UDO; and

(20) Minimize the negative secondary impacts of sexually oriented businesses by avoiding their undue concentration and by separating them from sensitive land uses.

(21) Protect the integrity and unique, diverse character of the Courthouse Square Overlay and the University Village Overlay areas;

(22) Accommodate the need for student housing while minimizing any negative impacts of that housing on residential neighborhoods or the character of downtown and other mixed use areas; and

(23) Encourage sustainable forms of development that reduce avoidable negative impacts on the environment.

20.01.030 Authority, Applicability, and Jurisdiction

(a) Authority[4]

This UDO is adopted by the city pursuant to its authority under the laws of the state of Indiana, the Bloomington Municipal Code (BMC), and all other applicable authorities and provisions of Indiana statutory and common law.

(b) General Applicability[5]

(1) After the effective date of this UDO, no building or structure or any portion thereof, or use of land, whether existing or established after the effective date, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in accordance with the provisions of this UDO, except as otherwise provided in this UDO.

(2) This UDO shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of this UDO and the attainment of its purposes.

(c) Jurisdiction[6]

This UDO shall apply to all land, uses, buildings and structures within the incorporated city of Bloomington, and to those areas outside the incorporated city limits over which the city exercises planning, zoning and/or subdivision authority, including but not limited to those areas identified within the most current interlocal cooperation agreement between the city of Bloomington and Monroe County, Indiana in regard to planning and zoning jurisdiction, as such agreement may be amended or extended after the effective date.

(d) Severability[7]

If any of the provisions of this UDO are declared invalid, the other provisions shall remain in full force and effect.

(e) Official Zoning Map[8]

(1) The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of

[4] From current 20.01.020.
[5] From current 20.01.050.
[6] From current 20.01.040. Removed specific dates and replaced with more general language allowing regular updates of interlocal agreements overtime.
[7] From current 20.01.090.
[8] From current 20.01.300.

this UDO. The official zoning map is a geographic coverage layer entitled "Zoning" that is maintained as part of the city's geographic information system (GIS) under the direction of the planning and transportation director.

(2) The planning and transportation director may authorize printed copies of the official zoning map to be produced, and shall maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

(3) Two copies of the official zoning map shall be on file and available for public inspection in the planning and transportation department.

20.01.040 Interpretation and Conflicting Provisions

(a) Rules of Interpretation[9]

(1) Minimum Requirements

The provisions of this UDO shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this UDO, these provisions shall be held to be the minimum requirements for the protection and the promotion of the public health, safety, morals, comfort, convenience, and general welfare.

(2) Conflicts or Inconsistency

(A) Internal

Unless otherwise specifically stated within this UDO, and unless the context clearly indicates the contrary, if two or more provisions of this UDO are in conflict or are inconsistent with each other, then the most restrictive provision shall apply.

(B) Federal, State and Local

i. Whenever a provision of this UDO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or city ordinance or regulation, the provision of this UDO shall apply.

ii. Whenever a provision of any state or federal law or regulation, or other county or city ordinance or regulation imposes a greater restriction or a higher standard than is required by this UDO, the provision of the state or federal law or regulation, or other county or city ordinance or regulation shall apply.

(C) Other

i. Whenever a private covenant, contract, commitment, agreement, or other similar private land use restriction imposes a greater restriction or a higher standard than is required by a provision of this UDO, the more restrictive provision shall apply.

ii. This section shall not be interpreted to mean that the city is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar restrictions; rather, the city shall make an effort to respect such agreements, and this UDO shall not have the effect of abrogating or annulling any such private restriction.

iii. Where this UDO imposes a greater restriction or a higher standard than is required by a private covenant, contract, commitment, agreement, or other similar private land use restriction, the provisions of this UDO shall govern.

(3) Text to Govern[10]

In case of any difference of meaning or implication between the text of this UDO and any caption, illustration, figure, or illustrative table, the text shall control.

[9] From current 20.01.070.
[10] Revised to remove “summary table” from this list.

(4) Illustrations

All illustrations in this UDO are intended to help the reader understand terminology and concepts used in this UDO, unless otherwise indicated. Illustrations are not to be interpreted as examples of character or design that must be matched.

(5) Time Frames

Any time frames stated within this UDO shall be calculated to include weekdays, weekends, and holidays, unless stated otherwise. If a time frame ends on a Saturday, Sunday, or holiday on which the city offices are closed, the time frame will be extended to the end of the next business day unless specifically stated otherwise within this UDO.

(6) Delegation of Authority

If a provision in this UDO requires the planning and transportation director or other city official to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.

(7) Fractions

Where application of a numerical standard results in a fraction, the fraction shall be rounded as follows:

(A) Where the standard is a minimum requirement, the fraction shall be rounded up the nearest whole number; and

(B) Where the standard is a maximum allowed or permitted under this UDO, the fraction shall be rounded down to the nearest whole number.

(8) Rules of Word Usage

The following rules of word usage apply to the text of this UDO:

(A) The particular shall control the general.

(B) The words "shall" and "must" are always mandatory and not discretionary. The words "may" and "should" are permissive.

(C) Unless the context clearly indicates otherwise, words used in a specific tense (past, present or future) shall be construed to include all tenses; words used in the singular number shall include the plural, and the plural the singular; and, use of gender-specific pronouns shall be interpreted so as not to be limited to a particular gender. [11]

(D) A "building" or "structure" includes any part thereof unless the context clearly indicates otherwise.

(E) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

i. “And" indicates that all the connected items, conditions, provisions, or events shall apply.

ii. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

iii. “Either...or" indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.

iv. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(F) Terms not defined herein shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.

(9) Material Incorporated by Reference

As required per Indiana Code 36-1-5-4, two copies of any material incorporated into the Unified Development Ordinance by reference are on file in the city clerk's office for public inspection.

[11] Gender text revised to be more general.

20.01.050 Transition from Prior Regulations[12]

(a) General Transition Rules[13]

In determining the applicability of this UDO with respect to land, uses, buildings, structures, permits, approvals, and petitions for permits or approvals, existing immediately before the effective date hereof, the following rules shall apply.

(1) Uses Rendered Conditional Uses

When a use lawfully existing on the effective date of the UDO was classified as a permitted use prior to the effective date of the UDO, and such use is classified as a "Conditional Use" by this UDO, such use shall be deemed a lawful nonconforming use. Such use may be granted a conditional use permit pursuant to Section 20.06.050(b) (Conditional Use Permit), if applicable criteria are met.

(2) Uses Rendered Nonconforming

When a use lawfully existed as a permitted use on the effective date of the UDO, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the provisions of Section 20.06.090 (Nonconformities).

(3) Buildings, Structures, and Lots Rendered Nonconforming

Where any building, structure or lot lawfully existing on the effective date of the UDO does not meet all development standards set forth in this UDO, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the provisions of Section 20.06.090 (Nonconformities).

(4) Previously Granted Variances

All variances granted prior to the effective date of the UDO shall remain in full force and effect subject to the expiration provision in effect at the time the variance was granted and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular variance approval by the approving entity. However, such variance shall apply only to the specific use variance[14] or development standards variance granted. Provided, however, in the event of a conflict between this section and Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete Petition)Effect of Change in the Law after Filing of Complete , the provisions of Section 20.01.050(b) shall govern.

(5) Previously Granted Conditional Use Permits

All conditional use permits granted prior to the effective date of the UDO shall remain in full force and effect subject to the expiration provisions established in Section 20.06.050(b) (Conditional Use Permit) and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular conditional use approval by the board of zoning appeals. Expansion or change in use shall require compliance with this UDO. Provided, however, in the event of a conflict between this section and Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete PetitionEffect of Change in the Law after Filing of Complete), the provisions of Section 20.01.050(b) shall govern.

(6) Previously Granted Special Exceptions

All special exceptions granted prior to the effective date of the UDO shall remain in full force and effect subject to the expiration limitations set forth in the rules under which the special exception was established, and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular special exception approval by the board of zoning appeals. Expansion or change in use shall require compliance with this UDO.

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[12] From current 20.01.060 through 20.01.210. Did not carry forward current 20.01.060 (Repeal of Preexisting Ordinances). This reference is dated and no longer applies. A separate ordinance will be presented to the City Council concurrently with the ordinance to adopt this new UDO to repeal the current UDO.

[13] Several references to dates changed to “effective date” to carry out the purpose of this section.

[14] Discussion Item: Clarion recommends eliminating the “use variance” procedure from the UDO. Please refer to the “use variance” section in Chapter 20.06 for more commentary related to this recommendation.

Provided, however, in the event of a conflict between this section and Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete Petition), the provisions of Section 20.01.050(b) shall govern.

(7) Previously Granted Certificates of Appropriateness for Properties Designated Historic

All certificates of appropriateness granted by the plan commission prior to the effective date of the UDO,[15] shall remain in full force and effect pursuant to the terms of approval set forth in the plan commission action, unless such certificates of appropriateness have expired pursuant to their terms or pursuant to applicable prior law.

(8) Previously Approved Planned Unit Developments

An outline or preliminary plan approved under a previous ordinance and retained as a planned unit development on the zoning map adopted as part of this UDO shall constitute an approved preliminary plan. A development or final plan approved under a previous ordinance where the planned unit development is retained on the zoning map adopted as part of this UDO shall constitute an approved final plan, subject to the expiration provisions in effect at the time of approval. Where an outline or preliminary plan has been approved, but a development or final plan has not been approved, or has been approved but has expired, prior to the effective date of this UDO, the final plan shall require plan commission review, unless the plan commission, at a public hearing, determines that the staff should review the final plan; moreover, such final plans shall be subject to the development standards of this UDO, except to the extent that different development standards were expressly set forth in the approved outline or preliminary plan. Provided, however, in the event of a conflict between this section and Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete Petition), the provisions of Section 20.01.050(b) shall govern.

(9) Previously Approved Site Plans

(A) A site plan approved prior to the effective date of this UDO shall remain in full force and effect, such that building and occupancy permits may be issued in accordance with the approved site plan, subject to any conditions placed upon such approval and subject to the expiration provisions in effect at the time of approval. However, any change from the approved site plan, including but not limited to, changes in use or development standards, shall be subject to the provisions of this UDO. In the event of a conflict between this section and Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete), the provisions of Section 20.01.050(b) shall govern.

(B) Subsection (A) above shall apply only to fully detailed site plans and shall not apply to any portion of a parcel or development not fully detailed and expressly approved, even if shown on such plans.

(10) Previously Approved Subdivisions[16]

Except as otherwise provided by Section 20.01.050(b), primary and secondary plats approved prior to the effective date of this UDO shall be governed by this section. A primary plat and/or secondary plat approved prior to the effective date of this UDO, whether or not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Secondary plats may be recorded as approved; primary plats shall be entitled to approval of a secondary plat consistent with the primary plat approval; lots in such subdivisions shall be established in their platted size and configuration as lots of record. Such lots shall be subject to use and development standards of this UDO, other than minimum lot dimensions.

(b) Effect of Change in the Law after Filing of Complete Petition[17]

(1) For any petition filed with the city prior to the effective date of this UDO for any permit or approval listed in Section 20.01.050(b)(2), the effect of any change in the applicable law after submittal of such petition but prior to the grant or denial of the permit or approval sought shall be governed by the transition rules of the prior zoning ordinance that was in effect on the date of petition submittal.

[15] Reference to May 1, 1995, changed to effective date.
[16] From current 20.01.200.
[17] Replaced "March 15, 2006 with "effective date of this UDO."

(2) Whenever a complete petition is filed with the city on or after March 15, 2006 for any of the permits or approvals listed in Section 20.01.050(b)(3), the grant or denial of such permit or approval, and the grant or denial of any secondary, additional or related permit or approval required by the city with respect to the general subject matter of the first complete petition, shall be governed by the statutes, ordinances, rules, development standards, and regulations applicable to the property in question ("Requirements") that were in effect at the time of the first complete petition, for the time periods listed in Section 20.01.050(b)(4), notwithstanding any change in such requirements that occurs after such first petition but prior to the grant or denial of such permit or approval, except as otherwise provided herein.

(3) The permits and approvals covered by this section are:

(A) Section 20.06.050(a) (Site Plan Review);

(B) Section 20.06.050(b) (Conditional Use Permit);

(C) Section 20.06.060(b) (Primary Plat);

(D) Section 20.06.060(c) (Secondary Plat);

(E) Section 20.06.050(d) (Grading Permit);

(F) Section 20.06.050(e) (Certificate of Zoning Compliance);

(G) Section 20.06.070(c) (Rezoning to Planned Unit Development).

(4) The requirements in effect at the time of the first complete petition submittal for a permit or approval described in Section 20.01.050(b)(2) shall continue to govern such first complete petition and any secondary, additional or related permits described in that subsection for a period of at least three years from the date of the first complete petition. If no construction or other activity to which the permit or approval relates is commenced within that three-year period, then after that period the renewal of any expired permit, and the grant or denial of any new petition for any secondary, additional or related permit, shall be governed by then current regulations if the planning and transportation director, based upon advice from the legal department, determines that such action is lawful and does not deprive the owner or petitioner of any vested right. Moreover, if construction or other activity to which the permit or approval relates is not completed within 10 years of the date upon which such construction or other activity commenced, then after that period the renewal of any expired permit, and the grant or denial of any new petition for any secondary, additional or related permit, shall be governed by then current regulations if the planning and transportation director, based upon advice from the legal department, determines that such action is lawful and does not deprive the owner or petitioner of any vested right.

(5) Where a permit or approval is rendered pursuant to this section, any construction, use or other activity authorized by such permit or approval shall be treated as lawfully nonconforming to the extent such activity does not conform to the current requirements of this UDO and shall be subject to the provisions of Section 20.06.090 (Nonconformities).

(6) For purposes of this Section 20.01.050(b), amendment or modification to an petition for a permit or approval shall not constitute a new petition unless the changes are such that the proposed activity is substantially greater in scope, complexity or process of review, or otherwise significantly increases the land use issues and impacts that are presented, compared to the original petition.

(c) Petitions for Variance or Rezoning (Map Change Other Than PUD)[18]

Any petition for variance or zoning map change (other than for a PUD designation) for which a full and complete petition was properly filed prior to the effective date of this UDO shall be processed pursuant to the terms and conditions of the zoning ordinance that was in effect at the time of filing, provided that the approval is still required under the terms of this UDO. Other than as specifically set forth in this Section 20.01.050(b), the property and the proposal for which variance or map change was sought will be subject to all regulations of this UDO, unless otherwise required by these transition rules or bylaw.

[18] From current 20.01.220.

20.01.060 Comprehensive Plan[19]

(a) Purpose

The purpose of the comprehensive plan is to provide jurisdiction-wide policies to guide the major decisions of the city and other governmental entities within the planning jurisdiction, including zoning decisions and other land use related decisions. The comprehensive plan may include special focus components such as park, school, and public utility plans.

(b) Comprehensive Plan Incorporated

The comprehensive plan, which includes the Transportation Plan and all subarea plans, which include among others, the downtown vision and infill strategy plan and the plan for West Kirkwood, is hereby incorporated into and made a part of this UDO. Two copies of the comprehensive plan are on file and available for public inspection in the office of the city clerk.

(c) Transportation Plan[20]

The Transportation Plan is a component of the comprehensive plan that:

(1) Establishes functional classification of public ways;

(2) Determines locations for new, extended, widened, or narrowed public ways;

(3) Constitutes a criterion used by the board of zoning appeals in the consideration of certain conditional use permits;

(4) Provides the staff guidance for site plan reviews of projects near mass transit or alternative transportation facilities, including bike paths; and

(5) Establishes conceptual road and bicycle/pedestrian networks for the purpose of right-of-way dedication and construction standards.

(d) Relationship between Comprehensive Plan and this UDO

(1) The comprehensive plan is the principal land use policy document for the city's planning jurisdiction. This UDO is the primary implementing document of the comprehensive plan. Together, these documents establish guidelines and regulate land use within the planning jurisdiction.

(2) When considering amendments to the UDO text and/or maps, the plan commission and common council shall pay reasonable regard to the recommendations of the comprehensive plan and any subsequent amendments.

(e) Relationship of Subarea Plans to the Comprehensive Plan[21]

Another type of policy plan which guides the decisions of the city is the subarea plan. Subarea plans are amendments to the comprehensive plan, designed to more specifically address areas which are unique within the city and require a more deliberate approach to their proper development.

[19] From current 20.01.420. Subsection on amendment of comprehensive plan deleted because covered by Section 20.06.070(a).
[20] From current 20.01.440. Renamed from “thoroughfare plan.”
[21] From current 20.01.430.

Chapter 20.02: Zoning Districts

COMMENTARY:
This chapter replaces the content in current Chapter 20.02 (Zoning Districts); Chapter 20.03 (Overlay Districts); and Chapter 20.04 (Planned Unit Development Districts). The Plan Commission/Board of Zoning Appeals guidance has been removed from each individual zone district and will be simplified and located in Chapter 20.06 (Administration and Procedures). Some of the text is related to the specific intent of the zone district (e.g. "Commercial and office uses should be at a scale that serves the immediate neighborhood") has been integrated into the district purpose statements and/or reflected in the Use-Specific Standards. Some of the text is regulatory (e.g. "Residential uses should be limited to multifamily development on floors above the street level commercial uses") should become a use limitation or design standard.

Dimensional Standards
The dimensional standards in this chapter have been revised as part of Module 2. Summary tables of the district dimensional standards can be found in Section 20.04.020 (Dimensional Standards). We have proposed several changes to lot and building dimensional standards that are summarized in the footnotes.

Student Housing Supplement
During Clarion's visit to present Module 1, we received a lot of feedback regarding student housing. We felt additional research and consideration was necessary to help tackle this complicated issue. In response to this feedback, we have made additional revisions to Module 1 (outside of the dimensional standards) that are included in this document. These changes include:

- Minor revisions to the use table;
- Several changes to the use-specific standards for different uses;
- Several changes to use definitions; and
- Additional detail regarding commercial rooming houses that are necessary to avoid overlaps between other uses.

Only content related to dimensional standards and student housing have been updated in this draft. Revisions to dimensional standards since Module 1 are footnoted in Section 20.04.020 (Dimensional Standards). Revisions to Module 1 that are related to other topics will be incorporated in the Consolidated Draft after all three Modules have been released.

20.02.010 Zoning Districts Established[22]

The following zone districts are established as shown in Table 2-1 Summary Table of Zoning Districts. All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04.

[22] Current 20.02.010 through 20.02.050 have been combined into Section 20.02.010. Did not carry forward 20.01.310.

(a) Summary Table of Zoning Districts[23]

Table 2-1: Summary Table of Zoning Districts

Current District	Proposed District
Residential	
RE - Residential Estate	RE - Residential Estate
---	R1 - Residential Large Lot [New]
RS - Residential Single-Family	R2 - Residential Medium Lot
RC - Residential Core	R3 - Residential Small Lot
---	R4 - Residential Urban [New]
RM - Residential Multifamily	RM - Residential Multifamily
RH - Residential High-Density Multifamily	RH - Residential High-Density Multifamily
MH - Manufactured/Mobile Home Park	RMH - Manufactured/Mobile Home Park
Mixed-Use	
CL - Commercial Limited	MN - Mixed-Use Neighborhood-Scale
CG - Commercial General	MM - Mixed-Use Medium-Scale
CA - Commercial Arterial	MC - Mixed-Use Corridor
BP - Business Park	ME - Mixed-Use Employment
IN - Institutional	MI - Mixed-Use Institutional
CD - Commercial Downtown	MD - Mixed-Use Downtown
MD - Medical	MH - Mixed-Use Healthcare
Nonresidential	
IG - Industrial General	IN - Industrial
QY - Quarry	
---	PO – Parks and Open Space [New]
Planned Development District	
PUD - Planned Unit Development	PUD – Planned Unit Development
Overlay Zoning Districts	
CSO - Courthouse Square	DCO - Downtown Character Overlay
DCO - Downtown Core Overlay	
UVO - University Village Overlay	
DEO - Downtown Edges Overlay	
DGO - Downtown Gateway Overlay	
STPO - Showers Technology Park Overlay	

(b) Base Zoning Districts[24]

(1) Sections 20.02.020 through 20.02.040 use a common structure to describe the purpose for each base zoning district, an illustrative image, a summary of dimensional standards, and any district-specific standards.

(2) Each of the Residential, Mixed-Use, and Nonresidential base zone districts listed in Table 2-1 authorizes the land uses listed for that base district in Chapter 20.03:, subject to the development standards applicable to that type of development in Chapter 20.04:, the subdivision standards in Chapter 20.05:and the requirements for development approval in Chapter 20.06:.

(3) The materials shown in Sections 20.02.020 through 20.02.040 are summaries of basic provisions applicable to the base zoning districts. In the event of an inconsistency between the provisions of Sections 20.02.020through 20.02.040 and the provisions in Chapters 20.03, 20.04, 20.05, 20.06, or 20.07, the provisions of Chapters 20.03, 20.04, 20.05, 20.06, or 20.07, as applicable, shall apply.

[23] Replaces current 20.01.230 and 20.01.240.
[24] Incorporates current 20.02.240

(4) On the official zoning map a standard zoning district shall be labeled using the two or three character abbreviation shown in Table 2-1.

(c) Planned Unit Development Districts[25]

(1) Planned Unit Development districts are separate base zoning districts negotiated with the City and approved by City Council pursuant to those procedures shown in Chapter 20.06:.

(2) On the official zoning map an approved planned unit development zoning district shall be labeled "PUD."

(d) Overlay Zoning Districts[26]

(1) The overlay zoning districts shown in Table 2-1 supplement, but do not replace, the base zoning district regulations in the areas where the overlay zoning districts are applied.

(2) An overlay zoning district may add restrictions on the use of property in the underlying base zoning district, or may remove restrictions on the use of property in the underlying zoning district, or both.

(3) In the event of an inconsistency between the overlay zoning district regulations and the base zoning district regulations, the overlay zoning district regulations shall apply.

(4) The official zoning map designates where overlay zoning districts apply.

(e) Official Zoning Map Revisions[27]

(1) Only persons authorized by the planning and transportation director may revise the official zoning map when amendments are passed. Such revisions shall be made as soon as possible after the effective date of the amendment.

(2) During the time it takes for the formal electronic version of the official zoning map to be reprinted for public display, hand-drawn lines and text on an authorized printed copy of the previous official zoning map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the official zoning map, but shall not have the effect of amending the official zoning map.

(f) Standards[28]

Zoning district boundaries on the official zoning map shall be interpreted as follows:

(1) Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.

(2) Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or city corporate boundary lines shall be construed as following or paralleling such lines.

(3) Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

(4) Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

(5) Any disputes as to the exact zoning district boundaries shall be determined by the planning and transportation director. The planning and transportation director may refuse to make a determination when he or she cannot definitely determine the location of a zoning district boundary. In such cases, the planning and transportation director shall refer the interpretation to the plan commission. The plan commission may then interpret the location of the zoning district boundary with reference to the scale of the official zoning map and the purposes set

[25] Revised from current 20.01.240, 20.01.260, and 20.01.270.
[26] Revised from current 20.01.250
[27] From current 20.01.320.
[28] From current 20.01.330.

forth in all relevant provisions of the UDO. All zoning district boundary determinations made pursuant to this section may be appealed to the board of zoning appeals.

(g) Overlay District Applicability[29]

The overlay district boundaries on the official zoning map shall be interpreted as follows:

(1) An overlay district shall be noted on the official zoning map with a hatch or textured pattern and be noted as such on the map legend.

(2) A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in Section 20.02.060 (Overlay Districts).

(3) A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

[29] From current 20.01.340.

20.02.020 Residential Zoning Districts

(a) RE: Residential Estate

(1) Purpose[30]

The RE district is intended to promote very low-density development on large lots while allowing for limited agricultural and civic uses and protecting sensitive environmental resources.

Figure 1: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-2: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[30] Revised purpose statement.

(3) Dimensional Standards

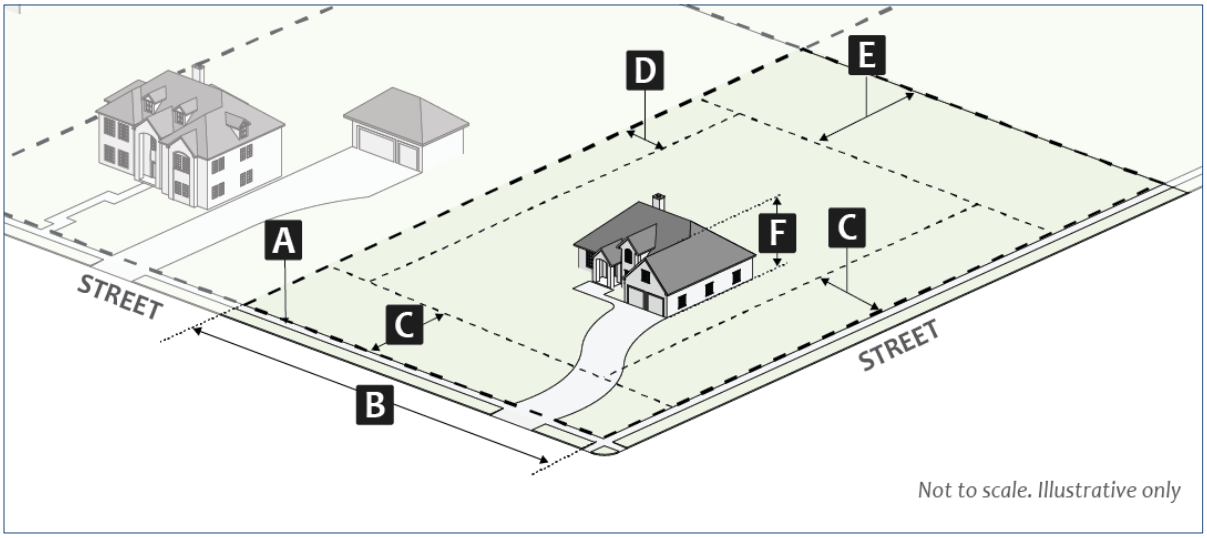

Figure 2: RE District Dimensional Standards

Table 2-3: RE District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	108,900 square feet (2.5 Acres)
B	Lot width	200 feet
	Building Setbacks (Minimum)	
C	Front	30 feet
D	Side	30 feet
E	Rear	60 feet
	Other Standards	
	Impervious surface coverage (maximum)	15%
F	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	30 feet

Notes:

(4) Additional RE District Standards

(Placeholder)

(b) R1: Residential Large Lot[31]

(1) Purpose[32]

The R1 district is intended to accommodate and preserve low-density single family residential development on relatively large lots plus a limited number of related civic uses while ensuring compatibility with surrounding patterns of development.

Figure 3: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-4: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[31] New district to fill the gap between the existing RE (2.5ac min) and existing RS (8,400 sf min). Further GIS study of existing conditions will be necessary to determine appropriate dimensional standards in Module 2.
[32] Revised purpose statement.

(3) Dimensional Standards

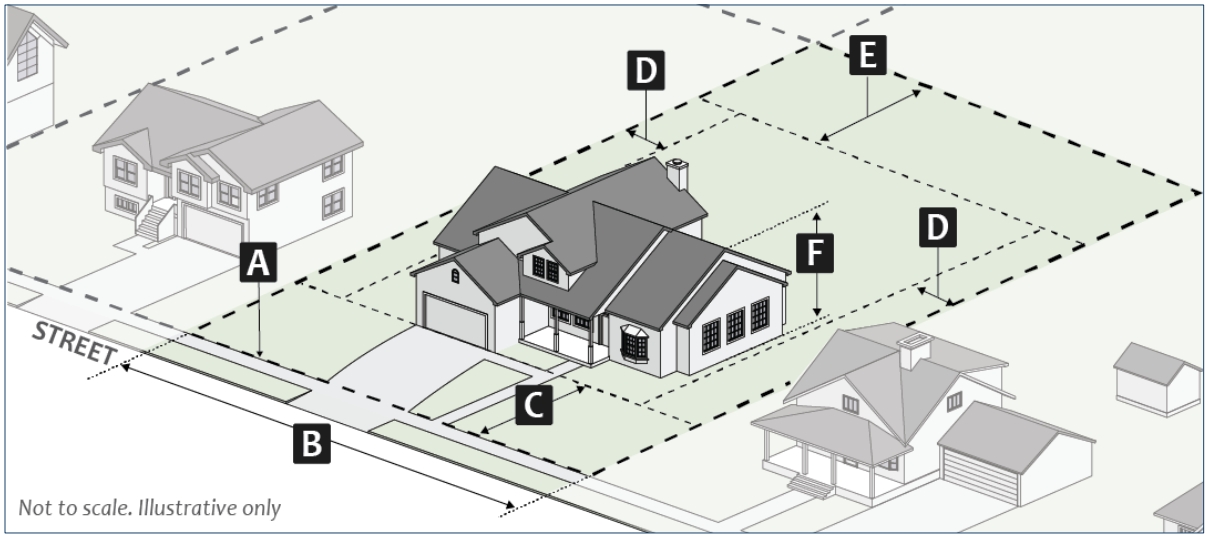

Figure 4: R1 District Dimensional Standards

Table 2-5: R1 District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	20,000 square feet [1]
B	Lot width	100 feet [1]
	Building Setbacks (Minimum)	
C	Front	25 feet
D	Side	8 feet [1]
E	Rear	25 feet [1]
	Other Standards	
	Impervious surface coverage (maximum)	40%
F	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards.

(4) Additional R-1 District Standards

(Placeholder)

(c) R2: Residential Medium Lot [33]

(1) Purpose[34]

The R2 district is intended to accommodate and preserve medium-density residential development in single-family neighborhoods, plus a limited number of related civic uses, while ensuring compatibility with surrounding patterns of development.

Figure 5: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-6: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[33] Renamed from "RS – Residential Single Family"
[34] Revised purpose statement.

(3) Dimensional Standards

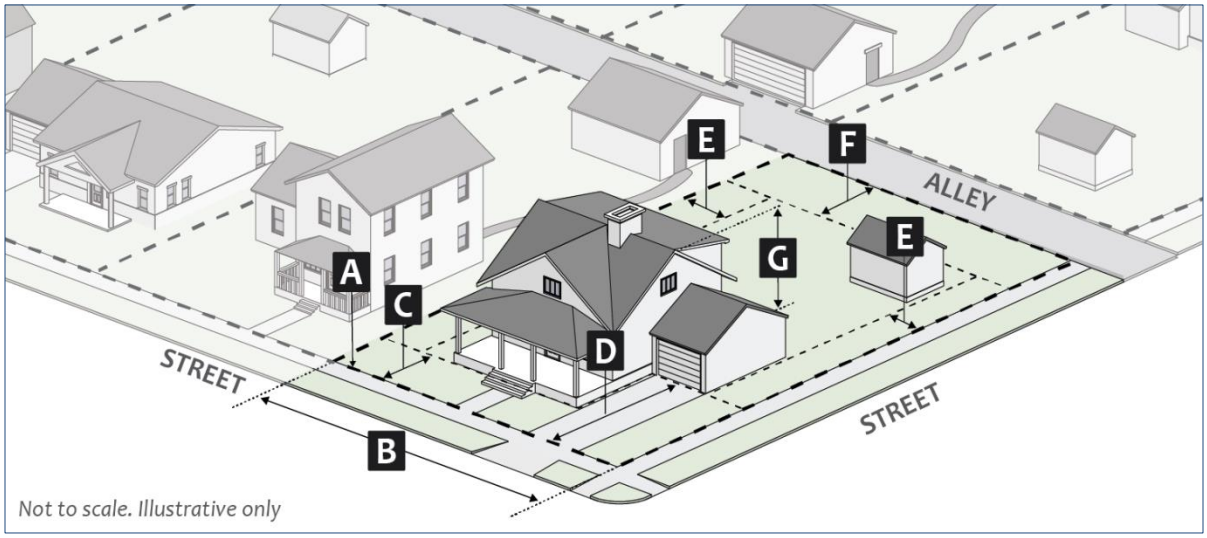

Figure 6: R2 District Dimensional Standards

Table 2-7: R2 District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	8,400 square feet [1]
B	Lot width	60 feet [1]
	Building Setbacks (Minimum)	
C	Front	15 feet [2][35]
D	Attached front-loading garage or carport	25 feet[36]
E	Side	First Floor: 8 feet Two or more floors: 10 feet [1] [3]
F	Rear	25 feet [1]
	Other Standards	
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards.

[2] Measured from the proposed right-of-way indicated on the thoroughfare plan or by calculating the median front setback of single-family, duplex, triplex, or fourplex residential structures on the entire block face, whichever is less.

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

[35] Clarified that the average (median) setback is calculated using existing single-family, duplex, triplex, and fourplex structures. Reworded for clarity and consistency.

[36] Clarion recommends this be changed to 20 feet to be more efficient. The average parking stall length is 18 feet, therefore a 20 foot driveway is still sufficient to park a vehicle. Keeping the current 25 foot long driveway would result in an extra 6-8 feet of space and my increase the cost of development.

(4) Additional R-2 District Standards

(d) (Placeholder)R3: Residential Small Lot [37]

(1) Purpose[38]

The R3 district is intended to enhance the medium to high-density residential development on moderately-sized lots in predominantly single-family neighborhoods, plus a limited number of related civic uses, while ensuring compatibility with surrounding patterns of development.

Figure 7: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-8: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[37] Renamed from "RC – Residential Core"
[38] Revised purpose statement.

(3) Dimensional Standards

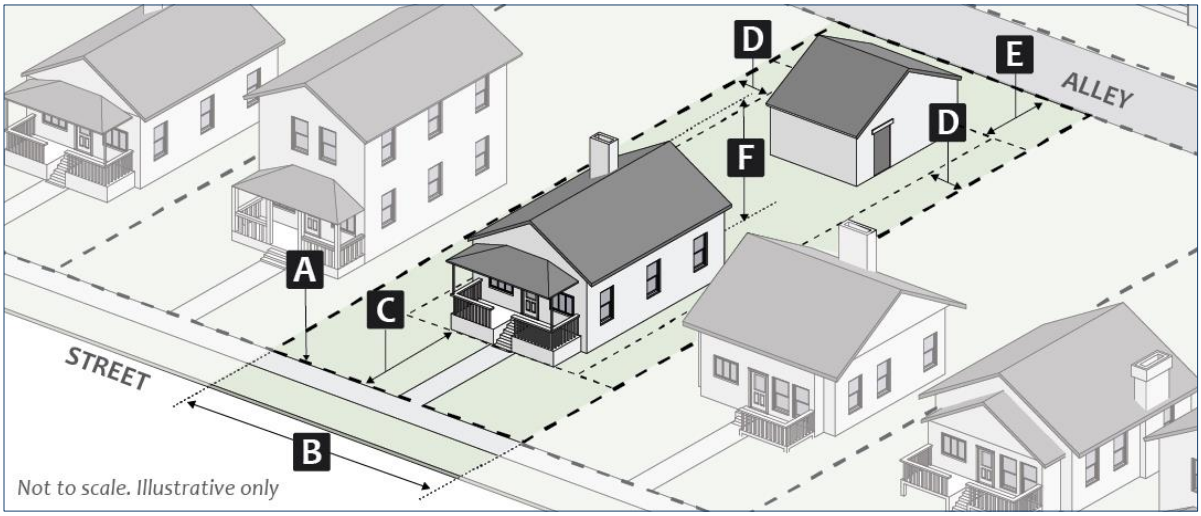

Figure 8: R3 Dimensional Standards

Table 2-9: R3 District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	5,500 square feet[39] [1]
B	Lot width	50 feet[40] [1]
	Building Setbacks (Minimum)	
C	Front build-to line	15 feet [2] [41]
	Attached front-loading garage or carport	25 feet[42]
D	Side	First floor: 6 feet Two or more floors: 10 feet, [1] [3][43]
E	Rear	25 feet [1]
	Other Standards	
	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards.

[2] Measured from the proposed right-of-way indicated on the thoroughfare plan or by calculating the median front setback of single-

[39] Currently 7,200 square feet. It appears that several RC lots do not meet the minimum 7,200 square foot lot size. We have reduced the minimum lot size to 5,500 square feet to bring any nonconforming properties into conformance with minimum lot size. City staff is currently using mapping software to determine the existing average lot size for properties in the RC zone district (now R3) so this number can be calibrated accordingly.

[40] Similar to the minimum lot area, several existing lots in the RC zoning district do not meet the 55 foot lot width requirement. City staff is currently reviewing these standards with a mapping exercise to determine if the minimum lot width should be adjusted to better align with built conditions.

[41] Clarified that the average (median) setback is calculated using existing single-family, duplex, triplex, and fourplex structures. Reworded for clarity and consistency.

[42] Clarion recommends this be changed to 20 feet to be more efficient. The average parking stall length is 18 feet, therefore a 20 foot driveway is still sufficient to park a vehicle. Keeping the current 25 foot long driveway would result in an extra 6-8 feet of space and my increase the cost of development.

[43] Revised from "six feet, plus four feet for each story above the ground floor." We recommend revising this to a fixed 6 foot setback for a single-level building and a fixed 10 foot setback for buildings that are more than one level.

family, duplex, triplex, or fourplex residential structures on the entire block face, whichever is less.

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

(4) Additional R-3 District Standards

(Placeholder)

(e) R4: Residential Urban [44]

(1) Purpose

The R4 district is intended to accommodate single-family residential development on small urban-scale lots, plus a limited number of related civic uses, that reinforce the character of the surrounding area while promoting affordable housing solutions.

Figure 9: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-10: Cross-Reference to other Applicable UDO Sections

Use Regulations	Chapter 20.03
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[44] New district.

(3) Dimensional Standards

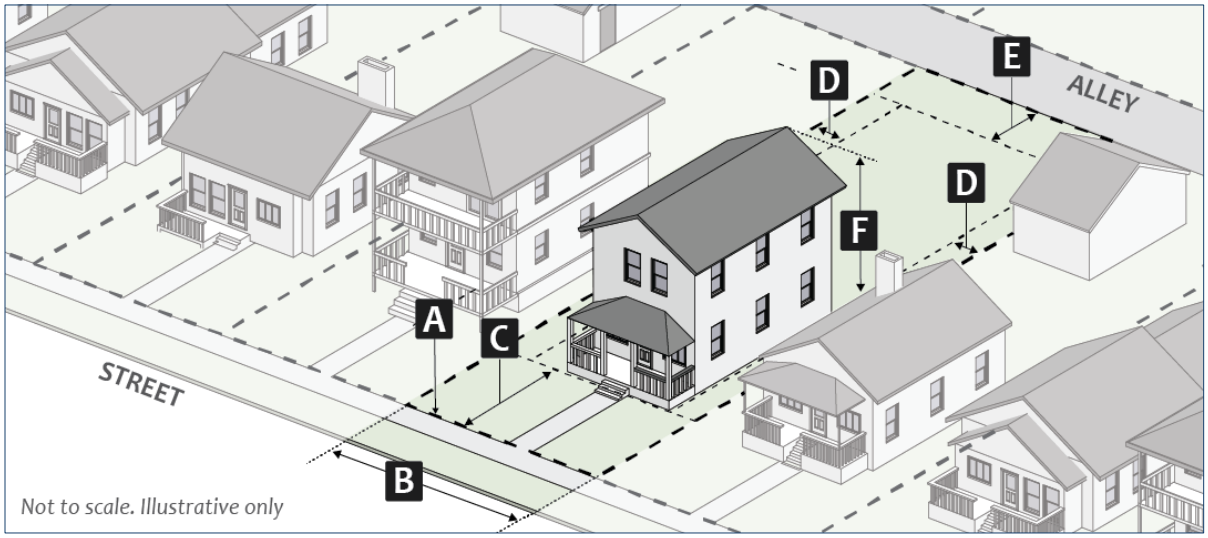

Figure 10: R4 Dimensional Standards

Table 2-11: R4 District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	4,500 square feet
B	Lot width	35 feet
	Building Setbacks (Minimum)	
C	Front	15 feet [1]
	Attached front-loading garage or carport	20 feet
D	Side	5 feet
E	Rear	20 feet
	Other Standards	
	Impervious surface coverage (maximum)	50%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Notes:

[1] Measured from the proposed right-of-way indicated on the thoroughfare plan or by calculating the average front setback of abutting single-family residential structures, whichever is less.

(4) Additional R-4 District Standards

(Placeholder)

(f) RM: Residential Multifamily

(1) Purpose[45]

The RM district is intended to accommodate medium density single-, two-, and multi-family residential development, plus related civic and residential-supportive uses, to ensure an adequate mix of housing types throughout the community.

Figure 11: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-12: Cross-Reference to other Applicable UDO Sections

Use Regulations	Chapter 20.03
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[45] Revised purpose statement.

(3) Dimensional Standards

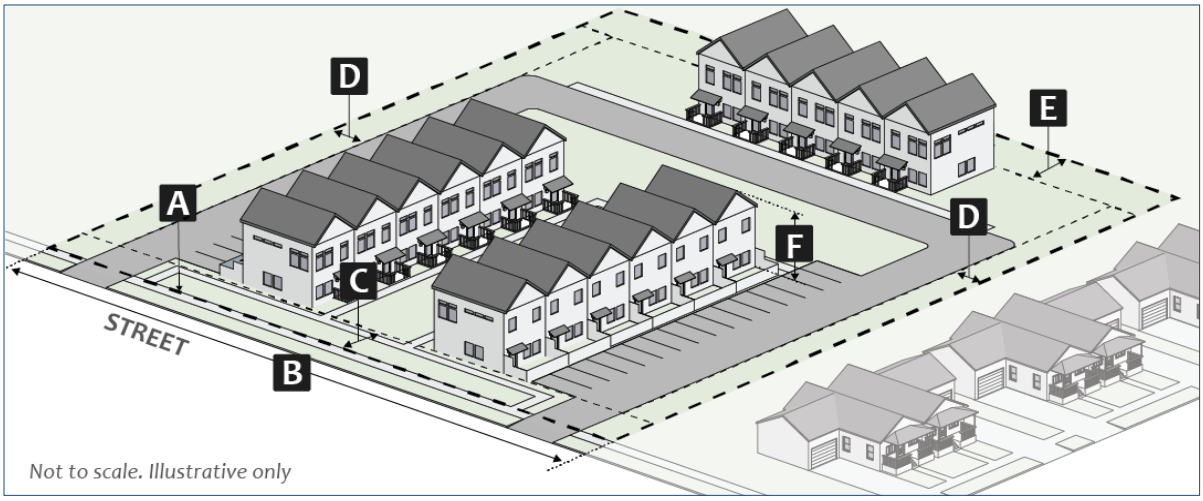

Figure 12: RM Dimensional Standards

Table 2-13: RM District Dimensional Standards

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

Dimensional Standards			
	Lot Dimensions (Minimum)	**Multifamily Dwelling**	**Single-Family, Duplex, Triplex, or Fourplex Dwelling[46]**
A	Lot area	21,780 square feet	R4 zone standards apply
B	Lot width	70 feet[47]	
	Building Setbacks (Minimum)		
D	Front	15 feet[48]	R4 zone standards apply
E	Side	15 feet	
F	Rear	15 feet	
	Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[49]	R4 zone standards apply
	Impervious surface coverage (maximum)	40% [1] [50]	
	Density (maximum)	7 dwelling units/acre[51][2]	
G	Primary structure height (maximum)	40 feet [2]	
	Accessory structure height (maximum)	20 feet	

[46] Revised from RS (now R2) to R4. A property zoned for multifamily development should be allowed to build small lot single-family products.
[47] Currently 85 feet. We recommend reducing this to 70 feet to still preserve a street presence, but to also allow flexibility for development.
[48] Did not carry forward provision for front setback allowing the average block face setback. This is typically intended to preserve neighborhood character for single-family areas.
[49] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[50] Clarion recommends this be increased to 60 percent, we think 40 percent is highly restrictive for multi-family uses, especially when drive aisles and other improvements are provided. The 60 percent standard will enable an outcome as shown in the dimensional standard graphic.
[51] Currently maximum of 7 du/acre (6,223 sq. ft. per unit) and 21 units/acre (2,074 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints) provided that the maximum gross density does not exceed 7 units per acre (6,223 square feet per dwelling unit) over the entire development.

Notes[52]:

[1] Impervious surface coverage may be increased an additional 10 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

[2] See Section 20.04.0110 (Incentives) for alternative standards.

(4) Additional RM District Standards

(Placeholder)

[52] Table Note 1 and 2 are new.

(g) RH: Residential High Density

(1) Purpose[53]

The RH district is intended accommodate high-density multi-family residential development, plus related civic and residential-supportive uses, to provide an adequate mix of housing types throughout the community. This district can also serve as a transition between other lower-density districts and the downtown or university areas.

Figure 13: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-14: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[53] Revised purpose statement.

(3) Dimensional Standards

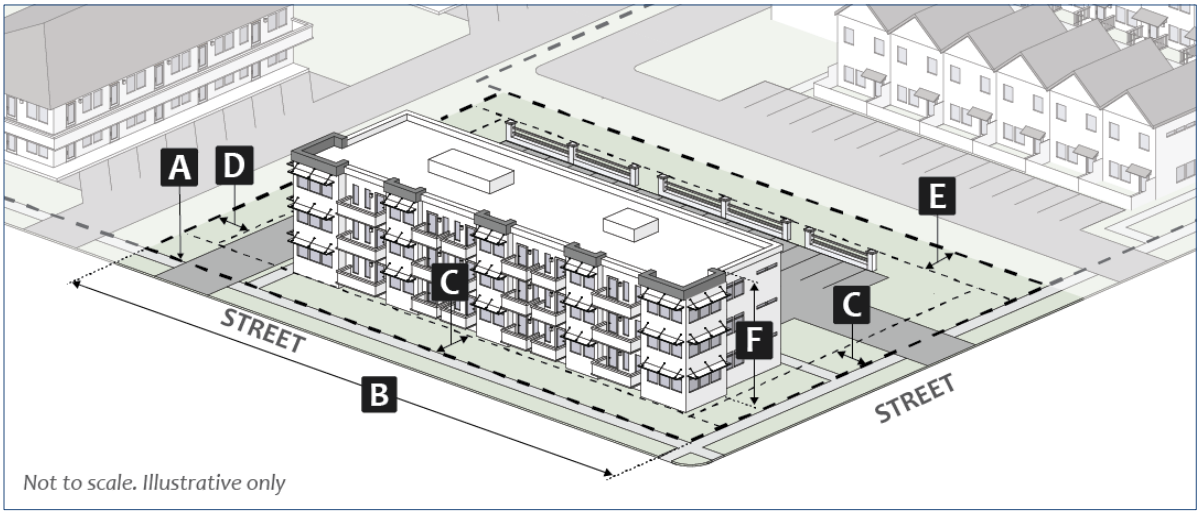

Figure 14: RH Dimensional Standards

Table 2-15: RH District Dimensional Standards

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

Dimensional Standards			
	Lot Dimensions (Minimum)	**Multifamily Dwelling**	**Single-Family, Duplex, Triplex, or Fourplex Dwelling[54]**
A	Lot area	21,780 square feet	R4 zone standards apply
B	Lot width	70 feet[55]	
	Setbacks (Minimum)		
C	Front	15 feet[56]	R4 zone standards apply
D	Side	15 feet	
E	Rear	15 feet	
	Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[57]	R4 zone standards apply
	Impervious surface coverage (maximum)	50% [1][58]	
	Density (maximum)	15 dwelling units/acre[59] [2]	
F	Primary structure height (maximum)	55 feet[60] [2]	
	Accessory structure height (maximum)	20 feet	

[54] Revised from RS (now R2) to R4. A property zoned for multifamily development should be allowed to build small lot single-family products.
[55] Currently 85 feet. We recommend reducing this to 70 feet to still preserve a street presence, but to also allow flexibility for development.
[56] Did not carry forward provision for front setback allowing the average block face setback. This is typically intended to preserve neighborhood character for single-family areas.
[57] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[58] Clarion recommends this be changed to 65 percent, we think this is highly restrictive for multi-family uses, especially when drive aisles and other improvements are provided. The 60 percent standard will enable an outcome as shown in the dimensional standard graphic.
[59] Currently maximum of 15 units /acre (2,904 square feet per dwelling unit) and 30 units /acre (1,452 square feet per dwelling unit) for the total net acreage provided that the maximum gross density does not exceed 15 units per acre over the entire development.
[60] Currently 50 feet.

Notes:[61]

[1] Impervious surface coverage may be increased an additional 10 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

[2] See Section 20.04.0110 (Incentives) for alternative standards.

(4) Additional RH District Standards

(Placeholder)

[61] Table Notes 1 and 2 are new.

(h) RMH: Manufactured/Mobile Home Park

(1) Purpose[62]

The RMH district is intended to accommodate for manufactured housing developments with shared amenities in order to promote and preserve housing opportunities.

Figure 15: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-16: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[62] Revised purpose statement.

(3) Dimensional Standards[63]

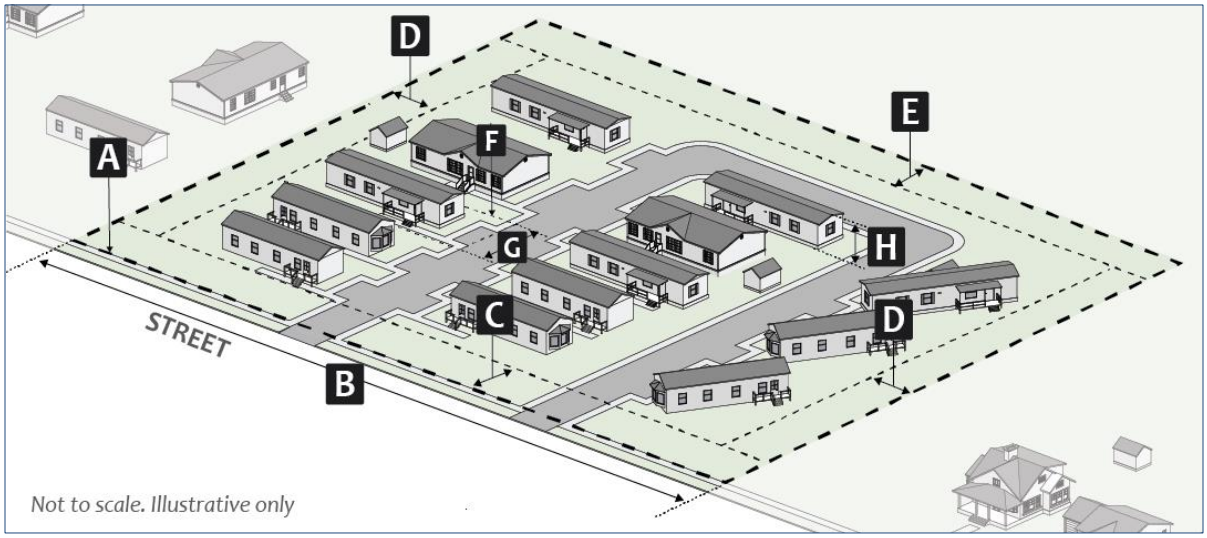

Figure 16: RMH Dimensional Standards

Table 2-17: RMH District Dimensional Standards

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

Dimensional Standards			
	Lot Dimensions (Minimum)	**Entire Development**	**Dwelling Site**
A	Lot area	87,120 square feet (2 acres)	3,000 square feet[64]
B	Lot width	200 feet	G 40 feet
	Setbacks For Development As A Whole (Minimum)		
C	Front	25 feet	F 10 feet
D	Side	20 feet	Primary Structure: 7 feet[65]
E	Rear	20 feet	Accessory Structure: 2 feet
	Other Standards		
	Impervious surface coverage (maximum)	None	65%
	Primary structure height (maximum)	None	H 20 feet
	Accessory structure height (maximum)	None	20 feet

Notes:

(4) Additional RMH District Standards

(Placeholder)

[63] This graphic will need to updated to reflect the new table organization below.
[64] Currently 4,000 square feet. Reduced to maximize efficiency.
[65] Currently 10 feet. Reduced to maximize efficiency.

20.02.030 Mixed-Use Zoning Districts

(a) MN: Mixed-Use Neighborhood Scale[66]

(1) Purpose[67]

The MN district is intended promote a mix of neighborhood-scale residential, commercial, and institutional uses in order to promote context sensitive neighborhood-serving development at nodes and corridors near low- and medium-intensity residential neighborhoods.

Figure 17: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-18: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010

[66] Renamed from "CL – Commercial Limited"
[67] Revised purpose statement.

Improvement Standards	Chapter 20.05.020

(3) Dimensional Standards

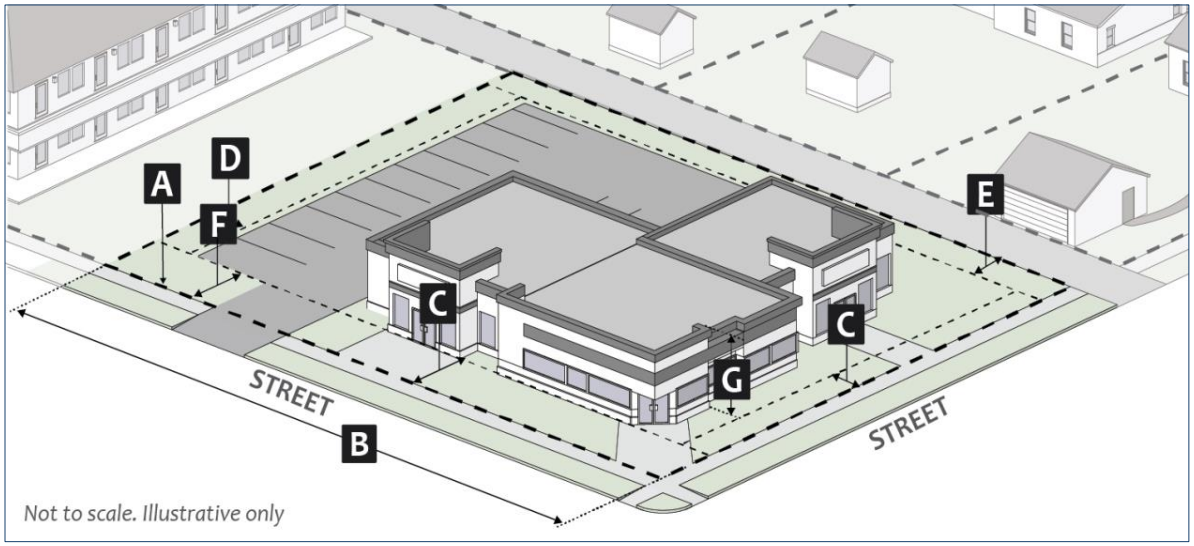

Figure 18: MN Dimensional Standards

Table 2-19: MN District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	5,000 square feet
B	Lot width	50 feet[68]
	Building Setbacks (Minimum)	
C	Front	15 feet
D	Side	7 feet
E	Rear	10 feet
	Other Standards	
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[69]
	Impervious surface coverage (maximum)	50% [1][70]
	Area of any individual commercial tenant (maximum)	5,000 square feet gross floor area[71]
	Density (maximum)	15 dwelling units/acre
G	Primary structure height (maximum)	40 feet[72]

[68] Currently 50 feet. Clarion recommends eliminating minimum lot width dimensions for all but the MH zone to allow flexibility and creativity in the market. We often find that small parcels that may have once been residentially zoned sit vacant because they do not meet the minimum lot dimensions in their zone district. We think that underlying standards (setbacks, lot coverage, height, buffers, etc.) will be enough to ensure a development fits the scale and character with surrounding properties.
[69] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[70] Clarion recommends this be changed to 75 percent, we think this is highly restrictive, especially when drive aisles and other improvements are provided. The 75 percent standard will enable an outcome as shown in the dimensional standard graphic.
[71] The current definition for "small retail" in the use table is less than 2,500 square feet, we recommend increasing to 5,000 square feet to accommodate a slightly wider range of small retail uses. Content affected by this change in Module 1 will be updated in the Consolidated Draft.
[72] Clarion recommends the maximum primary structure height be reduced to 25 feet (2 stories) to ensure compatibility with adjacent uses and to stay true to the district's intent for "small-scale mixed use projects." For reference, the Downtown Edges Character Area has a max height of 25 feet.

Accessory structure height (maximum)	20 feet

Notes:

[1] Impervious surface coverage may be increased up to 60 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

(4) Additional MN District Standards

(Placeholder)

(b) MM: Mixed-Use Medium Scale[73]

(1) Purpose[74]

The MM district is intended to accommodate medium-scaled projects with a mix of housing and storefront retail, professional office, civic and/or residential uses at a scale that is larger than neighborhood-scale but smaller than destination commercial uses or high-density residential development.

Figure 19: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-20: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.780
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[73] Renamed from "CG-Commercial General"
[74] Revised purpose statement.

(3) Dimensional Standards

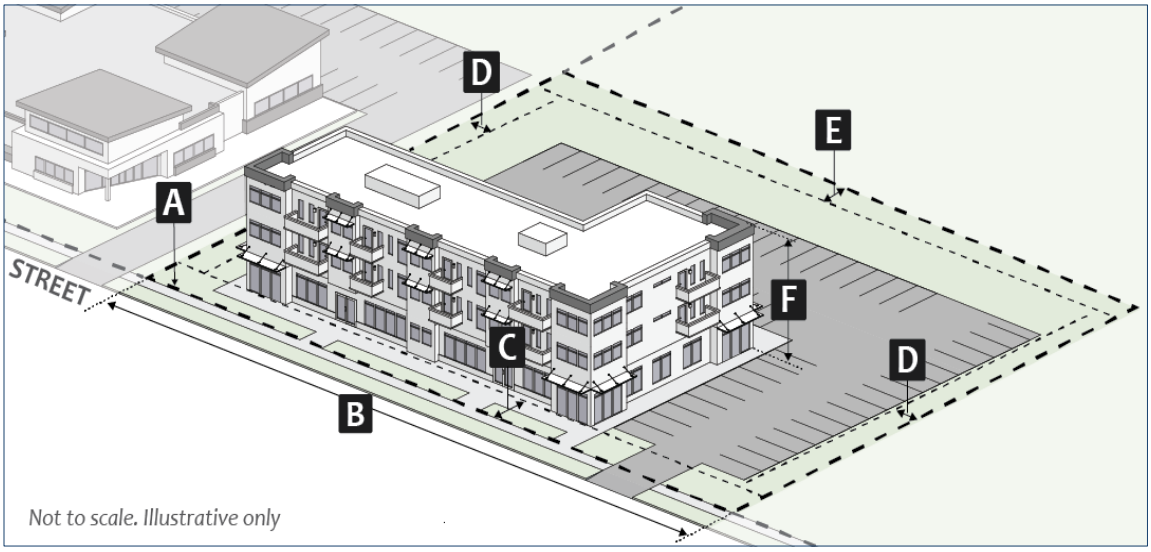

Figure 20: MM Dimensional Standards

Table 2-21: MM District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	21,780 square feet
B	Lot width	85 feet
	Building Setbacks (Minimum)	
C	Front	15 feet
D	Side	5 feet [1][75]
E	Rear	5 feet [1] [76]
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[77]
	Impervious surface coverage (maximum)	60% [2][78]
	Density (maximum)	15 dwelling units/acre [3]
F	Primary structure height (maximum)	50 feet[79] [3]
	Accessory structure height (maximum)	30 feet

Notes: [80]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

[2] Impervious surface coverage may be increased up to 70 percent if a minimum of 10 percent of the total impervious surface

[75] Currently 7 feet.
[76] Currently 7 feet.
[77] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[78] Clarion recommends this be changed to 75 percent, we think this is highly restrictive, especially when drive aisles and other improvements are provided. The 75 percent standard will enable an outcome as shown in the dimensional standard graphic.
[79] Clarion recommends the maximum primary structure height be reduced to 40 feet (3 stories) to ensure compatibility with adjacent uses and to stay true to the district's intent for "medium-scale mixed use projects."
[80] Table note 1 is new, intended to help serve as a transition from single-family development.

coverage is pavers.

[3] See Section 20.04.0110 (Incentives) for alternative standards.

(4) Additional MM District Standards

(Placeholder)

(c) MC: Mixed Use Corridor [81]

(1) Purpose[82]

The MC district is intended to accommodate medium-scaled developments with a mix of storefront retail, professional office, and/or residential dwelling units along arterial and collector corridors at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.

Figure 21: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-22: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[81] Renamed from "CA - Commercial Arterial."
[82] Revised purpose statement.

(3) Dimensional Standards

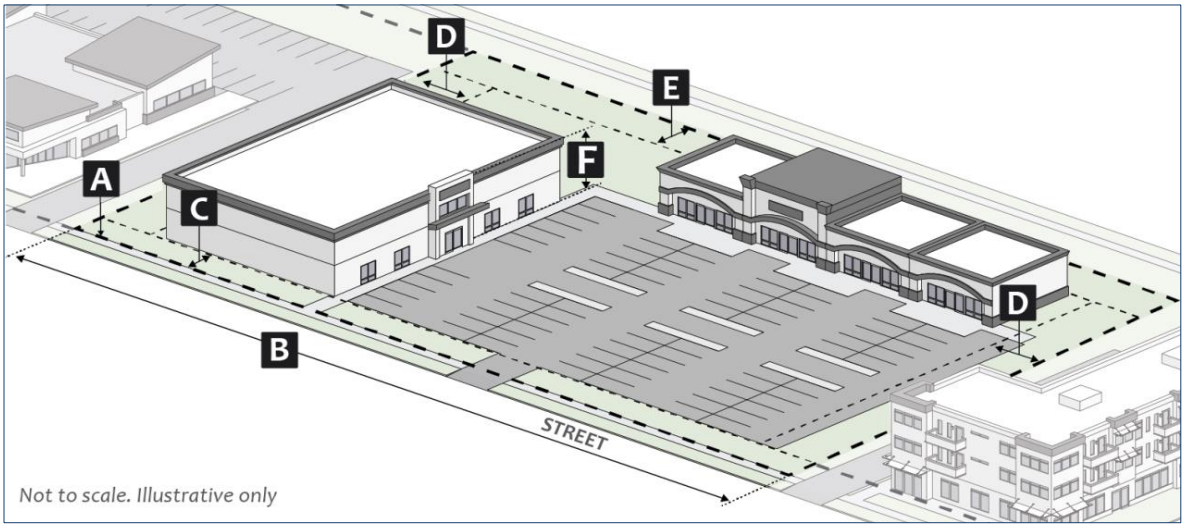

Figure 22: MC Dimensional Standards

Table 2-23: MC District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	32,670 square feet
B	Lot width	130 feet
	Building Setbacks (Minimum)	
C	Front	15 feet
D	Side	7 feet [1]
E	Rear	7 feet [1]
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[83]
	Impervious surface coverage (maximum)	60%
	Density (maximum)	15 dwelling units/acre [2]
F	Primary structure height (maximum)	50 feet [2]
	Accessory structure height (maximum)	30 feet

Notes: [84]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

[2] See Section 20.04.0110 (Incentives) for alternative standards.

(4) Additional MC District Standards

(Placeholder)

[83] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.

[84] Table note 1 is new, intended to help serve as a transition from single-family development.

(d) ME: Mixed Use Employment [85]

(1) Purpose[86]

The ME district is intended to provide a mixture of office-related uses and medium-scale multi-family residential uses in a coordinated business park or research park environment that provide significant employment opportunities for the community and the surrounding region.

Figure 23: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-24: Cross-Reference to other Applicable UDO Sections

Use Regulations	Chapter 20.03
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[85] Renamed from "BP – Business Park"
[86] Revised purpose statement.

(3) Dimensional Standards

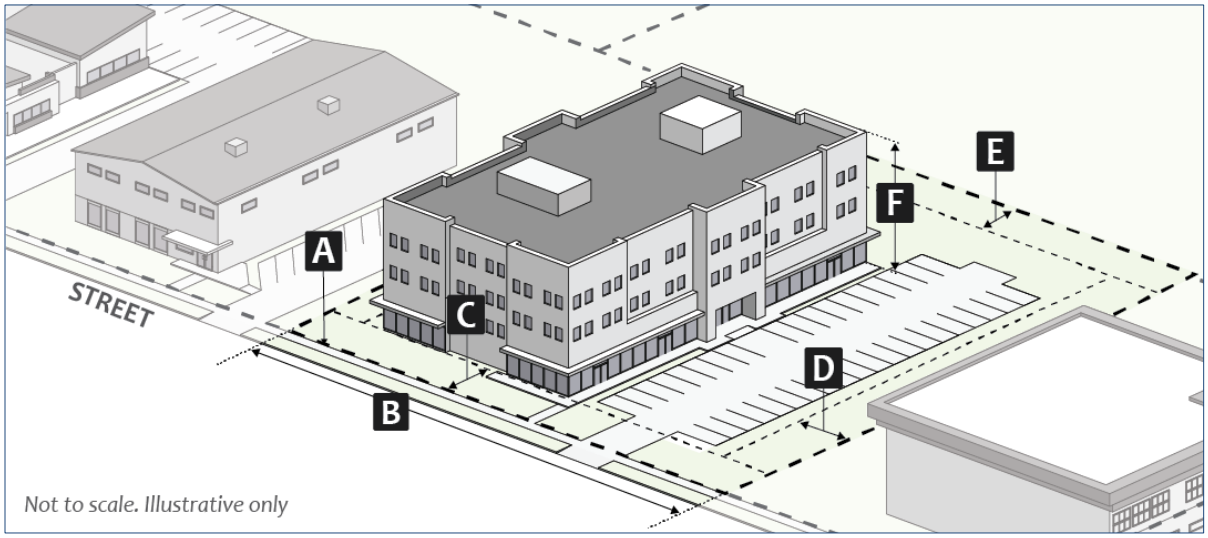

Figure 24: ME Dimensional Standards

Table 2-25: ME District Dimensional Standards

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

	Dimensional Standards	
	Lot Dimensions (Minimum)	
A	Lot area	32,670 square feet
B	Lot width	130 feet
	Building Setbacks (Minimum)	
C	Front	15 feet
D	Side	10 feet [1] [87]
E	Rear	10 feet [1] [88]
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[89]
	Impervious surface coverage (maximum)	60% [2][90]
	Density (maximum)	15 dwelling units/acre [3]
F	Primary structure height (maximum)	60 feet [3]
	Accessory structure height (maximum)	30 feet

Notes: [91]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

[2] Impervious surface coverage may be increased up to 70 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

[3] See Section 20.04.0110 (Incentives) for alternative standards.

[87] Currently 20 feet.
[88] Currently 20 feet.
[89] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[90] Clarion recommends this be changed to 70 percent, we think this is highly restrictive, especially when drive aisles and other improvements are provided. The 70 percent standard will enable an outcome as shown in the dimensional standard graphic.
[91] Table notes 1-3 are new. Table note 1 is intended to help serve as a transition from single-family development.

(4) Additional ME District Standards

(Placeholder)

(e) MI: Mixed Use Institutional[92]

(1) Purpose[93]

The MI district is intended to provide regulations for properties that serve as community institutions, including but not limited to parks, schools, cemeteries, golf courses, religious institutions, nonprofit gathering places, and similar uses, regardless of public or private ownership.

Figure 25: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-26: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[92] Renamed from "IN – Institutional"
[93] Revised purpose statement.

(3) Dimensional Standards

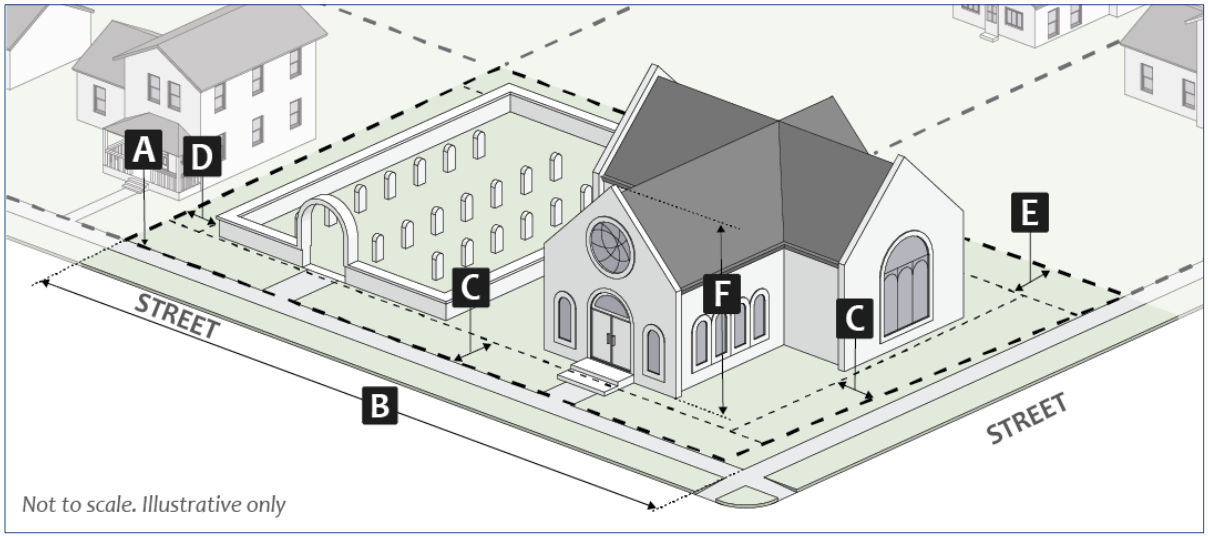

Figure 26: MI Dimensional Standards

Table 2-27: MI District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	21,780 square feet
B	Lot width	50 feet
	Building Setbacks (Minimum)	
C	Front	15 feet
D	Side	10 feet [1]
E	Rear	10 feet [1]
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[94]
	Impervious surface coverage (maximum)	60%
	Density (maximum)	15 dwelling units/acre[95]
F	Primary structure height (maximum)	50 feet
	Accessory structure height (maximum)	30 feet

Notes: [96]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

(4) Additional MI District Standards

(Placeholder)

[94] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[95] New, there are currently no density standards in the IN zone district.
[96] Table note 1 is new, intended to help serve as a transition from single-family development.

(f) MD: Mixed Use Downtown[97]

COMMENTARY

The current CD zone base zoning district is supplemented by six overlay zone districts that cover all of the CD base district area with almost 40 pages of tailored zoning standards. The topics covered by the current CSO, DCO, UVO, DEO, DGO, and STPO overlays include purpose statements, permitted uses, dimensional and development standards, and architectural standards. In addition, in some cases the overlay district standards are the same for all six overlays (or for five or four or three of them), but the identical text is repeated in each of those overlay district sections. Finally, in some cases multiple overlay district standards address the same topic (for example, required windows on street facades or the degree of articulation required on building facades). This adds complexity to downtown development and could make it more difficult to comply with all of the different design standards affecting the same part of the building (or requiring staff or the Planning Commission to determine which of two apparently conflicting standards will prevail – which adds time and uncertainty to the process).

We recommend that the content of the current downtown overlay districts be better integrated into UDO chapters where those topics are already addressed. In many cases this will make it easier to find related information and reduce the chances for unintentional inconsistencies to enter the UDO over time. Some of the basic content in the current overlay districts would appear in the MD base district, some would be integrated into the UDO chapters on development standards, and some would remain in a single Downtown Character Overlay district (with six subareas). Our recommendations are summarized in the following table (which will not appear in the final UDO).

Current Overly District Topic	Recommendation	Address in Module 1?
Purpose Statements	Carry over in base MD district	Yes
Review Processes and Criteria	Integrate in Chapter 20-06: Procedures	No
Uses		
Permitted-Additional-Excluded-Conditional Uses	Integrate in Chapter 20-03: Use Regulations (Some vary by subarea)	Yes
Ground Floor Use Requirements	(Identify ground floor use requirements on a map)	
Development Standards		
Building Max. Density, Impervious Surface, Height, Setbacks, Build-tos, and Stepbacks	Integrate in Chapter 20-04 Development Standards (Dimensions)	No
	Include summary chart in base MD district (as for all other base zone districts	Yes
Parking Standards and Setbacks	Integrate in Chapter 20-04 Development Standards (Parking)	No
Architectural Standards		
Alignment with and Stepdowns to Historic Buildings	Keep in Overlay district as only applicable downtown Keep frontage-specific standards for Kirkwood and Restaurant Row	Yes
Building Orientation		
Roof Design and Caps		
Façade Void-to-Solid, Windows, Doors, and Entrance Details		
Façade Articulation		
Façade Materials and Finish		
Cross-references to Design Guidelines		
Street Trees	Integrate in Chapter 20-04 Development Standards (Landscaping)	No
Lighting	Integrate in Chapter 20-04 Development Standards (Lighting)	No
Mechanical/Service Screening	Integrate in Chapter 20-04 Development Standards (Landscaping)	No

The recommended changes that are included in Module 1 are shown and footnoted below. Those that require integration with content in Module 2 and 3 will appear in those modules.

[97] Renamed from "CD - Commercial Downtown"

(1) Purpose[98]

The MD district is intended to protect and enhance the character of the central business district, to guide new development and redevelopment activities in the downtown area, and to promote a mix of moderate-to high-density development with active street edges. The zoning district is divided into six different Character Areas, and permitted size and scale of buildings vary among those Character Areas to ensure that projects are compatible in mass and scale with historic structures in the surrounding areas.

Figure 27: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the Downtown Character Overlay regulations in 20.02.060(a), the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-28: Cross-Reference to other Applicable UDO Sections

Character Overlay Regulations	Section 20.02.060(a)
Downtown Character Overlay	Section 20.02.060(a)
Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[98] Revised purpose statement.

(3) Dimensional Standards

Dimensional standards for the six different Mixed-Use Downtown Character Areas are shown in Sections 20.02.030(f)(5) through 0 below.

(4) Additional MD District Standards[99]

(Placeholder)

[99] CONSOLIDATED DRAFT: Need to reconcile requirement for any proposal adjacent to a residentially zoned district or a residential use in the MD district to require planning commission review.

(5) MD-CS: Mixed-Use Downtown - Courthouse Square Character Area[100]

(A) Purpose[101]

The Mixed-Use Downtown Courthouse Square (MD-CS) character area is intended maintain the historic character of downtown by providing a diverse mix of traditional commercial retail uses at the street level to capitalize on, maintain and enhance the pedestrian activity, and to visually define the sidewalk edges with interesting buildings that respect the established context of traditional commercial storefront buildings.

(B) Dimensional Standards

Figure 28: MD-CS Character Area Dimensional Standards

Table 2-29: MD-CS Dimensional Standards

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

Dimensional Standards		
	Building Setbacks	
A	Build-to range	0 to 5 feet[102]
B	Building façade at build-to range (minimum)	90%
	Front (maximum)	None
	Side (minimum)	None
	Rear (minimum)	None
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[103]
	Impervious surface coverage (maximum)	100%
	Density (maximum)	20 dwelling units/acre [1]
	Student housing or dormitory building floor plate (maximum)[104]	18,000 square feet

[100] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3. Did not carry forward 20.01.250.
[101] Revised purpose statement.
[102] Revised from a firm "build-to" to a built-to range to provide more flexibility.
[103] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.

C	Primary structure height (maximum)	40 feet [2][105]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	25 feet

Notes[106]:

[1] See Section 20.04.0110 (Incentives) for alternative standards.

[2] The maximum primary structure height for student housing or dormitories shall be 30 feet.

[104] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 20 percent (18,000 sq.ft.) of the bock area.

[105] Currently 30 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[106] Table notes 1 and 2 are new.

(6) MD-DC: Mixed-Use Downtown – Downtown Core Character Area[107]

(A) Purpose[108]

The Mixed-Use Downtown Core (MD-DC) character area is intended to draw upon the design traditions exhibited by historic commercial buildings by providing individual, detailed storefront modules that are visually interesting to pedestrians, and to promote infill and redevelopment of sites using residential densities and building heights that are higher in comparison to other character areas within the downtown.

(B) Dimensional Standards

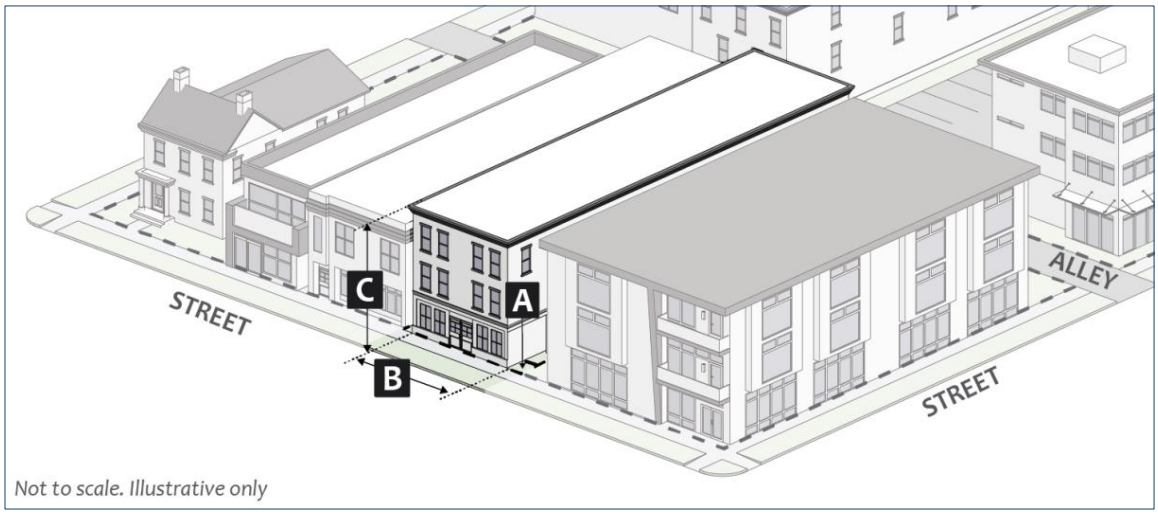

Figure 29: MD-DC Character Area Dimensional Standards

Table 2-30: MD-DC Dimensional Standards

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

Dimensional Standards		
	Building Setbacks	
A	Build-to range	0-5 feet[109]
B	Building façade at build-to range (minimum)	70%
	Adjacent to B-Line (minimum)	10 feet
	Side (minimum)	None
	Rear (minimum)	None
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[110]
	Impervious surface coverage (maximum)	100%
	Density (maximum)	30 dwelling units/acre [1]
	Student housing or dormitory building floor plate (maximum)[111]	25,000 square feet
C	Primary structure height (maximum)	50 feet [1] [112]

[107] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3.
[108] Revised purpose statement.
[109] Revised from a firm "build-to" to a built-to range to provide more flexibility.
[110] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[111] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 28 percent (25,000 sq.ft.) of the block area.

Primary Structure height (minimum)	35 feet
Accessory structure height (maximum)	25 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[112] Currently 40 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(7) MD-UV: Mixed-Use Downtown - University Village Character Area[113]

(A) Purpose[114]

The Mixed-Use Downtown University Village (MD-UV) character area is intended to serve as a dynamic and key transitional activity center that connects the courthouse square with Indiana University, to promote infill and redevelopment of sites using moderate residential densities for the university village area and higher residential densities along the Kirkwood Corridor (Washington Street to Indiana Avenue) and to protect and maintain the unique character of the converted residential structures along Restaurant Row (4th Street between Lincoln Street and Dunn Street).

(B) Dimensional Standards

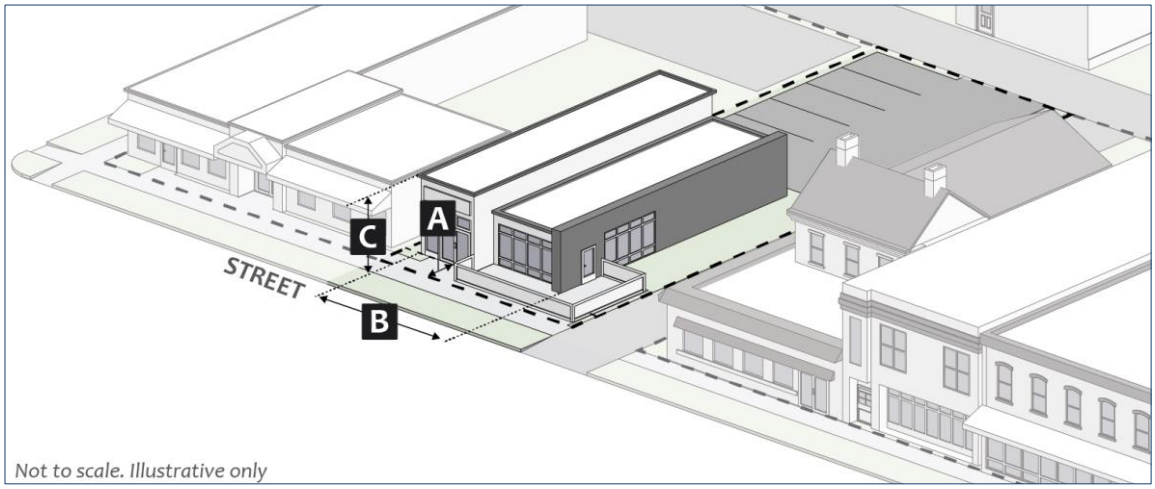

Figure 30: MD-UV Character Area Dimensional Standards

Table 2-31: MD-UV Dimensional Standards

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

Dimensional Standards				
	Building Setbacks			
A	Build-to line range	0 to 15 feet[115]		
B	Building façade at build-to percentage (minimum)[116]	70%		
	Side (minimum)	None		
	Rear (minimum)	None		
	Other Standards	**General**	**Kirkwood Corridor**	**Restaurant Row**
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[117]		
	Impervious surface coverage (maximum)	85 %	100 %	85%
	Density (maximum)	20 dwelling units/acre [1]		

[113] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3.
[114] Revised purpose statement.
[115] Currently no requirement.
[116] Revised from a front setback of 10 feet to a building façade build-to percentage.
[117] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.

	Student housing or dormitory building floor plate (maximum)[118]	25,000 square feet		
C	Primary structure height (maximum) [119]	40 feet [1]	40 feet [1]	35 feet [1]
	Primary Structure height (minimum)	25 feet	25 feet	20 feet
	Accessory structure height (maximum)	25 feet		

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[118] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 28 percent (25,000 sq.ft.) of the block area.

[119] Currently 30 feet generally and Kirkwood Corridor, and 25 feet in Restaurant Row. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (30 feet generally and 25 feet in Restaurant Row) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(8) MD-DE: Mixed-Use Downtown – Downtown Edges Character Area[120]

(A) Purpose[121]

The Mixed-Use Downtown Edges (MD-DE) character area is intended to guide both new development and redevelopment activities to ensure that new development is compatible in mass and scale with historic structures in the downtown edges character area, and to create a transitional zone between downtown commercial and core residential development where design reflects a mix of traditional commercial storefronts and residential development configurations.

(B) Dimensional Standards

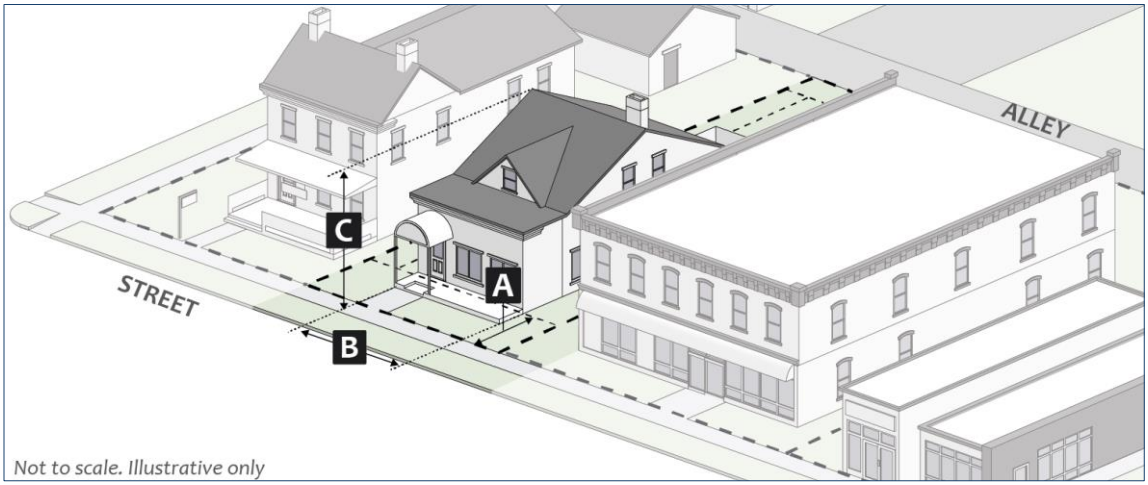

Figure 31: MD-DE Character Area Dimensional Standards

Table 2-32: MD-DE Dimensional Standards

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

Dimensional Standards		
	Building Setbacks	
A	Build-to range	0 to 15 feet[122]
B	Building façade build-to percentage (minimum)	60%[123]
	Side (minimum)	7 feet
	Rear (minimum)	10 feet
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[124]
	Impervious surface coverage (maximum)	75%
	Density (maximum)	15 dwelling units/acre [1]
	Student housing or dormitory building floor plate (maximum)[125]	18,000 square feet

[120] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3.
[121] Revised purpose statement.
[122] Currently no requirement.
[123] Revised from a front setback of 15 feet to a building façade build-to percentage.
[124] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[125] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 20 percent (18,000 sq.ft.) of the bock area.

C	Primary structure height (maximum)	40 feet [1] [126]
	Primary Structure height (minimum)	20 feet
	Accessory structure height (maximum)	25 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[126] Currently 25 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed to 40 feet for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(9) MD-DG: Mixed-Use Downtown - Downtown Gateway Character Area[127]

(A) Purpose[128]

The Mixed-Use Downtown Gateway (MD-DG) character area is intended to draw upon architectural detailing and thoughtful site planning to reflect the vital transitional nature of the district to the overall arrival and departure sequence to the downtown area and to create active mixed-use developments that link to adjacent neighborhoods and the downtown circulation network.

(B) Dimensional Standards

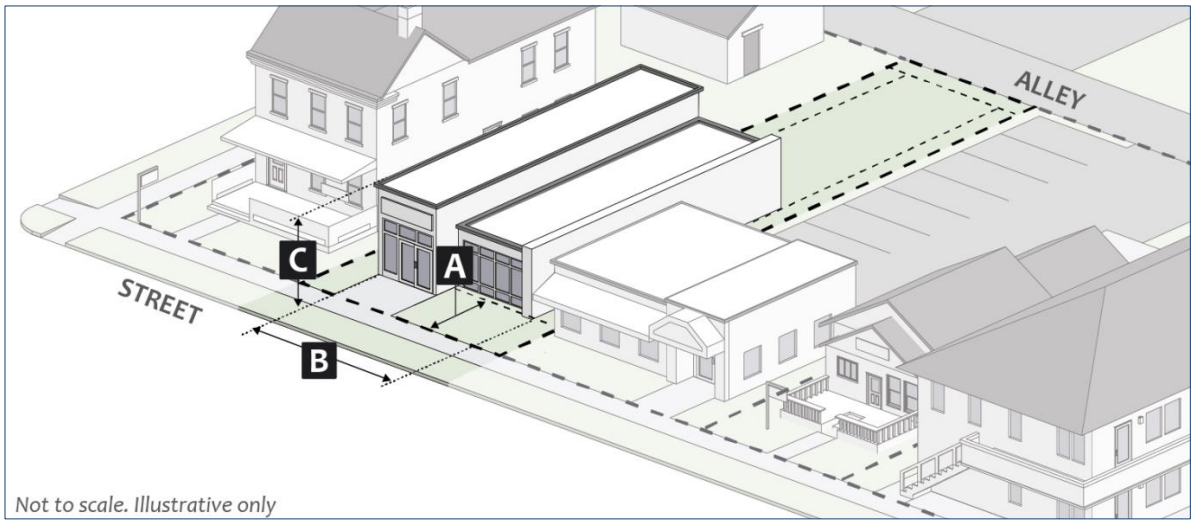

Figure 32: MD-DG Character Area Dimensional Standards

Table 2-33: MD-DG Dimensional Standards

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

Dimensional Standards		
	Building Setbacks	
A	Build-to range	0 to 15 feet [129]
B	Building façade build-to percentage (minimum)	60%[130]
	Side (minimum)	5 feet
	Rear (minimum)	5 feet
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[131]
	Impervious surface coverage (maximum)	75%
	Density (maximum)	20 dwelling units/acre [1]
	Student housing or dormitory building floor plate (maximum)[132]	25,000 square feet

[127] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3.
[128] Revised purpose statement.
[129] Currently no requirement.
[130] Revised from a front setback of 15 feet to a building façade build-to percentage.
[131] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[132] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 28 percent (25,000 sq.ft.) of the block area.

C	Primary structure height (maximum)	40 feet [1] [133]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	30 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[133] Currently 30 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(10) MD-ST: Showers Technology Character Area[134]

(A) Purpose[135]

The Mixed-Use Downtown – Showers Technology character area is intended to draw upon architectural detailing and thoughtful site planning to reflect the vital transitional nature of the district to the overall arrival and departure sequence to the downtown area and to create active mixed-use developments that link to adjacent neighborhoods and the downtown circulation network.

(B) Dimensional Standards

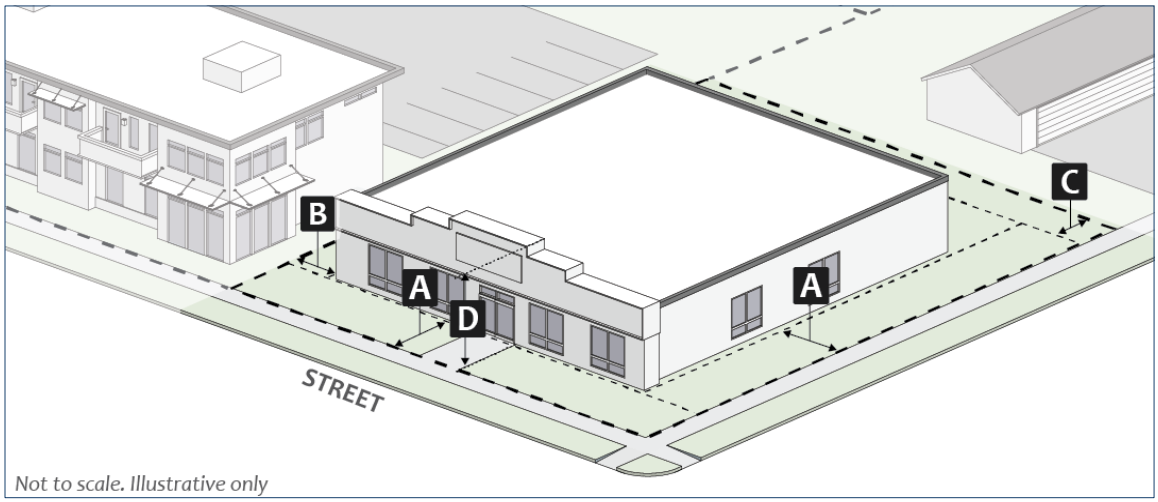

Figure 33: MD-ST Character Area Dimensional Standards

Table 2-34: MD-ST Dimensional Standards

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

Dimensional Standards		
	Building Setbacks	
A	Front (maximum)	15 feet
	Adjacent to B-Line (minimum)	15 feet
B	Side building setback (minimum)	5 feet
C	Rear building setback (minimum)	5 feet
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[136]
	Impervious surface coverage (maximum)	75%
	Density (maximum)	15 dwelling units/acre [1]
	Student housing or dormitory building floor plate (maximum)[137]	25,000 square feet
D	Primary structure height (maximum)	45 feet [1] [138]

[134] From Section 20.02.010-070, except that use regulations appear in Chapter 20.03, development standards will appear in Module 2, character standards appear in Section 20.02.050, review and approval procedures will appear in Module 3.
[135] Revised purpose statement.
[136] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[137] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 28 percent (25,000 sq.ft.) of the block area.

Primary Structure height (minimum)	25 feet
Accessory structure height (maximum)	30 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[138] Currently 35 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (45 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(g) MH: Mixed Use Healthcare [139]

(1) Purpose[140]

The MH district is intended to allow for the continued viability of medical related uses surrounding the current hospital site during the transition of the hospital from this zoning district to its new site in northeast Bloomington, and to control redevelopment of land surrounding the old hospital site while planning for redevelopment of the area is underway.

Figure 34: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-35: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010
Improvement Standards	Chapter 20.05.020

[139] Renamed from "MD – Medical". This district may be deleted after the special planning effort for the current hospital area is completed, the hospital is relocated, and other zoning districts are applied to implement that plan.
[140] Revised purpose statement.

(3) Dimensional Standards

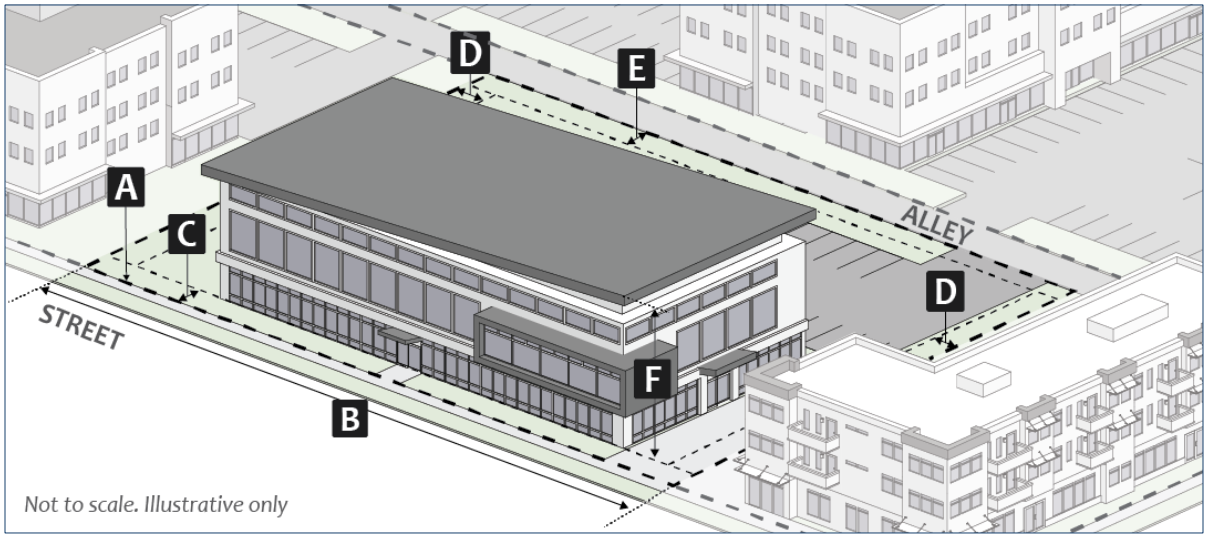

Figure 35: MH Dimensional Standards

Table 2-36: MH District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	10,890 square feet
B	Lot width	65 feet
	Building Setbacks (Minimum)	
C	Front	25 feet
D	Side	10 feet [1][141]
E	Rear	
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[142]
	Impervious surface coverage (maximum)	60%
	Density (maximum)	15 dwelling units/acre
F	Primary structure height (maximum)	40 feet[143]
	Accessory structure height (maximum)	25 feet

Notes:[144]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

(4) Additional MH District Standards

(Placeholder)

[141] Did not carry forward requirement, "if abutting a residential zoning district, floors above the ground floor must be set back an additional four feet." Replaced with new standard requiring one foot of additional setback for each foot of building height over 30 feet.
[142] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[143] Currently 80 feet. We recommend a reduction in maximum building height to be more in-line with the surrounding area (30-40 feet) until the planning efforts for the current hospital site is complete.
[144] Table note 1 is new, intended to help serve as a transition from single-family development.

20.02.040 Nonresidential Zoning Districts

(a) IN - Industrial [145]

(1) Purpose[146]

The IN district is intended to accommodate existing and future industrial uses that provide basic employment needs for Bloomington and the surrounding region. Ensure that industrial uses mitigate the potential negative impacts to surrounding properties.

Figure 36: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-37: Cross-Reference to other Applicable UDO Sections

Use Regulations	**Chapter 20.03**
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090
Subdivision Standards	**Chapter 20.05**
Subdivision Design Standards	Chapter 20.05.010

[145] Combined former "IG – Industrial General" and "QY – Quarry"
[146] Revised purpose statement.

Improvement Standards	Chapter 20.05.020

(3) Dimensional Standards

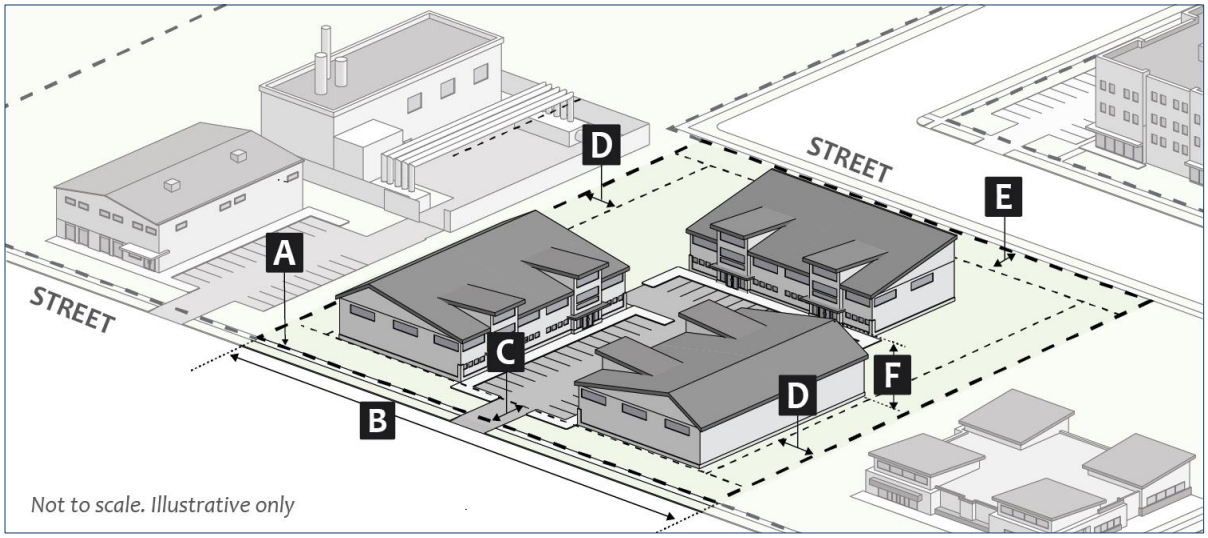

Figure 37: IN Dimensional Standards

Table 2-38: IN District Dimensional Standards

The following table is a summary of the district specific dimensional standards.

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	None[147]
B	Lot width	100 feet[148]
	Building Setbacks (Minimum)	
C	Front	25 feet[149]
D	Side	20 feet [1][150]
E	Rear	20 feet [1] [151]
	Other Standards	
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall[152]
	Impervious surface coverage (maximum)	70%[153]
F	Primary structure height (maximum)	50 feet[154]
	Accessory structure height (maximum)	35 feet[155]

Notes: [156]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

[147] Currently 21,780 square feet in the IG district and 435,600 in the QY district.
[148] Currently 400 feet in the QY zone.
[149] Currently 30 feet in the QY zone.
[150] Currently 50 feet in the QY zone.
[151] Currently 50 feet in the QY zone.
[152] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[153] Currently no requirement in the QY zone.
[154] Currently 60 feet in the IG zone.
[155] Currently 30 feet in the QY zone.
[156] Table note 1 is new, intended to help serve as a transition from single-family development.

(4) Additional IN District Standards

(Placeholder)

(b) PO – Parks and Open Space [157]

(1) Purpose[158]

The PO district is intended to accommodate and protect City-owned parks and open spaces and to limit structures and land uses to those compatible with the City's management plans for such properties.

Figure 38: Illustrative Scale and Character

(2) Other Applicable UDO Sections

All development shall comply with all other applicable regulations in this UDO including, without limitation, the permitted use regulations in Chapter 20.03 and development regulations in Chapter 20.04. The following table is a summary of the key chapters and cross references.

Table 2-39: Cross-Reference to other Applicable UDO Sections

Use Regulations	Chapter 20.03
Allowed Use Table	Chapter 20.03.010
Use Specific Regulations	Chapter 20.03.020
Development Standards and Incentives	**Chapter 20.04**
Dimensional Standards	Chapter 20.04.010
Access and Connectivity	Chapter 20.04.020
Parking and Loading	Chapter 20.04.030
Landscaping, Buffering and Fences	Chapter 20.04.040
Site and Building Design	Chapter 20.04.050
Drainage and Floodplain	Chapter 20.04.060
Lighting	Chapter 20.04.070
Incentives	Chapter 20.04.080
Maintenance and Operation	Chapter 20.04.090

[157] New district.
[158] New purpose statement.

(3) Dimensional Standards

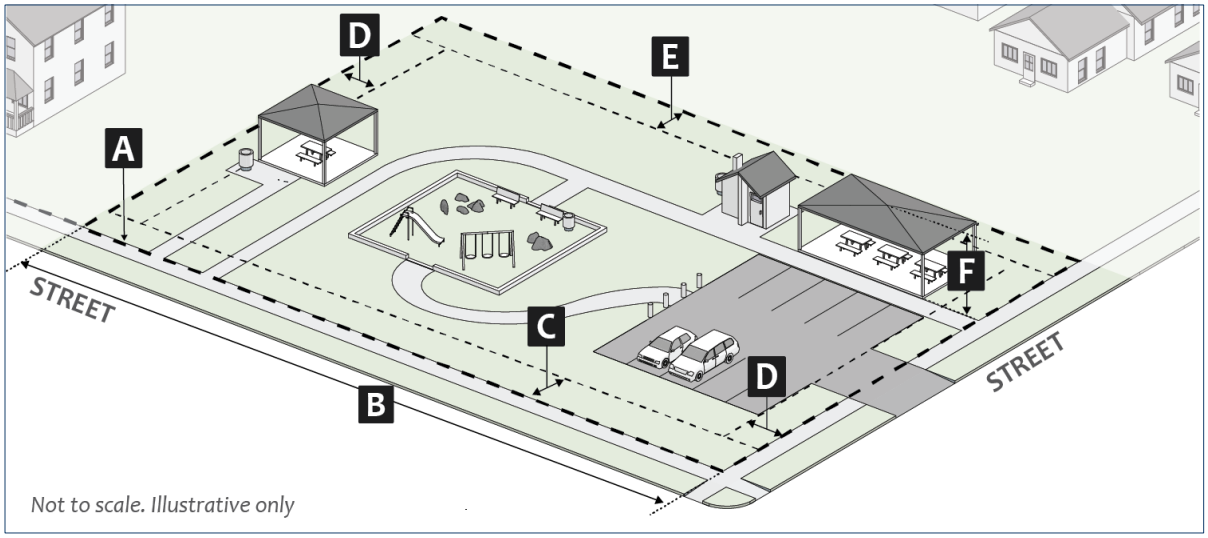

Figure 39: PO Dimensional Standards

Table 2-40: PO District Dimensional Standards

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

Dimensional Standards		
	Lot Dimensions (Minimum)	
A	Lot area	None
B	Lot width	None
	Building Setbacks (Minimum)	
C	Front setback	15 feet
D	Side setback	5 feet
E	Rear setback	5 feet
	Other Standards	
	Front parking setback (minimum)	15 feet
	Impervious surface coverage (maximum)	None
F	Primary structure height (maximum)	20 feet
	Accessory structure height (maximum)	20 feet

Notes:

(4) Additional PO District Standards

(A) All land uses, structures, and development in the PO district shall comply with all other provisions of this UDO unless specifically exempted in this UDO or through subsection (B) below.

(B) All land, uses, structures, and development in the PO shall comply with all adopted City management plans, rules, and regulations applicable to that park or open space land or facility.

(C) In the event of a conflict between the provisions of this UDO and the provisions of an adopted City management plan, rule, or regulation applicable to that park or open space land or facility, the provisions of this UDO shall apply.

20.02.050 Planned Unit Development Districts[159]

(a) Generally

Planned Unit Development districts may include any of the following that are approved by common council pursuant to Chapter 20.06:

(1) Any use listed in Table 3-1 (Allowed Use Table), which may be P, C, V, A, or T uses (as defined in Section 20.03.030(a)) and may be subject to or exempted from those use-specific standards in Section 20.03.030 (Use-Specific Standards) as may be approved by common council; and

(2) Any development standards and subdivision standards applicable to part or all of the planned unit development.

(b) Establishment[160]

The provisions of this UDO allow the establishment of planned unit developments in all zoning districts.

(c) Uses Not Specified

If the terms of the planned unit development approved by common council do not clearly address the availability of specific uses in all or part of the development, then the uses and Use-specific standards that would otherwise be applicable to development of the same character and scale if it were not zoned PUD, as determined by the planning and transportation director, shall apply.

(d) Development Standards Not Specified

If the terms of the planned unit development approved by common council do not state that the development standards or subdivision standards differ from those listed in Chapter 20.04: (Development Standards and Incentives) or Chapter 20.05: (Subdivision Standards), then the standards in those Chapters that would otherwise be applicable to development of the same type and scale if it were not zoned PUD, as determined by the planning and transportation director, shall apply.

[159] New.
[160] Since Module 2, from current 20.01.260.

20.02.060 Overlay Districts

(a) DCO - Downtown Character Overlay District[161]

The following standards apply within the six Character Areas located in the Mixed-Use Downtown MD zone district. In case of a conflict between the standards in this section and the standards in the underlying MD zone district, the provisions in this section shall apply.

(1) West Kirkwood Corridor[162]

(A) The construction of new buildings on lots between Kirkwood Avenue and its adjacent alleys to the north and south, between Rogers Street and Adams Street, as more specifically mapped in the plan for West Kirkwood, shall comply with the architectural standards outlined in the plan for West Kirkwood.

(B) Where both this UDO and the plan for West Kirkwood contain standards governing any architectural feature, the standards contained in the plan for West Kirkwood shall govern.

(2) Required Building Entrances

(A) At least one pedestrian entrance shall be provided for any primary facade that contains at least 66 feet of frontage facing a public street.

(B) At least one pedestrian entrance facing the B-line Trail shall be provided per 100 feet of building frontage along the B-line trail.

(C) The B-line facing pedestrian entrance shall incorporate a landscaped plaza area that provides three or more of the following plaza amenities[163]:

i. Benches (minimum of two);

ii. Bike racks;

iii. Public art;

iv. Drinking fountain;

v. Trash receptacles; or

vi. Landscaped Areas or Planters

(D) At least one pedestrian entrance to each primary building shall be constructed at an elevation that is within three feet of the adjacent sidewalk elevation.

(3) Orientation of Entrances

(A) Any façade of a primary structure facing a public street shall be considered a primary façade.

(B) No primary pedestrian entrance shall be located on a building facade adjacent to an alley.

(C) For structures located within the Kirkwood Corridor, the primary pedestrian entrance shall be oriented to Kirkwood Avenue.

(D) For structures located within Restaurant Row, the primary pedestrian entrance shall be oriented to 4th Street.

(4) Primary Building Roof Design

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

[161] Architectural and design standards from current Section 20.02.010-420, except that use-regulations appear in Chapter 20.03 below, materials related to lot and building dimensions and development standards will appear in Module 2, and materials related to review and approval procedures will appear in Module 3. Provisions that buildings in some character areas "may" use certain materials for building caps were not carried over, because those materials were not required and would be permitted anyway. Architectural design standards for buildings adjacent to historic structures has been removed from this section and made generally applicable to buildings in the mixed-use zoning districts.

[162] From current 20.05.019. Currently applies to the RC, CL, and CG zone districts.

[163] Extended to all B-Line frontages, not just those in the ST character area. List of amenities revised to deleted information kiosks and add landscaped areas or planters.

Table 2-41: Primary Building Roof Design

Character Area	Roof Shape Permitted
CS, DC	Flat roofs with parapets
UV	Kirkwood Corridor: Flat roofs with parapets Restaurant Row: Sloped or pitched gable and/or hip roofs
DE	Sloped or pitched gable and/or hip roofs; except that primary buildings facing Rogers, Walnut, Third, or Washington Streets or College Avenue may incorporate flat roofs with parapets Each section of a sloped or pitched roof with a roof ridge greater than 40 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof
DG, ST[164]	Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof

(B) Where roofs with parapets are permitted, the parapet height shall not exceed 15 percent of the supporting wall height.[165]

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

(5) Upper Floor Façade Stepbacks

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

Table 2-42: Upper Floor Stepbacks

Character Areas	Upper Floor Stepbacks
DC	The first 35 vertical feet of building façade shall comply with the build-to range in Section 20.02.010 (Dimension Standards). Portions of the building facade over 45 feet in height shall step back the vertical facade/wall plane a minimum of 15 feet from the facade/wall plane below 35[166] feet in height.
DG	The first 25 vertical feet of building façade shall comply with the build-to range in Section 20.02.010 (Dimension Standards). Portions of the building facade over 35 feet in height shall step back the vertical facade/wall plane a minimum of 15 feet from the facade/wall plane below 25[167] feet in height.
ST	The first 25 vertical feet of building façade shall comply with the build-to range in Section 20.02.010 (Dimension Standards). Portions of the building facade over 35 feet in height shall step back the vertical facade/wall plane a minimum of 15 feet further than the vertical facade/wall plane below 25[168] feet in height.

[upper floor façade stepback graphic]

(6) Windows and Doors on Primary Facades

(A) All primary façade of a primary building shall incorporate the levels of window and door areas, and shall meet the window and door design standards shown in the following table:[169]

(B) All windows shall be transparent and shall not make use of dark tinting or reflective glass.[170]

[164] Removed prohibition on shed roofs.
[165] Provision extended to DE Area. This standard may be made generally applicable to all multifamily and nonresidential buildings when Module 2 is drafted.
[166] Revised from 45 feet.
[167] Revised from 45 feet to allow some builder flexibility.
[168] Revised from 35 feet to allow some builder flexibility.
[169] Specific requirements for "large display windows in the DC, UV, and DG Areas were not carried forward as unnecessary given the window and door requirements in the table below.
[170] Provision extended to ST Area for internal consistency. This may be made a general building standard for mixed use and nonresidential buildings when Module 2 is drafted.

Table 2-43: Windows and Doors on Primary Facades

Character Areas	Window and Door Areas and Design Required
First Floor (Building Base) Façade Facing a Street[171]	
Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area.	
CS	70% Large display windows shall be used along all first floor facades facing a street, and shall incorporate transom windows and window bases/ kickplates. A frieze or sign band shall be incorporated above first floor display windows.
DC	60%
UV	General: 50% Kirkwood Corridor: 60%
DE, DG, ST	40%
First Floor (Building Base) Facing the B-Line Trail	
Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area.	
All	60%[172]
Upper Floors (Building Middle) Facing a Street	
Each floor above the first floor shall comply with the following requirements for transparent glass or façade openings	
CS, DC, DE, DG[173]	Minimum 20%; Maximum 70% Window frame heights shall be at least one and one-half times the window frame width. Window frames shall incorporate window sills and lintels and/or window heads that are visually distinct from the primary exterior finish materials used on the façade on which it is located. Windows in the CS Character Areas shall have the appearance of double-hung windows punched into the wall surface.
UV, ST	Minimum 20%; Maximum n/a[174] Windows in the UV Character Area shall have the appearance of double-hung windows

(7) Primary Pedestrian Entrances

All primary façade of a primary building shall incorporate the levels of window and door areas, and shall meet the window and door design standards shown in the following table:

[171] Minor wording differences in the types of openings required were not carried forward.
[172] Inconsistency between a 40% and 60% requirement for ST Area first floors facing the B-Line was resolved in favor of the 60% standard for internal consistency.
[173] Requirements for upper story window forms to differ from first floor windows in the CS Area were not carried forward as unnecessary. The high minimum requirement for the first floor would make it almost impossible to meet the height/width requirements for the upper story with the same type of window. DG maximum revised from 80 to 70%
[174] Upper floor window requirement for ST buildings facing the B-Line trail was deleted as unnecessary.

Table 2-44: Primary Pedestrian Entrances

Character Areas	Primary Pedestrian Entrance Design Standards[175]
CS and DC	The entrance shall be recessed a minimum of four feet from the building facade. The entrance shall incorporate a prominent building address, building name and enhanced exterior entryway lighting. The entrance shall incorporate at least one of the following features: 1. A canopy or awning; 2. Pilasters or a façade module projecting from the wall plane; 3. A raised corniced entryway parapet; or 4. Public art display of a size that is clearly visible to pedestrians using the adjoining sidewalk.
UV, DE, DG, and ST	The entrance shall incorporate at least two of the following architectural design features: 1. An entry door recessed at least a four foot from the sidewalk edge; 2. A plaza space with ornamental paving and integral landscape planters; 3. A canopy or awning; 4. A portico; 5. A buttress and arched entry; 6. Pilasters or a facade module projecting from the exterior wall plane; 7. A prominent building address, building name and enhanced exterior entryway lighting; 8. A public art display of a size that is clearly visible to pedestrians using the adjoining sidewalk; 9. A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable; 10. Rusticated masonry; 11. A landscaped patio area with outdoor seating for at least eight persons; or 12. A front porch, canopy, or awning.

(8) Façade Articulation[176]

The following standards apply to all street facing and non-street facing facades of primary buildings

(A) Belt Courses

In the CS and DC Character Areas:

i. Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

ii. Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

(B) Other Articulation Required[177]

Each façade of a primary building facing a street or the B-Line Trail shall be articulated through recessing, banding, articulation of exterior materials, or change of materials, by incorporating patterns that:

i. Vary or repeat based on the maximum façade module lengths shown in the table below; and [178]

[175] List of required entrance treatments generalized for UV, DE, DG, and ST Character Areas.
[176] Applicability to non-street facing facades clarified.
[177] Consolidated Draft: Discuss alternative standards with Analiese.
[178] Provision extended ST Area to apply to facades facing the B-Line Trail in other Character Areas.

ii. Are offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

Table 2-45: Primary Building Articulation

Character Areas	Lengths of Façade Articulation Modules	
	Maximum	Minimum
CS, UV	50 feet	20 feet
DC, DG	65 feet	25 feet
DE	45 feet	20 feet
ST	100 feet	none

(9) Façade Materials

All street and non-street facing façades of a primary building shall comply with the materials requirements shown in the following table:

Table 2-46: Façade Materials

Character Areas	Prohibited Façade Material Standards	
	Primary	Secondary
CS [1]	Wood, EIFS, smooth-faced or split-faced cement block, vinyl; metal, cementitious siding, and precast concrete	
DC	EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, and cementitious siding	EIFS, vinyl, and smooth or split-faced cement block
UV General DE, DG, ST[179]	EIFS, vinyl, highly reflective materials, wood, smooth or split-faced cement block, metal, and precast concrete	EIFS, vinyl, and highly reflective materials
UV Kirkwood Corridor	EIFS, vinyl, wood, smooth or split-faced cement block, and cementitious siding	EIFS, vinyl, smooth or split-faced cement block, wood, and cementitious siding [2]
UV Restaurant Row	EIFS, vinyl, smooth or split-faced cement block, natural stone or masonry, and precast concrete	EIFS and vinyl

Notes:
[1] All exterior finish materials shall have a non-reflective, low reflectance, or matte finish.
[2] May only be used as a secondary façade material on floors above the first floor

(10) Design Guidelines[180]

Petitioners are encouraged to comply with design guidance in the following Guidelines contained in the Downtown Vision and Infill Strategy Plan to the degree that compliance with those guidelines does not create an inconsistency with the standards in Sections 2.21.1 through 2.21.8 above.

(A) Site plan: Guidelines 3.1 and 3.2.

(B) Architectural character: Guidelines 3.3 and 3.4.

(C) Mass, scale and form: Guidelines 3.5, 3.6, 3.7, 3.8 and 3.9.

(D) Exterior building materials: Guidelines 3.10, 3.11 and 3.12.

(E) Upper story windows: Guidelines 3.13 and 3.14.

[179] Material standards for UV general areas, DE, DG, and ST areas were consolidated and simplified.
[180] Reworded as guidance to petitioners rather than City review criteria, and to clarify that guidelines need not be considered if they create inconsistencies with design standards.

(F) Entries: Guidelines 3.15 and 3.16.

(G) Pedestrian interest: Guidelines 3.17, 3.18 and 3.19.

(H) Mechanical equipment and service utilities: Guidelines 3.20, 3.21, 3.22 and 3.23.

(I) Parking structures: Guidelines 3.24 and 3.25.

(J) Lighting: Guidelines 3.26, 3.27 and 3.28.

(b) Placeholder

[Available for future overlay districts if needed]

Chapter 20.03: Use Regulations

Commentary:
The proposed Allowed Use Table is based on the current list of permitted uses in the Bloomington UDO, with several proposed consolidations and additions. This is a major step forward for adding flexibility in Bloomington while also protecting neighborhoods from potential impacts of nearby uses.

The Use Table reflects the new and renamed zoning districts listed in Chapter 20.02. Several use listed individually in the current UDO have been consolidated for simplicity, and some new uses are being introduced to the UDO in order to implement Comprehensive plan guidance and to respond to emerging market forces. Broader use categories have been identified to help organize specific uses in a logical way and to encourage future amendments to be consistent with existing use regulations. Significant changes to uses and their respective levels of permission and definitions are indicated in the footnotes.

The right-hand column of the Use Table indicates whether additional standards apply to that use, and any additional standards appear in Section 20.03.090 (Use-Specific Standards) immediately following the table. These cross-references replace the current standards for specific uses in Chapter 5 of the current UDO.

20.03.010 General

(a) Organization of the Table

In the Table of Allowed Uses, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.

(b) Types of Uses Allowed[181]

(1) A "P" in a cell of the Allowed Use Table indicates that the use is permitted by-right in that zone district, subject to compliance with the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(2) A "C" in a cell of the Allowed Use Table in indicates that the use is permitted only after the petitioner obtains Conditional Use approval pursuant to Section ---[182], and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(3) An "A" in a cell of the Allowed Use Table indicates that the use is permitted as an accessory use only in support of a permitted or conditional use on the site.

(4) A "CA" in a cell of the Allowed Use Table indicates that the use is permitted only as an accessory use and only after the petitioner obtains Conditional Use approval pursuant to Section ---, and subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(5) A "T" in a cell of the Allowed Use Table indicates that the use is permitted as a temporary use, subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(6) A "V" in a cell of the Allowed Use Table indicates that the use is available if (1) the structure in which the use is proposed has been vacant for a period of five or more consecutive years prior to the petition, and (2) the petitioner obtains Conditional Use approval pursuant to Section ---, in which case the use will be subject to the Use-Specific Standards cross-referenced in the right-hand column of that line of the table.

(7) An "*" in a cell indicates that a Use-Specific Standard cross-referenced in the right-hand column of the table applies to the use in that zoning district.

(8) A blank cell in the Allowed Use Table indicates that the use is not allowed in that zone district.

[181] New.
[182] All section references for procedures will be inserted when Module 3 is drafted.

(c) Multiple Uses[183]

(1) A lot or parcel in a Residential zoning district may include only one principal use, but may also include any Accessory, Conditional Accessory, or Temporary uses as shown in the Allowed Use Table, provided that \ that a Conditional Use Approval is obtained for any Conditional Accessory Use, and that all Use-specific Standards applicable to each use are met.

(2) A lot or parcel in a Mixed-Use or Nonresidential zoning district may include multiple principal uses, including a combination of residential and non-residential uses, provided that each use is either a Permitted Use or a Conditional Use in that zone district, that a Conditional Use Approval is obtained for any Conditional Use, and that all Use-specific Standards applicable to each use are met.

(d) Unlisted Uses[184]

When a proposed land use is not explicitly listed in Table 3-1: Allowed Use Table, the planning and transportation director shall make a determination pursuant to Section 20.06.080(c) (Administrative Interpretation).

(e) Previously Permitted Uses[185]

Each use that exists on [Effective Date] that is required by this UDO to obtain Conditional Use Approval, but that was a Permitted Use prior to [Effective Date] is deemed to have a Conditional Use Approval to:

(1) Continue operation in structures and on land areas where the operation was conducted before[Effective Date]; and

(2) To expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-Specific Standards and other requirements of this UDO.

[183] New.
[184] Replaces current 20.01.290. Revised since Module 2, specific evaluation criteria have been relocated to Chapter 20.06 under the "administrative interpretation" procedure.
[185] New.

(f) Additional Use Standards in the MD Character Overlay Areas[186]

(1) Nonresidential Ground Floor Standards[187]

A minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in

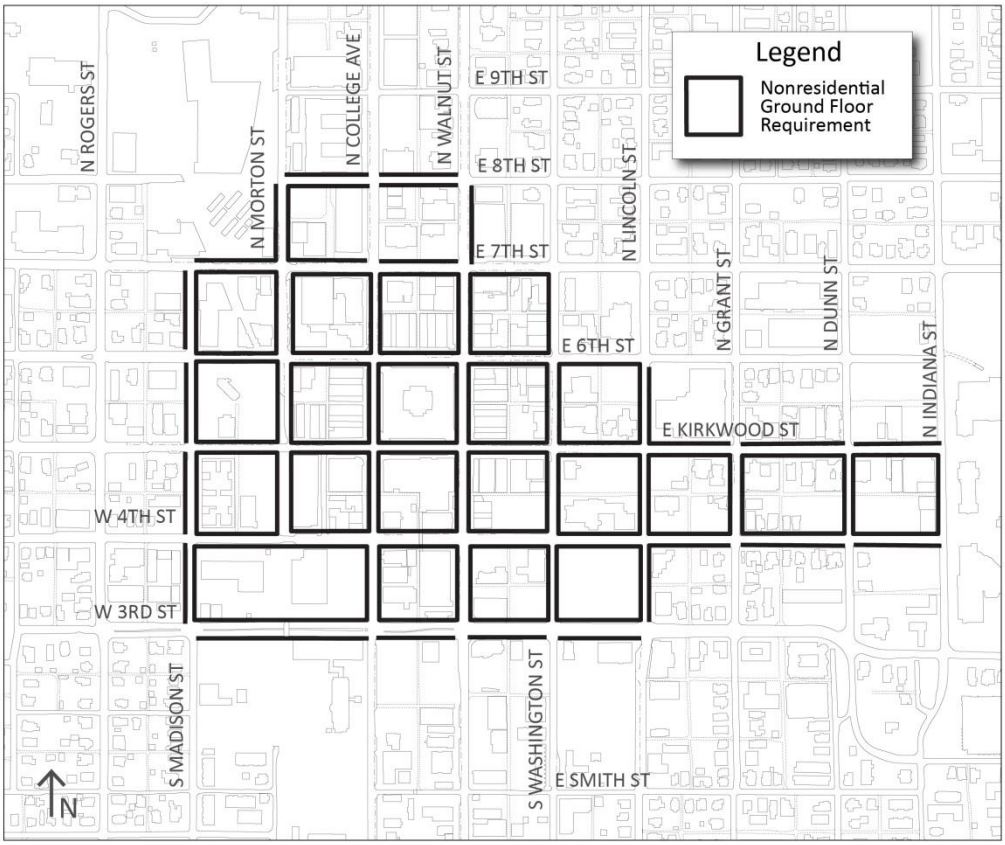

Figure 40 shall be occupied by nonresidential primary uses listed in Table 3-1 as Permitted or Conditional in the MD zone district, as those Permitted or Conditional uses are modified by those prohibited uses in listed in subsection (2) below. Enclosed parking garages shall not be counted toward the required nonresidential use.

[186] From current 20.03.The names of use types has been updated to reflect the new terminology, consolidations, and deletions in the Allowed Use Table. Several uses currently listed as prohibited in 20.03.180 have been collapsed into more broad categories to reflect the revised list of uses and definitions (i.e. retail sales, personal services, recreation, office, etc.). This list of prohibited uses for specific character areas may be revised.

[187] Replaces current 20.03.120(e); 20.03.190(e); 20.030.260(e); 20.03.330(e). The current standards do not reflect realistic levels of market demand and require the construction of too much nonresidential space, which often remains or becomes vacant. The revised standards focus nonresidential development to a one-block perimeter around Courthouse Square and in University Village along Kirkwood and 4th Streets.

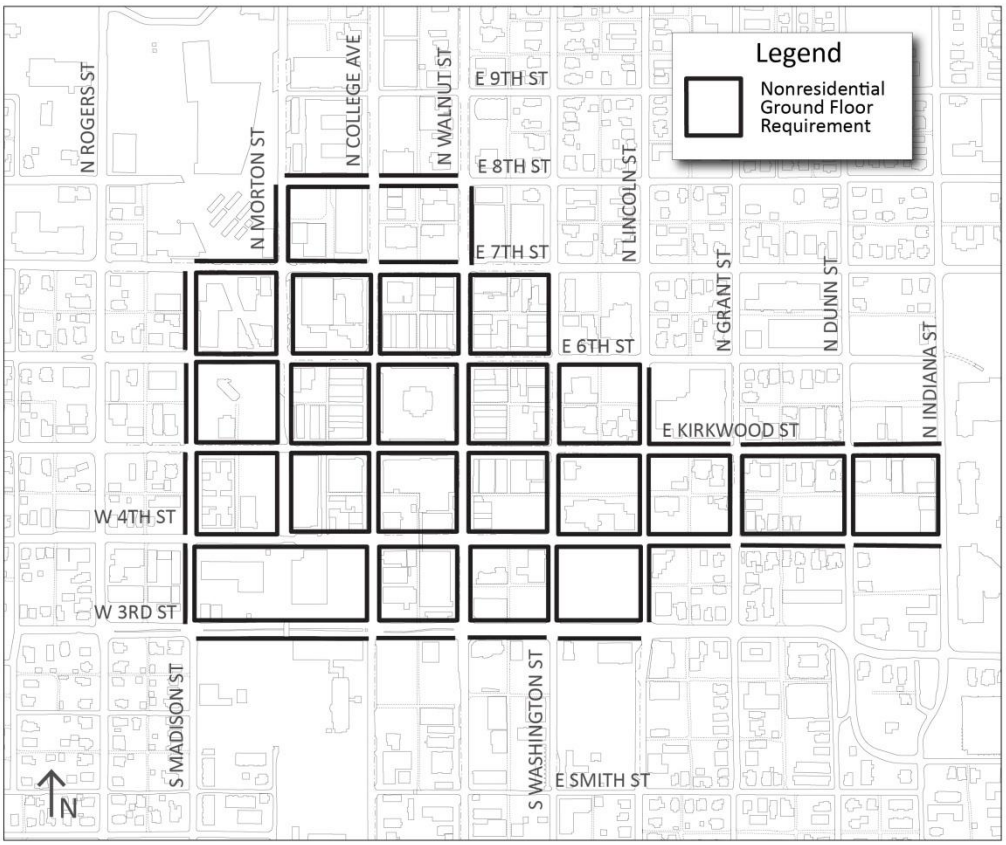

Figure 40: Downtown Nonresidential Ground Floor Requirement

(2) Allowed Use Table Modifications[188]

The lists of Permitted, Conditional, Accessory, Conditional Accessory, Vacant, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified as follows.

(A) Courthouse Square Character Area

The following uses are prohibited in the Courthouse Square Character Area: Assisted living facility, vehicle fuel station, multifamily dwelling, and medical clinic.

(B) Downtown Core Character Area

The following use is prohibited in the Downtown Core Character Area: Vehicle fuel station.

(C) University Village Character Area

i. The following use is prohibited in the University Character Area: Vehicle fuel station.

ii. The following uses are prohibited in the Restaurant Row area: Indoor recreation; assisted living facility; financial institution; bar or dance club; brewpub; personal services[189]; community center; adult or child day-care center; fitness center; hotel/motel; liquor or tobacco sales; club or lodge; medical clinic; park; pawn shop; pet grooming; recreation center; public or private school; trade or business school; tattoo or piercing parlor; transportation terminal; utility substation and transmission facility; and veterinary clinic.

[188] Prohibition on standardized businesses in the CS Character Areas, and conditional use requirement for standardized business in the UV character areas, were deleted as vague and difficult to enforce. Character area design standards can ensure non-standardized appearance of these establishments.
[189] Coin-laundry was consolidated into this use type.

(D) Showers Technology Character Area[190]

The following uses are prohibited in the Showers Technology Character Area: Indoor recreation; assisted living facility; personal services; vehicle fuel station; multifamily dwelling; grocery or supermarket; liquor or tobacco sales; club or lodge; pawn shop; and place of worship.

(g) Historic Adaptive Re-Use[191]

Any adaptive use, protection, or restoration of a historic resource for a land use not specifically permitted in the zoning district pursuant to Table 3-1: Allowed Use Table, shall be subject to conditional use review pursuant to Section 20.06.050(b)(3)(E)iii (Historic Adaptive Re-Use).

(h) Quarry Adaptive Re-Use[192]

Any adaptive re-use of a former quarry site not specifically permitted in the zoning district pursuant to Table 3-1: Allowed Use Table, shall be subject to conditional use review pursuant to Section 20.06.050(b)(3)(E)iv (Quarry Adaptive Re-Use).

(i) Required State Licenses, Permits, and Operational Rules[193]

(1) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this UDO.

(2) All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Bloomington Municipal Code, and regulations of the Indiana Department of Health and Human Services, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this UDO.

[190] Requirement for Conditional Use approval of Places of Worship deleted as inconsistent with Permitted Use treatment of Club or Lodge under the federal Religious Land Use and Institutionalized Persons Act.
[191] New since Module 2 for consistency with Module 3.
[192] New since Module 2 for consistency with Module 3.
[193] New.

20.03.020 Table of Allowed Uses

Table 3-1: Allowed Use Table

P = permitted use, C = conditional use permit, V = vacant building use, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 [194]	R2	R3	R4 [195]	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
RESIDENTIAL USES																			
Household Living[196]																			
Dwelling, single-family (detached)[197]	P	P	P	P	P	P*	P*	P	P	P*	P*	P*			P*				20.03.030(b)(1)
Dwelling, single-family (attached)[198]			P*		P*	P*	P*		P*	P*				P*					20.03.030(b)(2)
Dwelling, duplex[199]			P*	C*	P*	P*	P*		P*	P*	C*			P*					20.03.030(b)(3)
Dwelling, triplex[200]					C*	P*	P*		P*	P*	C*			P*					20.03.030(b)(3)
Dwelling, fourplex[201]						P*	P*		P*	P*	P*			P*					20.03.030(b)(3)
Dwelling, multifamily						P	P		P*	P*	P	V	V	P*					20.03.030(b)(4)
Dwelling, live/work[202]					C*	P*	P*		P*	P*	P*			P*					20.03.030(b)(5)
Dwelling, cottage development[203]		C*	C*	C*	C*														20.03.030(b)(6)
Dwelling, mobile home								P*											20.03.030(b)(7)
Manufactured home park[204]								P*											20.03.030(b)(8)
Group Living																			
Assisted living facility[205]					C	P	P		C	P	P		P	P	P				
Continuing care retirement facility[206]					C	P	P		C	P	P		P	P	P				
Fraternity or sorority house													P						

[194] New zoning district.
[195] New zoning district.
[196] Did not carry forward "dwelling, upper floor units." Upper floor units will be addressed through the use-specific standards.
[197] Deleted as a permitted use in the CD, CA, BP, and MD (proposed MD, MC, ME and MH) zoning districts. These districts allow for uses that may not be compatible with single-family dwellings.
[198] Added as P use to current CL, CG, CD (proposed MN, MM, and MD) districts.
[199] New.
[200] New.
[201] New.
[202] New.
[203] Renamed from "pocket neighborhoods."
[204] Renamed from "manufactured/mobile home park."
[205] Added as C use to proposed R4 and current CL (proposed MN) districts and as P use to current RM, IN, and MD (proposed RM, MI, and MH) districts.
[206] New.

Table 3-1: Allowed Use Table

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

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Group care home, FHAA small[207]	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*				20.03.030(b)(9)
Group care facility, FHAA large[208]					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*				20.03.030(b)(9)
Nursing or convalescent home[209]					C	P	P		C	P	P	P	P	P	P				
Opioid rehabilitation home, small[210]	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*				20.03.030(b)(9)
Opioid rehabilitation home, large[211]					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*				20.03.030(b)(9)
Residential rooming house[212]						P*	P*		P*	P	P	C*							20.03.030(b)(10)
Student housing or dormitory[213]						P	P		C*	P	P		P	C*					20.03.030(b)(11)
Supportive housing, small[214]							C		C	C	C		C	C	C				
Supportive housing, large[215]										C	C		C	C	C				
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities[216]																			
Art gallery, museum, or library[217]						C	C		P	P	P		P	P					
Cemetery or mausoleum													P						
Club or lodge[218]										P	P			P					
Community center			C	C	C	P*	P*		P	P	P	V	P	P					20.03.030(c)(1)
Community garden[219]	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			P*	20.03.030(c)(2)
Conference or convention center[220]												C	P	C					

[207] Consolidates "group care home for developmentally disabled," "group care home for mentally ill," "group/residential care home," and "rehabilitation clinic." The levels of permission from the current group care home uses are carried forward. Federal law more broadly defines who is protected under FHAA. Proposed approach defines these uses to match breadth of FHAA protections and regulates the size/scale of the use rather than describing the occupants. Small facilities are deleted from current CD and BP (proposed MD and ME) districts due to incompatibility in scale.
[208] See footnote for "group care home, FHAA small." Large facilities are deleted from current RE, RS, and RC (proposed RE, R2, and R3) districts due to incompatibility in scale.
[209] Added as C use to current CL (proposed MN) and as P use to current RM, CD, IN, and BP (proposed RM, MD, MI, and ME) district.
[210] New. These have the same levels-of-permission as the "group care home, FHAA small" use type.
[211] New. These have the same levels-of-permission as the "group care home, FHAA large" use type.
[212] Added as P use to current CL (proposed MN) district. Added as C* in the ME zone district since Module 1.
[213] New.
[214] This new use includes group living for persons not protected under FHAA federal law (such as homeless shelters, domestic violence shelters, and other similar uses). This use is now regulated by size/scale rather than by defining specific types of occupants. Small facilities are added as C use to current RH and CL (proposed RH and MN) districts.
[215] See footnote for "supportive housing, small."
[216] Did not carry forward "prison."
[217] Consolidated "art gallery," "museum," and "library." Art gallery currently not allowed in the RE, RS, RC, RM, RH, or IN (proposed RE, R2, R3, RM, RH, and MI) districts. Libraries currently not allowed in the RE, RS, or RC (proposed RE, R2, and R3) districts.
[218] Renamed from "lodge."
[219] Now expanded to be a P use in all Residential and Mixed-Use zoning districts.

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Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Crematory[221]											C		C			C			
Day-care center, adult or child[222]						C*	C*	C*	P*	P*	P*	C*	C*	P*	P*				20.03.030(c)(3)
Government service facility[223]										P	P	P	P	P		P			
Jail or detention facility[224]													C*			C*			20.03.030(c)(4)
Meeting, banquet, or event facility[225]									P	P	P	P	P	P					
Mortuary[226]										P	P		P						
Park[227]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
Place of worship[228]	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C				
Police, fire, or rescue station	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Educational Facilities																			
School, college or university											V	V	P						
School, public or private	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	V	P*	P*					20.03.030(c)(5)
School, trade or business										P	P	P	P	P		P			
Healthcare Facilities																			
Hospital[229]													C		C				
Medical clinic[230]									P	P	P	P	P	P	P				
Methadone treatment facility[231]											C*		C*		C*				20.03.030(c)(6)
Opioid rehabilitation facility[232]										P*	P*	P*		P*	P*				20.03.030(c)(6)
COMMERCIAL USES																			
Agricultural and Animal Uses																			

[220] New.
[221] Currently not permitted in QY (proposed IN) district.
[222] Consolidated "day-care center, adult" and "day-care center, child." Child daycare is currently a C use the MD (proposed MH) district. When the Consolidated Draft is prepared, this will be revised to ensure this use is allowed as an accessory use/home occupation (see 20.03.030(g)(8) of this draft UDO).
[223] Renamed from "government operations (non-office)." Removed as P use in RE zoning district.
[224] Renamed from "jail," also includes "juvenile detention facility." Jail is currently not allowed in the current IG or QY (proposed IN) district. Deleted as a C use in the current CD (proposed MD) district as inconsistent with Comprehensive plan guidance.
[225] Renamed from "banquet hall." Added as a P use in the current CL, CD, IN, and BP (proposed MN, MD, MI, and ME) districts.
[226] Added as P use in the current IN (proposed MI) district.
[227] Extended to be a P use in all districts.
[228] Added as C use in current BP (proposed ME) district.
[229] Added as C use in current IN (proposed MI) district.
[230] Consolidated "medical clinic," "medical care clinic, immediate," "ambulatory surgical care," and "outpatient care facility." "Medical care clinic, immediate" is currently not allowed in the CL (proposed MN) district. "Ambulatory surgical care" and "outpatient care facility" are currently only allowed in the MD (proposed MH) districts as a conditional use. Added as P use to current IN and BP (proposed MI and ME) districts.
[231] New. Added as C use in MC and MH zoning districts.
[232] New.

Table 3-1: Allowed Use Table

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

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Greenhouse, noncommercial[233]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
Kennel											C*					C*			20.03.030(d)(1)
Orchard or tree farm[234]	P															P			
Pet grooming[235]									P*	P*	P*			P*		P*			
Plant nursery or greenhouse, commercial	C									P	P								
Urban agriculture[236]	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Veterinarian clinic									C*	P*	P*			P*					20.03.030(d)(2)
Entertainment and Recreation																			
Amenity center[237]	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Country club	C										P								
Recreation, indoor[238]				P*	P*	P*	P*		C	P	P			P					20.03.030(d)(3)
Recreation, outdoor[239]	C										C	P	P			C			
Sexually oriented business										P						P			20.03.030(d)(4)
Stadium[240]													C						
Food, Beverage, and Lodging																			
Bar or Dance club										P	P			P					
Bed and breakfast	C*	C*	C*	C*	C*	C*	P		P	P	P			P					20.03.030(d)(5)
Brewpub									P*	P*	P			P					20.03.030(d)(6)
Commercial Rooming House[241]										P	P	C*	P	P					20.03.030(d)(7)
Hotel or motel											P	C		P					

[233] New.
[234] Consolidated "orchard" and "tree farm." Not permitted in current IG district.
[235] Added as P use in current IG (proposed IN) district.
[236] Clarified as an A use in all Residential and Mixed-use districts.
[237] New. This use is intended to allow clubhouses and similar residential community facilities without requiring a planned unit development.
[238] Consolidated "amusements, indoor," "billiard/arcade room," "skating rink," "theater, indoor," "bowling alley," and "recreation center." "Theater, indoor" currently not allowed in the CG (proposed MM) zoning district. "Recreation center" now deleted from the RS, RC, RM, RH, IN, and BP (proposed R2, R3, RM, RH, MI, and BP) districts. "Skating rink currently not allowed in the CD (proposed MD) district. "Billiard/arcade room" currently a conditional use in the CL (proposed MN) district. "Recreation center" currently allowed as a conditional use in the CL (proposed MN) district. Added as A use in current RM (proposed RM) and as C use in current CL (proposed MN) district.
[239] Consolidated "amusements, outdoor," "golf course," "golf driving range, outdoor," and "theater, drive-in." Amusements, outdoor" currently not allowed in the RE and IN (proposed RE and MI) and is a C use in the CA (proposed MC) districts. "Golf course" currently not allowed in the CA and IG (proposed MC and IN) districts. "Golf driving range, outdoor" currently not allowed in the IN and IG (proposed MI and IN) districts. "Theater, drive-in" is currently a C use in the CA (proposed MC) district. Added as C use in current CA (proposed MC) and as P use in current BP (proposed ME) district.
[240] New.
[241] Use referred to in Module 1 but not included in use table or defined in Module 1. Level of approvals required (e.g. P, C, V, A, T) and use-specific standards added since Module 1.

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Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Restaurant[242]						C*	C*		P	P	P	P*	A	P	A	A			20.03.030(d)(8)
Office, Business, and Professional Services																			
Artist studio or workshop[243]				A*	A*	P	P		P	P	P	V	V	P					20.03.030(d)(9)
Check cashing[244]										C	C								
Financial institution[245]										P	P	V		P					
Fitness center, small[246]						A	A		P	P	P	A	A	P	A	A			
Fitness center, large[247]									P	P	P			P	A				
Office[248]									P	P	P	P	P	P	P*	P			20.03.030(d)(10)
Personal service, small[249]						A	A		P	P	P	P	V	P					
Personal service, large[250]									C	P	P	P		P					
Tattoo or piercing parlor										P	P			P					
Retail Sales																			
Building supply store[251]										P	P					P			20.03.030(d)(11)
Grocery or supermarket									P	P	P			P					
Liquor or tobacco sales										P	P			P					
Pawn shop										P	P			P					

[242] Consolidated "restaurant" and "restaurant, limited service." "Restaurant" is currently not allowed in the RM, RH, and BP (proposed RM, RH, and ME) zoning districts; however, "restaurant, limited service" is allowed in these districts. Added as A use to current IN, MD, IG (proposed MI, MH, and IN) districts.
[243] Added as A use in R4 and P use in current RH (proposed RH) district.
[244] New. This use is currently excluded from the definition of "bank/credit union" but its availability is currently not stated in the UDO.
[245] Renamed from "bank/credit union."
[246] Consolidated "fitness center/gym" and "fitness/training studio." "Fitness center/gym" currently not allowed in the CL and CG (proposed MN and MM) zoning districts. Added as A* use to RM and RH districts.
[247] Changed level of permission from permitted with conditions to accessory in the MD (proposed MH) zoning district per standards in current 20.05.097.
[248] Consolidated "business/professional office," "government office," "license branch," "post office," "radio/TV station," "research center," "social service," and "testing lab." "Business/professional office" currently not allowed in the IN, MD, and IG (proposed MI, MH, and IN) districts. "Government office" currently not allowed in the MD and IG (proposed MH and IN) districts. "License branch" currently not allowed in the CL, BP, MD, and IG (MN, ME, MH, and IN) zoning districts. "Post office" currently not allowed in the CL, CG, CA, BP, MD, and IG (proposed MN, MM, MC, ME, MH, and IN) districts. "Radio/TV station" currently not allowed in the CL, CG, IN, and MD (proposed MN, MM, MI, and MH) districts. "Research center" currently not allowed in the CL, CG, and IN (proposed MN, MM, and MI) districts, and is a conditional use in the MD (proposed MH) district. "Social service currently not allowed in the IN, BP, MD, and IG (proposed MI, ME, MH, and IN) districts. "Testing lab" currently not allowed in the CL, CG, CD, IN, and CA (proposed MN, MM, MD, MI, and MC) districts.
[249] Consolidated "dry-cleaning service," "coin laundry," "barber/beauty shop," "copy center," "health spa," "photographic studio," "tailor/seamstress shop," "shoe repair," "equipment/party/event rental (indoor)," and "tanning salon." "Equipment/party/event rental (indoor)" currently not allowed in the CL (proposed MN) zoning district. Added as A use in current RM and RH (proposed RM and RH) districts.
[250] Added as C use in current CL (proposed MN) and as P use in current CG, CD, CA, and BP (proposed MM, MD, MC, and ME) districts.
[251] Added as P use in current CG and CA (proposed MM and MC) districts.

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Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Retail sales, small[252]						C*	C*		P	P	P	P*		P					
Retail sales, medium[253]										P	P			P					
Retail sales, large[254]											P			P					
Retail sales, big box[255]											P					P			
Vehicles and Equipment																			
Equipment sales or rental[256]									P*	P*	P*			P*		P			20.03.030(d)(12)
Transportation terminal										P	P		P	P					
Vehicle fleet operations, small[257]										P	P					P			
Vehicle fleet operations, large[258]											P					P			
Vehicle fuel station[259]										P*	P	P*		P*		P			20.03.030(d)(13)
Vehicle impound storage[260]																P*			20.03.030(d)(14)
Vehicle parking garage[261]										P	P	P	A	P*	C				
Vehicle repair, major[262]											P*					P*			20.03.030(d)(15)
Vehicle repair, minor[263]									C*	P*	P*			P*					20.03.030(d)(15)
Vehicle sales or rental[264]										P	P	P							
Vehicle wash[265]										P*	P*					P			20.03.030(d)(17)

[252] There are several use types that have been consolidated into "retail sales," refer to the footnote in the definitions for an exhaustive list. "Auto parts sales" currently not allowed in the CL and CD (proposed MN and MD) zoning districts. "Cellular phone/pager services," "furniture store," "home electronics/appliance sales," and "office supply sales" currently not allowed in the CL (proposed MN) zoning district. "Department store" currently not allowed in the CL and CG (proposed MN and MM) zoning districts. "Drugstore," "florist," and "gift shop/boutique" are currently allowed in the MD (proposed MH) zoning district with conditional use approval. "Print shop" is currently not allowed in the CL, CD, CG, and CA (proposed MN, MD, MM, and MC) zoning districts; is a conditional use in the BP (proposed ME) district, and is permitted in the IG (proposed IN) zoning district. "Retail, low intensity" is currently allowed as a conditional use with limitations in the RM and RH (proposed RM and RH) zoning districts and is permitted with limitations in the BP (proposed ME) zoning district.
[253] See Retail sales, small. Deleted as P use in current CL (proposed MN) district. CONSOLIDATED DRAFT: Need to reconcile requirement for planning commission review of retail, high intensity uses greater than 15,000 sq.ft. GFA in the MD-CS, MD-UV, and MD-ST Character Areas and greater than 30,000 sq.ft. GFA in the MD-DC and MD-DG Character Areas.
[254] See Retail sales, small.
[255] See Retail sales, small.
[256] Consolidates "manufactured home sales," "equipment rental, outdoor," "heavy equipment sales/rental." "Manufactured home sales" currently allowed as C use in the CA (proposed MC) district. Added as P* use in current CL, CG, and CD, (proposed MN, MM, and MD) districts.
[257] New
[258] New.
[259] Consolidates "gas station" and "convenience store (with gas or alternative fuels)." "Gas station" currently not allowed in the CD and BP (proposed MD and ME) zoning districts.
[260] Renamed from "impound vehicle storage." Deleted as C use in MC zoning district.
[261] Renamed from "parking garage/structure." Changed from P to A use in current IN (proposed MI) district. New since Module 2: Included use-specific standard from current 20.03.020, 20.03.090, 20.03.160, 20.03.300, and 20.03.370 applicable in MD character areas.
[262] Consolidates "vehicle repair" and "auto body shop." "Vehicle repair" currently not allowed in the IG (proposed IN) zoning district.
[263] Consolidates "oil change facility" and "vehicle accessory installation." Added as C use in current CL (proposed MN) and as P use in current CD (proposed MN) district.
[264] Consolidated "vehicle sales/rental" and "boat sales." Added as P use in current CG and BP (proposed MM and ME) districts.
[265] Renamed from "car wash" for consistent terminology. Added as P use in current IG (proposed IG) district.

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	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
INDUSTRIAL USES																			
Manufacturing and Processing																			
Commercial Laundry[266]										P	P					P			
Food production or processing[267]										C	V	C				C			
Manufacturing, artisan[268]									P	P	P	V		P		P			
Manufacturing, light												P		C		P			
Manufacturing, heavy[269]																C			
Salvage or scrap yard																C			
Storage, Distribution, or Warehousing																			
Bottled gas storage or distribution																P			
Contractor's yard[270]											P					P			
Distribution, warehouse, or wholesale facility[271]											C	C				P			
Storage, outdoor													P*			P*		A	20.03.030(e)(1)
Storage, self-service[272]									C	P	P	P	A	P		P			20.03.030(e)(2)
Resource and Extraction																			
Gravel, cement, or sand production																C			20.03.030(e)(3)
Quarry[273]																C			20.03.030(e)(3)
Stone processing[274]																P			
UTILITIES AND COMMUNICATION																			
Communication facility	C*										C*	C*	P	C*	C*	P			20.03.030(f)(1)
Solar collector, ground- or building-mounted[275]	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P			20.03.030(f)(2)

[266] New.
[267] Added as C use to current CG (proposed MM) district.
[268] New. This use also includes small scale "welding."
[269] Consolidated "manufacturing, heavy," "beverage bottling," and "tool and die shop." "Beverage bottling" and "tool and die shop" are currently permitted uses in the IG (proposed IN) zoning district.
[270] Renamed from "building trade shop."
[271] Consolidated "distribution facility" and "warehouse." "Distribution facility" is currently not allowed in the BP (proposed ME) zoning district. Added as C use to current CA (proposed MC) zone district.
[272] New.
[273] Not permitted in current IG zone district. Revised from P to C use in current IG (proposed IN) district.
[274] Not permitted in current IG zone district.
[275] New.

Table 3-1: Allowed Use Table

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

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(f)(3)
Wind energy system, large[276]																P			20.03.030(f)(4)
Wind energy system, small[277]	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P			20.03.030(f)(5)
ACCESSORY USES																			**20.03.030(g)(1)**
Chicken flock[278]	A*	A*	A*																20.03.030(g)(1)(F)
Crops and pasturage[279]	A*																		20.03.030(g)(3)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*									20.03.030(g)(4)
Drive-through[280]										A	A								20.04.060(k)
Dwelling, accessory unit	CA*		CA*	CA*															20.03.030(g)(6)
Electric vehicle charging facility[281]	A	A	A	A	A	A	A	A	A	A	A	A	A	A				A	
Home occupation[282]	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				20.03.030(g)(8)
Outdoor retail and display[283]									T*	T*	T*			T*		A*			20.03.030(g)(9)
Outdoor trash receptacles						A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(10)
Recycling drop-off, self-serve[284]						A	A		A	A	A	A	A	A	A				
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	20.03.030(g)(11)
Temporary Uses																			**20.03.030(h)(1)**
Book buyback[285]									T*	T*	T*		T*	T*					20.03.030(h)(2)
Construction support activities[286]	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		T*	20.03.030(h)(3)
Farm produce sales[287]	T*	T*	T*	T*	T*														20.03.030(h)(4)
Real estate sales or model home[288]	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(5)

[276] New.
[277] New.
[278] Added as A use in RE and R1.
[279] Relocated "accessory chicken flocks" to the accessory use category.
[280] Since Module 1, did not carry forward specific requirements for drive-through uses in the CG (proposed MM) zone district: "except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays." Drive through standards have been relocated to 20.04.060(k) (Drive-Through Facilities and Vehicle Stacking Areas).
[281] New.
[282] Expanded to apply in all districts where residential uses are permitted.
[283] Renamed from "outdoor retail." Added as T use in current CL, CG, and CD (proposed MN, MM, and MD) districts and as A use in current IG (proposed IN) district.
[284] New.
[285] From current 20.05.108(c). Clarified as permitted in current CL, CG, CD, IN and CA (proposed MN, MM, MD, MI, and MC) districts.
[286] New.
[287] From current 20.05.108(b). Added as T use to R1, R2, R3, and R4 zoning districts.
[288] Expanded to apply in all districts except OS district.

Table 3-1: Allowed Use Table

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

	Residential								Mixed-Use							Non-Residential			Use-Specific Standards
New Name	RE	R1 194	R2	R3	R4 195	RM	RH	RMH	MN	MM	MC	ME	MI	MD	MH	IN		OS	
Current Name	RE	--	RS	RC	--	RM	RH	MH	CL	CG	CA	BP	IN	CD	MD	IG	QY	--	
Seasonal sales[289]									T*	T*	T*	T*	T*	T*	T*				20.03.030(h)(6)
Special event[290]	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			T*	20.03.030(h)(7)

[289] From current 20.05.108(a); expanded to apply in all Mixed-Use districts.
[290] Replaces current 20.05.108(e), other temporary uses. Clarified to apply in all zone districts except IG district.

20.03.030 Use-Specific Standards

(a) Generally

The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, Vacant, or Temporary uses. These Use-Specific standards cannot be varied through the Conditional Use approval process in Section _____ (Conditional Use Approval), but relief may be granted through the Variance process in Section _____ (Variance).

(b) Residential Uses[291]

(1) Dwelling, Single-Family (Detached)[292]

In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.

(2) Dwelling, Single-Family (Attached)[293]

(A) Access[294]

i. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.

ii. Each dwelling shall have direct access to a street or alley.

(B) R2 Zoning District[295]

In the R2 zoning district, the maximum number of units allowed in one single-family attached structure shall be two, and each individual units shall be located on a separate lot.

(3) Dwelling, Duplex, Triplex, and Fourplex[296]

(A) Each individual dwelling unit shall have a separate exterior entrance facing a public or private street

(B) Each individual dwelling unit shall have a separate utility meter.

(4) Dwelling, Multifamily[297]

(A) Ground Floor Units

i. In the MN, MM, and MD zoning districts, no dwelling unit located on the ground floor shall have an entry door facing a public street, and each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street.

ii. Ground floor dwelling units in the MD-UV (Kirkwood Corridor or Restaurant Row), MD-DG, and MD-ST Character Areas require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).[298]

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[291] Did not carry forward current 20.05.095, special condition for single-family dwellings to only be permitted on lots of record lawfully established before the effective date of the UDO. Typically, a single-family dwelling can be constructed on a lot that meets the minimum dimensional standards and where allowed in the underlying zoning district.
[292] From current 20.05.095.
[293] From current 20.05.093. Standards in current 20.05.093(a)(2) and (3) will be addressed in Module 2.
[294] New.
[295] Reworded for clarity and grammatical consistency.
[296] New.
[297] By requiring non-residential use of the 20 feet closest to the street, this provision replaces the current "multifamily upper floor" use while allowing building owners more flexibility regarding ground floor uses. This approach may be revised after further staff review. Extra fire sprinkler requirements for MD district deleted as unnecessary; all dwellings must meet the fire code. Subsection B added since Module 1 to prevent majority occupancy of a multifamily building by members of a fraternity or sorority that is no longer recognized.
[298] New since Module 2: from current 20.03.160.

(B) Unsanctioned Fraternities or Sororities

In the RM, RH, MN, MM, and MD zone districts, no more than 50% of the dwelling units or bedrooms may be occupied by students enrolled at the Indiana University Bloomington campus who are members of or a fraternity or sorority that was previously sanctioned or recognized by Indiana University as a fraternity or sorority, but from which such sanction or recognition has been withdrawn and is no longer in effect

(C) Upper Floor Units in the MD Zone District[299]

i. In the MD-CS, MD-DE, MD-DG, and MD-ST Character Areas, developments that include more than 30 bedrooms above the ground floor require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

ii. In the MD-UV Character Area, developments that include more than 50 bedrooms above the ground floor require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(D) MD-DC Character Area[300]

In the MD-DC Character Area, developments that include more than 100 bedrooms require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(5) Dwelling, Live/Work[301]

(A) At least one person shall reside in the dwelling unit where the nonresidential activity occurs.

(B) The residential unit shall be located above or behind the nonresidential areas of the structure.

(C) The commercial activity area shall not exceed 50 percent of the gross floor area of the structure.

(D) Signs are limited to not more than two non-illuminated wall or window signs not exceeding 10 square feet in total area.

(E) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

(6) Dwelling, Cottage Development[302]

(A) Ownership[303]

Individual cottage lots or portions of the project may not be subdivided for sale.

(B) Bulk and Density Standards

Table 3-2: Cottage Development Bulk and Density Standards

Zoning District	Maximum Density (dwelling units/acre)	Minimum Project Size	Maximum Project Size
R1	3	1 acre	5 acres
R2	5		
R3	6		
R4	11		

(C) Setbacks[304]

i. **Parking lot**

Minimum of 30 feet from the right-of-way.

[299] New since Module 2: from current 20.03.230, 20.03.020, 20.03.160, 20.03.300, and 20.03.370.
[300] New since Module 2: from current 20.03.090.
[301] New.
[302] From current 20.05.0332. "Compatibility" text was deleted as too vague to administer consistently.
[303] New.
[304] These dimensional requirements may be revised with Module 2. Typically the underlying zoning requirements and setback requirements would apply to the development as a whole, but not to individual cottage dwelling sites.

ii. **Minimum Dwelling Separation**
Minimum of 10 feet between dwelling units.

iii. **Building Setbacks**
All other setbacks for the project site (not individual units) shall comply with those applicable in the underlying zoning district.

iv. **R3 Zoning District**[305]
Cottage developments within the R3 zoning district shall include a minimum of one dwelling unit that is built at the build-to-line.

(D) Central Open Space
Each cottage development shall include at least one centrally located open space area of at least 400 square feet per dwelling unit. Parking areas cannot be counted toward this open space requirements. Community buildings or clubhouses can be substituted for up to 50 percent of the open space requirement.

(E) Parking and Access
i. Parking shall be designed to limit curb cuts and most efficiently park vehicles.
ii. Parking may take place on a shared, paved parking lot or in shared driveways.
iii. Shared driveways may access individual garages.
iv. Project perimeter sidewalks are required and internal walkways shall connect each cottage unit to the project perimeter sidewalks.

(F) Landscaping and Buffering[306]
i. All cottage developments shall install a bufferyard type 1 along rear and side lot lines per Section 20.04.080 (Landscaping, Buffering, and Fences) (currently 20.05.052(f)).
ii. Parking lot landscaping shall be provided per the requirements of Section 20.04.060 (Parking and Loading) (currently 20.05.053).

(G) Architecture[307]
i. All structures shall meet the design standards applicable to single-family homes in the zoning district where the property is located.
ii. Dwelling units shall have a maximum 1:3 width to depth ratio for the first floor.

(7) Dwelling, Mobile Home[308]
All mobile homes shall be installed on a permanent foundation and have perimeter skirting.

(8) Manufactured Home Park

(A) Entrance and Drive[309]
Manufactured or mobile home parks with 20 or more dwelling sites shall comply with the following standards.
i. At least two access points for ingress to and egress to the park shall be provided.
ii. Individual dwelling sites shall only have driveways providing access to interior streets.
iii. Each new driveway aprons onto a street shall be surfaced with concrete.
iv. Enlargement or modification of any existing driveway shall require the driveway apron to be surfaced with concrete.

[305] Replaced current RC with R3 zoning district.
[306] May be revised with Module 2.
[307] Requirement for petitioner to submit material samples deleted as purpose was unclear, city review of the materials is not required.
[308] From current 20.05.017(a). Text requiring that units be "strapped down" was replaced by more objective foundation requirement.
[309] From current 20.05.037. Subsection iv revised to prohibit use of asphalt for this purpose.

(B) Parking[310]

i. Location

Required parking shall be located on each dwelling site.

ii. Surface Material

1. Parking spaces shall utilize a dustless, hard surface of concrete, asphalt, brick pavers, or a similar durable surface approved by the planning and transportation director.
2. Crushed stone, stone, rock, dirt, sand, or grass shall not be permitted as a parking surface.

(C) Accessory Structures[311]

i. Generally

Management offices, sales offices, storage, laundry, and other structures customarily accessory to manufactured home parks or mobile home parks are permitted, provided that:

1. The accessory structure is located, designed, and intended to serve only the needs of the park; and
2. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.

ii. Maximum Number

Each manufactured home or mobile home is allowed no more than one accessory structure in addition to a carport or garage.

iii. Maximum Cumulative Area

The total area of all accessory structures, including the area of detached or attached garages or carports, shall not exceed 10 percent of the dwelling site.

(9) Group Care Home, FHAA (Small and Large) & Opioid Rehabilitation Home, (Small and Large)[312]

(A) Group homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, may be established in any Residential zone district or portion of a Mixed-Use zoning district or PD district that permits residential dwellings, provided that they meet the definition of "small" and "large" facilities in Chapter 20.07:Definitions) and are located in zoning districts where facilities of that size are allowed pursuant to Table 3-1, and subject to the licensing requirements of the state and the City of Bloomington.

(B) No Group Care Home shall be located within 3,000 feet of any other Group Care Home.

(C) No Opioid Rehabilitation Home shall be located within 3,000 feet of any other Opioid Rehabilitation Home

(D) Where minimum spacing is required by subsections (B) and (C) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(10) Residential Rooming House[313]

(A) No residential rooming house shall contain more than five bedrooms, not including the living space occupied by the residential rooming house owner.

(B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.[314]

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[310] From current 20.05.073
[311] From current 20.05.006.
[312] Replaces current 20.05.099 and 20.05.101, extended to apply to opioid facilities. This new statement broadly covers compliance with state and local laws.
[313] From current 20.05.104.
[314] New.

(11) Student Housing or Dormitory

(A) In the MN zoning district, no student housing or dormitory shall include accommodation for more than 20 persons, including any on-site manager(s) of the property.

(B) In all of the MD zoning district Character Areas, each student housing or dormitory shall be separated from any other student housing or dormitory by at least 300 feet, measured along the closest walking distance between the closest points on the two lots containing the student housing or dormitory uses.[315]

(C) In each of the MD zoning district Character Areas, each student housing or dormitory shall comply with the following standards:[316]

Table 3-3: Student Housing and Dormitory Standards

MD Character Area	Maximum Height (feet)	Maximum Density (dwelling units/acre)	Maximum Building Floorplate[317] (square feet)
MD-CS	40	20	18,000
MD-DC	40	30	25,000
MD-UV			
Generally	30	20	25,000
Kirkwood Corridor	25	20	25,000
Restaurant Row	25	20	25,000
MD-DE	30	20	18,000
MD-DG	30	20	25,000
MD-ST	30	20	25,000

(c) Public, Institutional, and Civic Uses

(1) Community Center[318]

In the RM and RH zoning districts, community centers shall be a Permitted use when created through renovation of an existing building. If a community center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(2) Community Garden[319]

(A) Retail sales shall be prohibited on the community garden site, except for the sale of produce grown in the community garden. Such sales shall be in compliance with Section _____ (currently 20.05.111(b) (Farm Produce).

(B) Structures used for the storage of gardening materials shall be permitted subject to the accessory structure standards for the zoning district in which the use is located. The combined area of all structures shall not exceed 15 percent of the lot occupied by the use.

(C) On-site storage containers, compost bins, and other material storage areas shall be located in the rear building setback area, and shall be located at least five feet from rear and side property lines.

[315] Added since Module 1.
[316] Proposed standards replace in those in the December 2017 interim ordinance regulating this land use. Maximum heights and densities have been relaxed in some cases, and maximum building dimensions have been added to avoid buildings out of horizontal scale with the surrounding areas. Since Module 1, maximum building lengths have been replaced with maximum building floorplates for this use.
[317] Maximum building lengths adopted in December 2017 have been replaced by maximum building floorplate standards. Current maximum lengths are 200 ft. in MD-CS, MD-DC. MD-DG, and MD-ST, and 150 feet in MD-UV (including Kirkwood Corridor and Restaurant Row) and DE.
[318] From current 20.05.088. Applicability to RM and RH zoning districts clarified.
[319] From current 20.05.094. Parking standards in 20.05.094(a)(7) will be addressed in Module 2. Provisions requiring compliance with the City's noise ordinance and high grass ordinance and prohibiting encroachments onto adjacent properties were deleted as unnecessary; they apply to all uses in the city.

(D) Trash shall be removed from the community garden site at least once a week.

(E) Hours of operation shall be restricted to between 5:00 a.m. and 11:00 p.m.

(3) Day-care Center, Adult or Child[320]

(A) When located in a Residential zoning district, an adult or child day care center shall not be located closer than 500 feet to any other adult or child day care center.[321]

(B) When a license is required by the state, proof of licensing shall be presented with the petition for the conditional use approval. Day care centers exempt from state licensing requirements shall provide proof of exemption.

(C) It shall be unlawful for any person to maintain any child or adult in such facility, other than the child or adult of the owner or manager living in the facility, for more than 16 hours in any 24-hour period.

(D) The operation of the facility shall not include overnight occupancy by the clients.

(E) Child or adult day care may be operated within structures on church premises or publicly owned community centers, provided such uses are lawfully permitted and operating in the underlying zone district.

(F) The day care center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced area shall be provided.

(4) Jail or Detention Facility[322]

(A) Adequate access shall be provided to a street classified as a collector or arterial per the Transportation Plan.

(B) The design and intensity of the use, site, and structure shall be compatible with the surrounding area.

(C) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired

(5) School, Public or Private[323]

(A) Each public or private high school shall be located on a site with direct access to an arterial or collector street.

(B) Each public or private elementary or middle school located on a site adjacent to an arterial or collector street shall provide an automobile pick-up/drop-off area adequate to protect student safety with access from either a collector or local street, and shall provide a direct pedestrian connection to at least one local street adjacent to the site.

(6) Methadone Treatment Facility or Opioid Rehabilitation Facility[324]

(A) Each clinic or facility must be at least 1,000 feet from the nearest property line of a lot containing a primary use that is a Household Living use, a Group Living use, a Place of Worship, or a Public or Private School;

(B) Each clinic or facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled donors, but a minimum of 500 square feet, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled donations.

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[320] From current 20.05.029 and 20.05.030. Requirement for compliance with all applicable licensing and regulations deleted because now covered by general requirement in Section 20.03.01. Subsections (C), (D), and (E) are new. Criteria requiring safe design deleted as probably too vague to enforce and addressed during licensing review.
[321] Revised to apply only in Residential districts.
[322] From current 20.05.032.
[323] New.
[324] New.

(d) Commercial Uses[325]

(1) Kennel[326]

(A) The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.[327]

(B) Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use, except where the adjoining property is owned or occupied by the operator of the kennel.

(C) The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:

i. Minimum depth underground: 12 inches.

ii. Minimum height: Eight feet from grade.

iii. Minimum gauge of chain-link fence: 11

iv. Minimum fence setback: 20 feet from any adjoining property line.

(D) Prior to establishment, the property owner, or the kennel operator if the operator is not the property owner, shall provide proof of all necessary licenses to the planning and transportation director.

(E) A plan for management of animal wastes shall be submitted with the conditional use petition.

(2) Veterinarian Clinic[328]

A veterinarian clinic shall comply with the same requirements for a "kennel" in Section 20.03.030(d)(1). The following additional standards shall apply:

(A) In the MN, MM, and MD zoning districts, outdoor kennel facilities are not permitted.

(B) IN the MC zoning district, outdoor kennels shall require a conditional use permit pursuant to Section 20.06.050(b) (Conditional Use Permit).

(3) Recreation, Indoor[329]

In the current RC, RM, and RH (proposed R3, RD, RM, and RH) districts, indoor recreation facilities shall be permitted when using the renovation of an existing structure. If a recreation center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(4) Sexually Oriented Business[330]

(A) Purpose

Within the city it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to residential uses, child care centers, churches, cemeteries, schools, libraries, playgrounds, and/or parks. Special regulations for these sexually oriented businesses are necessary to ensure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

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[325] Did not carry forward current 20.05.101, special conditions for limited service restaurant and low intensity retail. The 2,500 square foot limitation, compatibility requirements, and parking reductions will be addressed through other standards in the UDO. Did not carry forward current 20.05.105, special conditions for testing lab (requiring testing to be directly associated with the medical or healthcare industry in the MD zoning district).
[326] From current 20.05.031.
[327] Replaces current 20.05.031, minimum building setback requirements.
[328] New.
[329] From current 20.05.103.
[330] From current 20.05.078.

(B) Location

A sexually oriented business shall not be located on a property within 500 feet (measured from the nearest property line of the property from which spacing is required to the nearest wall of the building or tenant space that houses the sexually oriented business use using a straight line, without regard to intervening structures or public rights-of-way) of any of the following:

i. Place of Worship;
ii. School, Public or Private (preschool, K-12);
iii. Day care center, adult or child;
iv. Park (including publicly owned multiuse trails);
v. Library;
vi. Homeless Shelter;
vii. RE, R1, R2, R3, R4, or RMH zoning district, including any portion of a planned unit development designated for single-family residential use;
viii. RM or RH zoning district, including any portion of a planned unit development designated for multi-family residential use; and
ix. Another Sexually Oriented Business.

(C) PUDs

For the purposes of this section, sexually oriented businesses shall be considered permitted uses in any PUD zoning district created before February 12, 2007, where the underlying zoning is MC, MM, and IN.

(D) Exterior Display

No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.

(5) Bed and Breakfast

(A) In the RE, R1, R2, R3, R4, and RM zoning districts, this use is limited to single-family detached dwellings.

(B) In the RE, R1, R2, R3, R4, and RM zoning districts, the maximum number of guest units for any bed and breakfast shall be three.

(C) In all other zoning districts, the maximum number of guest units for any bed and breakfast establishment shall be eight.

(D) The business owner or manager of the bed and breakfast establishment shall be required to reside on the property or on an adjacent property.

(E) Each guest stay shall be limited to a maximum of 30 consecutive days.

(F) The exterior design of any exterior modification of the structure or premises shall include façade articulation, and numbers and locations of windows and building entrances on the primary building façade, that are similar to those in the surrounding area and neighborhood.

(6) Brewpub[331]

(A) In the MN zoning district, brewpubs shall not manufacture more than 5,000 barrels of beverage (all beverages combined) annually.[332]

(B) In the MM, MD, and MC zoning districts, brewpubs shall not manufacture more than 20,000 barrels of beverage (all beverages combined) annually.[333]

[331] From current 20.05.086.
[332] Replaced current CL zoning district with MN zoning district.
[333] Replaced current CA, CD, and CG zoning districts with MM, MD, and MC.

(C) Brewpubs shall maintain copies of all reports filed with the bureau of alcohol, tobacco and firearms (ATF) and shall be able to demonstrate, upon request of the city, that they have not exceeded the annual beverage production limit in any twelve-month period.

(D) In the MN, MM, and MC zoning districts, brewpubs shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern and/or restaurant.[334]

(E) In the MD zoning district, brewpubs shall maintain at least 50 percent of the gross floor area of the facility for public use as a tavern and/or restaurant.[335]

(F) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that the location and flow of shipping traffic has adequate access to streets classified as collectors or arterials by the Transportation Plan.

(7) Commercial Rooming House

In all of the MD zoning district Character Areas, each commercial rooming house shall be separated from any other commercial rooming house by at least 300 feet, measured along the closest walking distance between the closest points on the two lots containing the commercial rooming house uses.[336]

(8) Restaurant[337]

(A) In the current RM, RH, and BP zoning districts, the restaurant shall contain no more than 2,500 gross square feet of floor area. Such smaller establishments typically include but are not limited to, cafes, coffee shops, delis, and small restaurants.

(B) In the RM and RH zone districts, structures containing this use shall be similar in appearance with the surrounding buildings with respect to architectural style, roof pitch, color and materials.

(9) Artist Studio or Workshop

In the R3 and R4 districts:

(A) The artist studio shall be accessory to a residential use.

(B) No retail activity shall be permitted in association with the artist studio.

(C) No display of art pieces for public viewing, such as within a gallery, shall be permitted.

(D) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

(10) Office

In the MH zone district, only office uses performing services related to the medical or health care industries are permitted.

(11) Retail Sales[338]

All uses in the Retail Sales category in Table 3-1 shall comply with the following standards

(A) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.

(B) Any outdoor display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas, shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

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[334] Replaced CL, CG and CA with MN, MM, and MC zoning districts.
[335] Replaced CD zoning district with MD zoning district.
[336] Added since Module 1.
[337] From current 20.05.101 and definition of "Restaurant, Limited Service."
[338] From current 20.05.101(b) and 20.05.068(a). Prohibition of occupying more than 5% of parking space was deleted as unnecessary since reduction below required minimum still applies. Standard requiring similar appearance was deleted as subjective and difficult to administer without individual project review; basic commercial building design standards to be drafted in Module 2 will apply.

(12) Equipment Sales and Rental

(A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and GI zoning districts.

(B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.

(C) Any outdoor display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas, shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(13) Vehicle Fuel Station[339]

(A) In the MM, MD, and ME, zoning districts, the use shall be limited to a total of four metered fuel dispenser units.[340]

(B) In the MM. MD, and ME zoning districts, major overhaul, body and fender work, upholstering, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.[341]

(C) In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.

(D) In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.

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

(F) In the ME zoning district:

i. All structures including fuel canopies shall be similar in appearance to the surrounding Business Park development with respect to architectural style, color, and materials;

ii. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; and

iii. At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(14) Vehicle Impound Storage[342]

Impound vehicle storage lots shall be screened with an solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces.

(15) Vehicle Parking Garage[343]

In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Character Areas, a vehicle parking garage shall require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(16) Vehicle Repair, Major or Minor[344]

(A) All major overhaul, body and fender work, upholstering and welding, and spray painting shall be conducted within a completely enclosed building.

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

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

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[339] From current 20.05.089 and 20.05.098.
[340] Replaced current CD, BP, CG and IG with MD, ME, MM, and IN zoning districts. Limit removed from MC district.
[341] Replaced current BP and CG with ME and MM zoning district.
[342] From current 20.05.100, revised to clarify additional landscaping requirements through more objective standards.
[343] New since Module 2: from current 20.03.020, 20.03.090, 20.03.160, 20.03.300, and 20.03.370.
[344] From current 20.05.085.

(17) Vehicle Wash[345]

Where a car wash facility is located adjacent to a Residential zoning district, the following restrictions shall apply:

(A) The hours of operation for coin-activated car wash facilities shall be limited to between 7:00 a.m. and 10:00 p.m.

(B) Automated audio warnings (e.g., beepers), instructions and other audio recordings associated with the car wash facility are not permitted.

(e) Industrial Uses

(1) Storage, Outdoor

(A) Parking of Vehicles[346]

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

i. Vehicles and trailers shall not be stored or parked on an unimproved surface.

ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.

iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

(B) Screening[347]

Primary use outdoor storage yards shall be screened with an solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces.

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the IN zoning district, outdoor storage of equipment, materials, waste or scrap materials, pallets is prohibited.

(D) Shipping Containers and Portable Storage Units

Shipping containers, cargo containers, and portable on-demand storage units may not be used for long-term storage, and may only be located on a lot or parcel:

i. To providing storage for construction projects during the period of an approved construction project on the same lot or parcel; or

ii. During the process of being loaded or unloaded, the duration of which may not exceed 72 consecutive hours.

(2) Storage, Self-Service[348]

(A) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.

(B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces for a business is prohibited.

(C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment on the premises is prohibited.

(D) The storage of hazardous materials is prohibited.

(E) Security fencing shall not include razor wire or barbed wire.

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[345] From current 20.05.066 and 20.05.087.
[346] From current 20.05.065.
[347] From current 20.05.102, revised to clarify additional landscaping requirements through more objective standards. Expanded to apply in the IN zone district, and current separate screening and landscaping standards for the IG (proposed IN) district were not carried forward.

[348] New.

(F) Where the site is adjacent to a Residential zone district or a portion of a PUD zone district designated for single-family residential uses:

i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;

ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m) (Screening);

iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.

(G) If the facility is located in an MN, MM or MD district, all storage shall be contained within a fully enclosed structure that:

i. Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways.

ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

(3) Gravel, Cement, or Sand Production, or Quarry[349]

(A) Each facility shall be screened with an solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces.

(B) Notwithstanding the provisions of Section 20.06.050(b) (Conditional Use Permit)., the Planning Commission shall make a recommendation to the City Council based on the Criteria in Section 20.06.050(b) (Conditional Use Permit), and the City Council shall make the decision to approve, approve with conditions, or deny petitions for these uses.

(f) Utilities and Communication

(1) Communication Facility [350]

(A) Purpose [351]

These standards are intended to provide sensible and reasonable development standards for the provision of reliable public and private telecommunication service and to maximize the use of any communication transmission towers in order to reduce the total number of towers needed to serve the communications needs of the area, to minimize the adverse, undesirable visual effects of communication facilities, and to provide for the reasonable location of communication facilities in the city, all in compliance with the requirements of state and federal law regarding the regulation of this use.

(B) Applicability

These standards shall apply in the RE, MD, MC, ME, and MH zone districts.

(C) Compliance with State Law

i. Eligible Petitioners

All communication facilities shall comply with the standards of Indiana Code § 8-1-32.3-19.

ii. New Communication Facilities

Petitions for new communication facilities shall comply with the standards of Indiana Code § 8-1-32.3-20 and Section ---.

iii. Modifications to Existing Communication Facilities

Modifications of existing antennas, communication towers and communication equipment shall comply with Indiana Code § 8-1-32.3-21 and Section ---.

[349] New.
[350] From current 20.05.020 with minor changes as noted.
[351] Last clause is new.

(D) Co-Location[352]

i. New communication facilities shall minimize land use impacts by accommodating future collocation by at least five other users.

ii. If co-location is not possible, a sworn statement shall be submitted documenting why collocation on an existing communication tower cannot meet the petitioner's requirements. Such statement must demonstrate that collocation of wireless facilities on an existing communication tower is not a viable option because collocation:

1. Would not result in the same wireless service, functionality, coverage, and capacity;
2. Is technically infeasible; or
3. Is an economic burden to the petitioner.

(E) Construction Requirements

All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

i. All applicable provisions of this UDO and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.

ii. All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and The Electronics Industry Association.

iii. With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.

iv. All communication towers and communication equipment shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

v. All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).

vi. All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

vii. An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.

viii. All communication towers shall be of monopole design.

ix. Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the petitioner's engineering certification for the communication tower.

x. Only lighting that is for safety or security reasons, or required by the FAA or other federal or state authority, shall be permitted. All lighting shall meet requirements of 20.05.060, 20.05.061, and 20.05.062 except where state or federal requirements provide otherwise.

xi. Communication towers shall not exceed a height equal to 199 feet from the base of the structure at ground level to the top of the highest point, including appurtenances.

[352] City legal staff are reviewing this section for consistency with recent federal regulatory changes.

(F) Design[353]

Each tower and antenna shall be masked, colored, or enclosed to appear visually similar to the surface on which it is mounted, or to minimize visual differences in color and texture when viewed against its background from public streets and open spaces, to reduce negative visual impact.

(G) Screening[354]

The outermost perimeter or security fence of a communication facility shall be screened with an solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces.

(H) Abandoned Towers

Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after 30 days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

(I) Noncommercial Antennas

Noncommercial antennas for individual, private use, including but not limited to, amateur radio antennas, shall be permitted as an accessory use in all residential districts, subject to the following standards:

i. **Height**

The height of a noncommercial antenna shall not exceed 75 feet, measured from the ground, whether the antenna is mounted on the roof or on the ground.

ii. **Setbacks**

No such antenna shall be located within a front setback, and shall be set back at least five feet from any side or rear property line.

(J) Additional Standards for the MD Zoning District

Communication facilities shall be strictly limited to antennas or other communication equipment accessory to the primary use of the building. No free-standing communication facilities are allowed.

i. All antennas or other communication equipment shall be no taller than 10 feet above the height of the building to which they are affixed.

ii. All communication facilities shall be mounted on a building of at least two stories in height.

iii. Communication facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, materials, and/or architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

(2) Solar Collector, Ground- or Building-Mounted[355]

(A) Accessory solar collectors shall only be located

i. In side yards or behind the front was or the building, whichever is further from the street; or

ii. In rear yards; or

iii. On rooftops.[356]

(B) Accessory building-mounted solar collectors may exceed the maximum height requirement by a maximum of 18 inches.

[353] Wording clarified.
[354] Landscaping simplified for internal consistency.
[355] New.
[356] Test requiring placement behind front wall of building was added.

(C) If the accessory building-mounted solar collector is not flush with the roof the petitioner shall minimize the visibility of the collector from each adjacent public street and public open space to the maximum extent feasible without prohibiting the installation.

(3) Utility Substation and Transmission Facility[357]

Utility substations and transmission facilities (not including sewer or water boost or lifting stations) shall be screened with an solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces.

(4) Wind Energy System, Large[358]

The maximum height of a primary use large wind energy system shall not exceed 200 feet, and each wind energy generating tower shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

(5) Wind Energy System Small[359]

(A) In Residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 10 feet.

(B) In Mixed-Use zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.

(C) In Nonresidential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 40 feet.

(D) Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

(E) Each accessory small wind energy system may only be located in a side or rear yard area.

(g) Accessory Uses and Structures

All accessory uses shown in Table 3-1 shall comply with the following standards.

(1) Generally[360]

Accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to site plan requirements, all necessary permits and approvals, and other applicable requirements.

(A) Compliance Required

Accessory structures shall comply with all dimensional and development standards for the subject zoning district regardless of whether a temporary use permit or certificate of zoning compliance is required.

(B) Exemptions

The installation of detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed under Sections _____ (currently 20.05.005(a), 20.05.006(b) and 20.05.007(a).

(C) Prohibitions

A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat or motor vehicle shall not be used as an accessory structure in any zoning district.

[357] From current 20.05.106. Landscaping standards simplified for internal consistency.
[358] New.
[359] New.
[360] From current 20.05.004 and 20.01.280. Requirements for temporary use permits, procedures for those permits, and exemptions from permit requirements, will be addressed in Module 3.

(D) Timing

Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure or for agricultural purposes.

(E) Number and Size Permitted[361]

The maximum number (per lot or parcel) and maximum size (cumulative total per parcel) of accessory structures permitted is indicated in the table below:

Table 3-4: Number and Size of Accessory Structures Permitted

Zoning District	Maximum Number	Maximum Size (cumulative total)
RE[362]	None	50 percent of the square footage of the primary structure[363]
R1	2	1,000 square feet or 50 percent of the square footage of the primary structure, whichever is less
R2		840 square feet
R3		580 square feet
R4		400 square feet[364]
RM, RH, RMH	None	1,500 square feet or 50 percent of the square footage of the primary structure, whichever is less
MM, MD, MC, ME, MH		
MI, IN, OS	None	None

(F) Location[365]

i. Unless otherwise authorized in this UDO, accessory structures shall be located no closer than 35 feet from the front property line and five feet from side and rear property lines.

ii. Flag poles shall be located no closer than 12 feet from the front property line and one foot from the side and rear property lines.

(2) Chicken Flocks[366]

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

(3) Crops and Pasturage[367]

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

(B) Animal Units

Animal units per animal shall be determined as follows:

[361] From current 20.05.005; 20.05.007; and 20.05.008. Current standards have been consolidated into a single table. Current 20.05.007(a) limiting the number of accessory dwellings in multifamily or commercial projects was not carried forward.
[362] New standards.
[363] New.
[364] New.
[365] From current 20.05.077(b)(2)(I) and 20.05.077(b)(2). This standard currently applies to "storage sheds," and has been revised to apply to all accessory structures. Added "unless otherwise authorized in this UDO." Flagpole provision from current 20.05.077(b)(2) has been relocated here.
[366] From current 20.05.090(b).
[367] From current 20.05.090(a).

i. All larger animals, including cattle, horses, swine, ponies, etc., shall equal one animal unit;
ii. Goats, sheep, miniature horses, etc., shall equal 0.5 animal unit;
iii. All smaller animals including fowl shall equal 0.2 animal unit; and
iv. All animals less than four months of age shall be calculated at one-half the unit value of their respective category above.

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

(D) Livestock shall not be kept on any parcel of less than five acres in area and three hundred feet in width, except that chickens and ducks may be kept within the density limits on parcels of two acres or more.

(E) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
i. Front setback: 75 feet;
ii. Side setback: 50 feet;
iii. Rear Setback: 75 feet.

(4) Detached Garage Design[368]

(A) For detached garages associated with residential uses, the exterior finish and facade of a detached garage shall match or be visually similar to the finish and facade materials used on the primary structure.

(B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in 20.04.020(e)(3).

(5) Drive-Through[369]

In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.

(6) Dwelling, Accessory Unit[370]

(A) Purpose

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the city's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) Generally

i. Not more than one ADU may be located on one lot.
ii. ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.
iii. ADUs shall not contain more than one bedroom.
iv. No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located on one lot lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the unit on that effective date.[371]
v. A single family dwelling unit that includes an ADU shall be treated as one single-family dwelling unit in its entirety for purposes of site plan review.

[368] From current 20.05.004 and 20.05.077(b)(2)(B). Applicability to garages for residential uses clarified. The last sentence of (B) is new.
[369] From current 20.05.091. This standard will be reconsidered when stacking space standards are addressed in Module 2.
[370] From current 20.05.0333. Enforcement provisions were not carried forward because they just restate general enforcement provisions that will be drafted as part of Module 3.
[371] Wording clarified.

(C) Existing Planned Unit Developments

For any PUD zoning district that permits detached single-family dwellings, and that was approved before the effective date of ordinance from which this section derives, ADUs shall be considered a Conditional Use subject to the requirements of this section.

(D) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot utilizes a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(E) Standards for Attached ADUs

i. The maximum square footage of any attached ADU shall be 600 square feet.

ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.

iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

(F) Standards for Detached ADUs

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section _____ (currently 20.05.016).

i. The maximum square footage of any detached ADU shall be 440 square feet.

ii. The detached ADU shall not exceed 25 feet in height.

iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.

iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures).

v. The detached ADU shall set back from any rear property line that does not abut an alley by at least 10 feet, and from any rear property line that abuts an alley by at least five feet.

vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

(G) Historic Districts

If located within a historic district, any exterior changes or new construction shall be in compliance with the historic district's guidelines and any required certificate of appropriateness shall be obtained pursuant to Section _____ [currently 8.08.020], prior to review through the conditional use approval process.[372]

(H) Owner Occupancy

ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with state law.

i. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.

ii. Any primary dwelling or ADU used as a rental unit shall register with the Department of Housing and Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.

[372] Wording revised to reference Conditional Use review process for internal consistency.

(I) Commitments

Before obtaining a conditional use approval for an ADU, a petitioner shall record a commitment, consistent with the standards of Section _____ [currently 20.09.110], stating the following:

i. The ADU shall not be sold separately from the primary unit.

ii. The conditional use approval shall be in effect only so long as the primary dwelling unit, or the ADU, is occupied by the owner(s) of record as their primary residence. If at any time the conditional use approval is revoked or is no longer in effect, the ADU shall be removed from the property. This can include, but is not limited to removal of any second kitchen on the lot, including all kitchen appliances and cabinets.

(7) Dwelling, Short-Term Rental[373]

[Placeholder]

(8) Home Occupation[374]

(A) Exempted Uses

i. The follow uses are permitted and shall not be regulated as Home Occupations:

1. Child care home, provided that the child care home is also the primary residence of the operator;
2. Adult day care home;
3. Group care home, FHAA (small or large)

ii. Activities that create no external visual changes and produce no odors, noise, vibration, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a certificate of zoning compliance or conditional use approval, provided that the following regulations are met:

1. No employees or customers visit the premises;
2. No signs are displayed; and
3. No deliveries other than those normally associated with residential uses are made to the site.

(B) Certificate of Zoning Compliance

Except as noted in subsection (A)(ii) above, no person shall conduct a Home Occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any Home Occupation other than the one appearing on the certificate of zoning compliance.

(C) Conditional Use Approval

In Residential zoning districts, a Conditional Use Approval shall be required for Home Occupations prior to the issuance of a certificate of zoning compliance.

(D) Site Plan Review[375]

i. Residential Districts[376]

A Home Occupation in a Residential zoning district shall be treated as a single-family dwelling unit for purposes of site plan review.

ii. Mixed-Use Districts[377]

1. A Home Occupation in a Mixed-Use zoning district that meets all of the standards of this Section 20.03.030(g)(8) shall be treated as a single-family dwelling unit for purposes of site plan review.

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[373] New.
[374] From current 20.05.051.
[375]
[376] Updated to reflect recent amendments no longer requiring compliance with alternative transportation requirements.
[377] Revised to reference Mixed-Use districts rather than Nonresidential districts.

Upon approval of a Home Occupation, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with Section _____ (currently 20.05.010).

2. A Home Occupation that does not meet the standards of this section shall be treated as a commercial use and subject to site plan review.

(E) Operator Residency Required

The operator of the Home Occupation shall reside in the dwelling unit.

(F) Maximum Number of Nonresident Employees

Any Home Occupation shall be permitted a maximum of one employee who does not reside in the dwelling unit.

(G) Maximum Floor Area

i. No more than 15 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation. However, no Home Occupation shall be limited to less than 200 square feet, nor shall the area of a Home Occupation exceed 500 square feet.

ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 15 percent or 500 square feet of the dwelling unit, whichever is less.

iii. Area used for storage of materials or products used in the Home Occupation shall be included in this calculation.

(H) Multiple Home Occupations

i. More than one Home Occupation may be permitted within an individual dwelling unit.

ii. Where multiple Home Occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all Home Occupation activities, not to each Home Occupation individually.

(I) Residential Character

There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit within which the Home Occupation operates.

(J) Location and Entrance

i. The Home Occupation shall be conducted entirely within the primary structure or attached garage.

ii. The use of an attached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.

(K) Outdoor Display and Storage

Outdoor display of goods, materials, supplies, or equipment is prohibited.

(L) Sales and Rentals Prohibited

Direct sales and/or rentals of products from the property on which the Home Occupation is located is prohibited, except that incidental sales of products related personal services provided through the Home Occupation are permitted. Mail and/or telephone sales activities are permitted.

(M) Off-street Parking and Loading

No additional driveway to serve the Home Occupation shall be permitted. No off-street parking or loading facilities, other than requirements of the applicable zoning district, shall be permitted.

(N) Hours of Operation[378]

Customer visits in association with the Home Occupation shall not occur before 8:00 a.m. or after 8:00 p.m.

[378] Additional standard that hours of operation not interfere with adjacent properties deleted as vague and difficult to enforce.

(O) Commercially Licensed Vehicles

No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any Home Occupation.

(P) Deliveries

Deliveries to the property shall not be permitted, except those by typical residential delivery services at a frequency similar to homes that do not operate a Home Occupation.[379]

(9) Outdoor Retail and Display[380]

(A) All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.

(B) Use of display area shall not block handicapped parking areas, parking lot access aisles, or sidewalk areas, and shall not result in the number of available parking spaces being reduced below any minimum standards required under this UDO.

(C) In those zoning districts where Table 3-1 indicates that this is a temporary use:[381]

i. The temporary retail activity or outdoor display shall be associated with an approved retail primary use on the property:

ii. The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property.

iii. A temporary use permit shall be required and good for a maximum of 45 consecutive days.

iv. A temporary use permit shall only be issued to the operator of the associated permanent retail use.

v. No property shall be issued more than one such temporary use permit in a calendar year.

(10) Outdoor Trash Receptacles

(A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on a paved slab.

(B) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be effectively screened on all sides by a fence or wall that is constructed of wood, brick, stone, chain link with opaque slats, or exterior building materials similar to those used on the primary structure. At least one side of such fence or wall shall incorporate a movable gate for access.

(C) The height of the enclosure shall be a minimum of six feet, and shall be high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way.

(D) Outdoor trash receptacle or dumpster, compactor, and similar container enclosures shall meet the setback requirements for accessory structures in the zone district where the property is located.

(E) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(11) Swimming Pools

(A) Swimming pools are subject to the Indiana Administrative Code (675 IAC 20: Swimming Pool Code), the standards of this UDO, and the standards of the Bloomington Municipal Code (BMC Section 14.36.160).

(B) Pool and pool equipment shall be located no closer than 35 feet to the front property line and five feet from side and rear property lines.[382]

(h) Temporary Uses[383]

All accessory uses shown in Table 3-1: Allowed Use Table, shall comply with the following standards.

[379] Last clause added to clarify intent.
[380] From current 20.05.108(d); requirement that no more than 5% of parking spaces be occupied was deleted as unnecessary.
[381] Reworded to clarify intent that Temporary Uses are accessory to other uses of the property.
[382] From current 20.05.077(b)(2)(F).
[383] From current 20.05.107 and 20.05.108. Wording in several sections revised for clarity.

(1) Generally

(A) Permit Required

All temporary uses shall require a Temporary Use Permit pursuant to Section 20.06.050(j) (Temporary Use Permit), unless otherwise specified in this UDO. Uses not specifically authorized in Table 3-1: Allowed Use Table, shall be prohibited.

(B) Off-street Parking[384]

Parking for any temporary uses shall result in parking for any other existing use on the property falling below the minimum off-street parking required by Section 20.04.060 (Parking and Loading), and shall not block any driveways or drive aisles required for access to any required for any other existing use on the property.

(C) Public Rights-of-way

Temporary uses shall be arranged so that vehicles do not block a public right-of-way.

(D) Signs

Temporary uses shall be permitted to display the following types of signs without the need to obtain sign permits, subject to regulations on permitted locations and maximum height of signs of the same type in the zone district where the temporary use is located:

i. One freestanding sign with an area of up to 24 square feet per side

ii. One banner sign located on a structure (not freestanding) with an area of up to 30 square feet.

(2) Book Buyback

The temporary buyback of higher education books shall require a temporary use permit. Such permit shall be valid for a maximum of two periods of seven consecutive days or one period of 15 consecutive days. No property shall be issued more than one such temporary use permit in a calendar year.

(3) Construction Support Activities[385]

Contractor's offices, equipment storage, and portable lavatories are permitted on or adjacent to construction sites on property owned or controlled by the owner of the property on which the construction is taking place, subject to following conditions:

(A) The use shall only occur between 15 days before and 15 days after the construction activity. All temporary facilities shall be removed within 15 days after completion of construction.

(B) The structures shall not contain sleeping or cooking facilities.

(C) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

(4) Farm Produce Sales[386]

(A) The temporary use permit shall be valid for a maximum of 180 consecutive days.

(B) No property shall be issued more than one such temporary use permit in a calendar year.

(C) The Bloomington Community Farmers' Market and any other approved farmers' market shall be exempt from this requirement.

(5) Real Estate Sales or Model Home[387]

Real estate sales or model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all home or home sites within the development are sold.

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[384] Wording clarified. Requirement for review of “adequate parking” for temporary uses deleted as unusual; most communities do not apply parking standards to temporary uses.
[385] From current 20.05.107(g), revised to allow use from 15 days before to 15 days after construction (rather than “during construction”).
[386] From current 20.05.110(b).
[387] From current 20.05.107(h); revised to allow use from 15 days before to 15 days after sales (rather than just during sales period).

(6) Seasonal Sales[388]

(A) Fireworks sales shall be permitted only at locations within the MC zoning district.

(B) A temporary use permit shall be required and shall be valid for a maximum of 30 consecutive days.

(C) No property shall be issued more than one temporary use permit in a calendar year.

(D) The temporary use shall be located on a lot that fronts on a collector or arterial street.

(E) The temporary use shall be located at least 50 feet from any residential district.

(7) Special Event[389]

Temporary use permits for other special events not listed separately in Table 3-1, including but not limited to temporary wholesale activities, festivals, carnivals, and traveling circuses, shall be valid for a maximum of 15 consecutive days. No property shall be issued more than one temporary use permit in a calendar year.

[388] From current 20.05.108(a); requirement for removal within 5 days after holiday was deleted, since some seasonal sales do not relate to holidays and permit can be issued for a number of days to achieve the same result where holidays are involved.
[389] From current 20.05.108(e).

Chapter 20.04: Development Standards and Incentives[390]

20.04.010 Applicability[391]

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all modification of existing structures shall comply with Sections 20.04.020: (Dimensional Standards), 20.04.040 (Drainage and Floodplain); 20.04.050 (Access and Connectivity); 20.04.060 (Parking and Loading); and 20.04.0100: (Signs);

(2) All development of vacant land, all construction of new structures, and all expansions of the gross floor areas of existing primary structures by 25 percent or more shall comply with Sections 20.04.050 (Access and Connectivity); 20.04.070 (Site and Building Design); 20.04.080 (Landscaping, Buffering, and Fences); and 20.04.090 (Outdoor Lighting).

(3) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in 20.04.0110 (Incentives).

20.04.020 Dimensional Standards

COMMENTARY:
This section includes and adds detail to the measurement and petition of the lot and building standards presented earlier for each zoning district. Some of the material is new and some is carried forward from the current UDO, with revisions as noted.

(a) Purpose[392]

This section is intended to provide dimensional standards and uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO.

(b) Applicability

(1) Unless otherwise stated in this UDO, all development of vacant land, all construction of new structures, and all modification of existing structures shall comply with Section 20.04.020: Dimensional Standards; and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in 20.04.0110 (Incentives).

(c) General Dimensional Standards

The following Table 4-1 through Table 4-4 states the dimensional standards for residential, mixed use, and other zone districts contained in Chapter 20.02: Zoning Districts. In case of a conflict between the dimensions shown in this Section 20.04.020 and the dimensions shown for individual Districts in Chapter 20.02: Zoning Districts, the provisions of this Section 20.04.020(b) shall apply.

[390] Did not carry forward 20.05.002 (How to Use This Chapter) or the use of zone district icons. Parking setbacks were not carried forward; they appear unnecessary in light of required landscape buffers along the edges of parking areas.
[391] Replaces current 20.05.001. These thresholds may be modified to reflect current standards in Chapter 8 during the drafting of Module 3.
[392] New.

(1) Residential Zoning Districts[393]

Dimensional standards for residential zoning districts are shown in Table 4-1: Residential District Dimensional Standards.

Table 4-1: Residential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	RE	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (Minimum)								Entire Development	Dwelling Site
Lot area	108,900 sq. ft. (2.5 acres)	20,000 sq. ft. [2]	8,400 sq. ft. [2]	5,500 sq. ft.[394] [2]	4,500 sq. ft.	21,780 sq. ft.	21,780 sq. ft.	87,120 sq. ft. (2 acres)	3,000 sq. ft.[395]
Lot width	200 feet	100 feet [2]	60 feet [2]	50 feet [2][396]	35 feet	70 feet[397]	70 feet[398]	200 feet	40 feet
Building Setbacks (Minimum)									
Front build-to line	None	None	None	15 feet [3]	None	None	None	None	None
Front[399][2]	30 feet	25 feet	15 feet [3]	None	15 feet [3]	15 feet	15 feet	25 feet	10 feet[400]
Attached front-loading garage or carport[401]	None	None	25 feet	25 feet	20 feet	None	None	None	None
Side	30 feet	8 feet [2]	First floor: 8 feet Two or more floors: 10 feet [4] [2]	First floor: 6 feet Two or more floors: 10 feet [4] [2][402]	5 feet	15 feet	15 feet	20 feet	Primary Structure: 7 feet[403] Accessory Structure: 2 feet
Rear	60 feet	25 feet [2]	25 feet [2]	25 feet [2]	20 feet	15 feet	15 feet	20 feet	

[393] All standards for the new R1 and R4 districts are new. Other changes from current standards are footnoted.
[394] Currently 7,200 square feet. It appears that several RC lots do not meet the minimum 7,200 square foot lot size. We have reduced the minimum lot size to 5,500 square feet to bring any nonconforming properties into conformance with minimum lot size. City staff is currently using mapping software to determine the existing average lot size for properties in the RC zone district (now R3) so this number can be calibrated accordingly.
[395] Currently 4,000 sq. ft. Reduced to maximize efficiency.
[396] Similar to the minimum lot area, several existing lots in the RC zoning district do not meet the 55 foot lot width requirement. City staff is currently reviewing these standards with a mapping exercise to determine if the minimum lot width should be adjusted to better align with built conditions.
[397] Currently 85 feet. We recommend reducing this to 70 feet to still preserve a street presence, but to also allow flexibility for development.
[398] Currently 85 feet. We recommend reducing this to 70 feet to still preserve a street presence, but to also allow flexibility for development.
[399] Revised provision for average block face setbacks in the R2, R3, RM, and RH zones. Rather than calculating setbacks using the average from the entire block face, it would now be based on the setbacks of abutting single-family, duplex, tri-plex, or four-plex structures. This is easier to calculate and will ensure a more consistent street front. Did not carry forward provision for front setback allowing the average block face setback in the RM and RH zone districts. This is typically intended to preserve neighborhood character for single-family areas.
[400] Did not carry forward 15 foot measurement from proposed right-of-way indicated on the thoroughfare plan for interior manufactured home lots.
[401] Currently 25 feet in the R2 and R3 zones. Clarion recommends this be changed to 20 feet to be more efficient. The average parking stall length is 18 feet, therefore a 20 foot driveway is still sufficient to park a vehicle. Keeping the current 25 foot long driveway would result in an extra 6-8 feet of space and my increase the cost of development.
[402] Revised from, "six feet, plus four feet for each story above the ground floor." We recommend revising this to a fixed 6 foot setback for a single-level building and a fixed 10 foot setback for buildings that are more than one level.
[403] Currently 4,000 sq. ft. Reduced to maximize efficiency.

Table 4-1: Residential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	RE	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Other Standards									
Front parking setback (minimum) [404]	None	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Impervious surface coverage (maximum)	15%	40%	40%	45%	50%	40% [5] [405]	50% [5] [406]	None	65%
Density (maximum)	None	None	None	None	None	7 dwelling units/acre [407] [2]	15 dwelling units/acre [408] [2]	None	None
Primary structure height (maximum)	40 feet	40 feet	40 feet	35 feet	35 feet	40 feet [2]	55 feet [409] [2]	None	20 feet
Accessory structure height (maximum)	30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet

Notes [410]:

[1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards.

[2] See Section 20.04.0110 (Incentives) for alternative standards.

[3] Measured from the proposed right-of-way indicated on the thoroughfare plan or by calculating the average front setback of abutting single-family, duplex, triplex, or fourplex residential structures, whichever is more.

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

[5] Impervious surface coverage may be increased an additional 10 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

[404] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.

[405] Clarion recommends this be increased to 60 percent, we think 40 percent is highly restrictive for multi-family uses, especially when drive aisles and other improvements are provided. The 60 percent standard will enable an outcome as shown in the dimensional standard graphic.

[406] Clarion recommends this be increased to 65 percent, we think 50 percent is highly restrictive for multi-family uses, especially when drive aisles and other improvements are provided. The 60 percent standard will enable an outcome as shown in the dimensional standard graphic.

[407] Currently maximum of 7 du/acre (6,223 sq.ft. per unit) and 21 units/acre (2,074 square feet per dwelling unit) for the total net acreage (gross acreage minus acres set aside due to environmental constraints) provided that the maximum gross density does not exceed 7 units per acre (6,223 square feet per dwelling unit) over the entire development.

[408] Currently maximum of 15 units /acre (2,904 square feet per dwelling unit) and 30 units /acre (1,452 square feet per dwelling unit) for the total net acreage provided that the maximum gross density does not exceed 15 units per acre over the entire development.

[409] Currently 50 feet.

[410] Table notes 2 and 5 are new.

(2) Mixed-Use Zoning Districts

Dimensional standards for mixed-use zoning districts are shown in Table 4-2: Mixed-Use District Dimensional Standards.

Table 4-2: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (Minimum)							
Lot area[411]	5,000 sq. ft.	21,780 sq. ft.	32,670 sq. ft.	36,670 sq. ft.	21,780 sq. ft.	See Table 4-3	10,890 sq. ft.
Lot width[412]	50 feet	85 feet	130 feet	130 feet	50 feet		65 feet
Building Setbacks (Minimum)							
Front[413]	15 feet	15 feet	15 feet	15 feet	15 feet	See Table 4-3	25 feet
Side	7 feet	5 feet [1][414]	7 feet [1]	10 feet[415] [1]	10 feet [1]		10 feet [1][416]
Rear	10 feet						
Other Standards							
Front parking setback (minimum) [417]	20 feet behind the primary structure's front building wall					See Table 4-3	20 feet behind the primary structure's front building wall
Impervious surface coverage (maximum)	50% [2]	60% [2][418]	60% [2]	60%[419] [2]	60%		60%
Area of any individual commercial tenant (maximum)	5,000 sq. ft. [420]	None	None	None	None		None
Density (maximum)	15 dwelling units/acre	15 dwelling units/acre [3]	15 dwelling units/acre [3]	15 dwelling units/acre [3]	15 dwelling units/acre[421]		15 dwelling units/acre

[411] Clarion recommends eliminating minimum lot area dimensions for all mixed-use zone districts to allow flexibility and creativity in the market. We think the underlying standards (setbacks, lot coverage, height, buffers, etc.) will be enough to ensure a development fits the scale and character with surrounding properties.
[412] Clarion recommends eliminating minimum lot width dimensions for all mixed-use zone districts to allow flexibility and creativity in the market. We think the underlying standards (setbacks, lot coverage, height, buffers, etc.) will be enough to ensure a development fits the scale and character with surrounding properties.
[413] We did not carry forward provision for average block face setbacks in the MN, MM, and MC zones. This tends to create nonconformities because setbacks are a moving target as development occurs.
[414] Currently 7 feet.
[415] Currently 20 feet.
[416] We replaced the requirement that, "if abutting a residential zoning district, floors above the ground floor must be set back an additional four feet" with a new standard requiring one foot of additional setback for each foot of building height over 30 feet.
[417] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[418] Currently 60 percent.
[419] Currently 60 percent.
[420] The current definition for "small retail" in the use table is less than 2,500 square feet, we recommend increasing to 5,000 square feet to accommodate a slightly wider range of small retail uses. Content affected by this change in Module 1 will be updated in the Consolidated Draft.
[421] New, there are currently no density standards in the IN zone district.

Table 4-2: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MN	MM	MC	ME	MI	MD	MH
Primary structure height (maximum)	40 feet[422]	50 feet[423] [3]	50 feet [3]	60 feet [3]	50 feet		40 feet[424]
Accessory structure height (maximum)	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet

Notes:[425]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

[2] Impervious surface coverage may be increased an additional 10 percent if a minimum of 10 percent of the total impervious surface coverage is pavers.

[3] See Section 20.04.0110 (Incentives) for alternative standards.

[422] Clarion recommends the maximum primary structure height be reduced to 25 feet (2 stories) to ensure compatibility with adjacent uses and to stay true to the district's intent for "small-scale mixed use projects." For reference, the Downtown Edges Character Area has a max height of 25 feet.

[423] Clarion recommends the maximum primary structure height be reduced to 40 feet (3 stories) to ensure compatibility with adjacent uses and to stay true to the district's intent for "medium-scale mixed use projects."

[424] Currently 80 feet. We recommend a reduction in maximum building height to be more in-line with the surrounding area (30-40 feet) until the planning efforts for the current hospital site is complete.

[425] Table note 1, 2, and 3 are new.

(3) Downtown Character Areas (MD District)

Dimensional standards for the downtown character areas in the MD zoning district are shown in Table 4-3: Downtown Character Area Dimensional Standards.

Table 4-3: Downtown Character Area Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
Lot Dimensions (Minimum)						
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
Building Setbacks						
Front build-to range[426]	0 to 5 feet	0 to 5 feet	0 to 15 feet[427]	0 to 15 feet[428]	0 to15 feet[429]	None
Front building façade at build-to range (minimum)	90%	70%	70%[430]	60%[431]	60%[432]	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum)	None	None	None	7 feet	5 feet	5 feet
Rear (minimum)	None	None	None	10 feet	5 feet	5 feet
Other Standards						
Front parking setback (minimum)[433]	20 feet behind the primary structure's front building wall					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	75%
Density (maximum)	20 dwelling units/acre [1]	30 dwelling units/acre [1]	20 dwelling units/acre [1]	15 dwelling units/acre [1]	20 dwelling units/acre [1]	15 dwelling units/acre [1]
Student housing or dormitory building floor plate (maximum)[434]	18,000 sq. ft.	25,000 sq. ft.	25,000 sq. ft.	18,000 sq. ft.	25,000 sq. ft.	25,000 sq. ft.

[426] Revised from a firm "build-to" to a built-to range to provide more flexibility.
[427] Currently no requirement.
[428] Currently no requirement.
[429] Currently no requirement.
[430] Revised from a front setback of 10 feet to a building façade build-to percentage.
[431] Revised from a front setback of 15 feet to a building façade build-to percentage.
[432] Revised from a front setback of 15 feet to a building façade build-to percentage.
[433] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[434] New. These maximum floorplate standards are in addition to the maximum building length standards in Table 2-45: Primary Building Articulation. One square block is approximately 90,000 square feet. These standards limit a building's footprint to 20 percent (18,000 sq.ft.) of the bock area or 28 percent (25,000 sq.ft.) of the block area.

Table 4-3: Downtown Character Area Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
Primary structure height (maximum)	40 feet[435]	50 feet[436] [1]	General and Kirkwood Corridor: 40 feet Restaurant Row: 35 feet[437] [1]	40 feet[438] [1]	40 feet[439] [1]	45 feet[440] [1]
Primary structure height (minimum)	25 feet	35 feet	General and Kirkwood Corridor: 25 feet Restaurant Row: 20 feet	20 feet	25 feet	25 feet
Accessory structure height (maximum)	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet

Notes:

[1] See Section 20.04.0110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.

[435] Currently 30 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[436] Currently 40 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[437] Currently 30 feet generally and Kirkwood Corridor, and 25 feet in Restaurant Row. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (30 feet generally and 25 feet in Restaurant Row) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[438] Currently 25 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed to 40 feet for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[439] Currently 30 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (40 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

[440] Currently 35 feet. Clarion thinks the current maximums are low for a downtown in a city of Bloomington's size. We recommend that the downtown height standards be changed back to what they were before the height amendments last December (45 feet) for all uses except student housing and dormitories. Based on the feedback we received, most petitioners are requesting additional height (even under the old standards), which results in unpredictable negotiations and a time consuming approval process.

(4) Nonresidential Zoning Districts

Dimensional standards for nonresidential zoning districts are shown in Table 4-4: Nonresidential District Dimensional Standards.

Table 4-4: Nonresidential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	IN	PO
Lot Dimensions (Minimum)		
Lot area	21,780 sq. ft.	None
Lot width	100 feet[441]	None
Building Setbacks (Minimum)		
Front	25 feet[442]	15 feet
Side	20 feet [1][443]	5 feet
Rear	20 feet [1][444]	5 feet
Other Standards		
Front parking setback (minimum)	20 feet behind the primary structure's front building wall[445]	15 feet
Impervious surface coverage (maximum)	70%[446]	None
Primary structure height (maximum)	50 feet[447]	20 feet
Accessory structure height (maximum)	35 feet[448]	20 feet

Notes:[449]

[1] When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

(d) Lot and Space Requirements

(1) Minimum Lot Dimensions[450]

(A) Any lot that is created, developed, used, or occupied shall meet the minimum lot size and frontage requirements set forth in this chapter for the zoning district in which it is located, except as otherwise established in this UDO for particular uses. New lots shall also meet the development standards set forth in Chapter 20.05: (Subdivision Standards).

(B) No space that is needed to meet the width, setback, area, open space, impervious surface coverage, parking, or other requirements of this UDO for a lot or building may be sold or leased away from such lot or building.

(C) No parcel of land that has less than the minimum lot width or lot area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

[441] Currently 400 feet in the QY zone.
[442] Currently 30 feet in the QY zone.
[443] Currently 50 feet in the QY zone.
[444] Currently 50 feet in the QY zone.
[445] Clarion recommends this be revised to remove the 20 foot requirement and to require parking behind the front building wall. This is an unusual provision and results in less buildable area on the lot, which may result in higher construction costs.
[446] Currently no requirement in the QY zone.
[447] Currently 60 feet in the IG zone.
[448] Currently 30 feet in the QY zone.
[449] Table note 2 is new, intended to help serve as a transition from single-family development.
[450] New.

(2) Number of Primary Buildings or Uses per Lot[451]

(A) Except for projects approved as cottage development pursuant to Section 20.03.030(b)(6) (Dwelling, Cottage Development), only one primary building for single-family, duplex, triplex, or fourplex uses, with permitted accessory buildings, may be located upon a lot or parcel. Every dwelling shall have legal means of access to a right-of-way.

(B) Where a lot or parcel is used for multifamily, mixed-use, commercial, or industrial purposes, more than one primary building may be located upon the lot when such buildings conform to all requirements of this UDO applicable to the uses and district.

(C) No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

(e) Setbacks

(1) Measurement[452]

(A) Setbacks referred to in this UDO shall be measured as stated in Chapter 20.07: (Definitions), under the term "setback.[453]

(B) For private streets, setbacks shall be measured from the edge of the curb or easement, whichever distance is greater.

(C) Where existing right-of-way is wider than that proposed on the Transportation Plan, the setback shall be measured from the existing right-of-way.

(D) For lots of record with no street frontage, a minimum building setback of 10 feet is required from the property line where access is gained.

(2) Single-Family Attached and Multifamily Dwellings[454]

(A) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

(B) For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) need observe the required side setback for the district.

(3) Exceptions to Setback Requirements

Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

Table 4-5: Authorized Exceptions to Setback Requirements[455]

DU = dwelling unit

Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awnings, balconies, canopies, patios, steps, and uncovered/open porches	Up to 6 feet.
Bay windows, chimneys, eaves,	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.

[451] New. This replaces the current standard in the RE, RS, and RC limiting lots to one primary structure.
[452] From current 20.05.077(a) unless otherwise noted.
[453] New.
[454] Replaces current 20.05.093. Currently only applies to the RS zone district, however, we suggest it apply city-wide.
[455] From current 20.05.077(b).

Table 4-5: Authorized Exceptions to Setback Requirements[455]

DU = dwelling unit

Type of Exception	Extent of Exception
Fire Escapes	Up to 6 feet into side and rear setbacks.
Handicap ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports[456]	Where a rear alleyway provides access to a detached garage, the five foot setback requirement does not apply.
Additions to existing structures (R2 zone)[457]	In the R2 district, additions to existing structures may encroach into the rear or side setback, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side).
Additions to existing structures (R3 zone)[458]	In the R3 district, additions to existing structures may encroach into the rear setback, provided that the gross floor area of the existing structure is not increased by more than 40 percent. In no case shall the setback be less than 10 feet.

NOTES:

(4) Through Lots[459]

On a through lot, the lot line fronting on the lower classified street shall be deemed the front lot line. Through lots adjacent to an arterial street shall comply with the standards established in 20.05.050(i)(7)(A)iii (Buffer).

[insert graphic here][460]

(f) Building Height[461]

(1) Measurement[462]

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

(2) Exceptions to Height Requirements[463]

No building or structure or part of a building or structure shall exceed the maximum building height within any zoning district unless authorized in Table 4-6: Authorized Exceptions to Height Requirements or elsewhere in this UDO.

[456] New.
[457] From current 20.02.080.
[458] From current 20.02.120.
[459] From definition for "through lot." Revised to clarify that the lot line adjacent to the lower classified street frontages will be regulated as the front lot line. Last sentence is new.
[460] New graphic will replace the graphic currently in the definition for "lot, through."
[461] From current 20.05.050.
[462] From current definition for "building height."
[463] From current 20.05.050(a).

Table 4-6: Authorized Exceptions to Height Requirements[464]

DU = dwelling unit

Type of Exception	Extent of Exception
Religious elements	Church steeples, bell towers, and similar features may exceed the maximum height of the applicable zoning district by no more than 25 percent of the applicable maximum height.
Chimneys and other ornamental architectural features[465]	Chimneys may extend 10 feet above the roof's highest point.
Water towers and quarry derricks	Water towers and quarry derricks are allowed up to a height of 150 feet.
Mechanical equipment and elevator bulkheads[466]	Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to 10 feet above the roof's highest point. In such cases, roof-mounted equipment shall comply with the requirements of Section 20.04.080(m)(1) (Roof-Mounted Mechanical Equipment).
Communication facilities	Communication facilities are exempt from height restrictions, subject to the limitations of 20.03.030(f)(1) (Communication Facility).

NOTES:

(g) Building Floor Plate[467]

(1) The area of the lot covered by the primary building shall be included in the calculation of building floor plate in all districts.

(2) The area of a lot covered by accessory buildings, parking garages, carports, and utility and storage sheds shall not be included in this calculation.

(h) Minor Modification[468]

Minor modifications to some of the dimensional standards in this section may be available through the Minor Modification process in Section 20.06.080(a) (Minor Modification), which may be approved by staff during the petition process without the need to apply for a variance.

[464] From current 20.05.077(b).
[465] Added "and other ornamental architectural features." The current definition for building height exempts chimneys, vents, mechanical equipment or utility service structures from being included in the measurement of vertical dimensions; however, there are specific height standards for these features. We recommend that broad exemption be removed from the definition and that this table be used.
[466] Combined the two standards into one row of the table. Replaced specific screening requirements with a reference to the rooftop screening section.
[467] This is new to provide guidance for the maximum floor plate standards in the MD zone district.
[468] New. A new minor modification tool will be introduced with Module 3 to allow staff the authority to approve minor deviations from established dimensional standards after the petitioner meets specific qualifying criteria.

20.04.030 Environmental[469]

(a) Purpose

The Bloomington area is characterized by a wide variety of environmental constraints that affect the way land is developed. These constraints include karst terrain (sinkholes, caves, springs, etc.), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area that becomes the subject of a petition for development be routinely scrutinized for the presence of environmental constraints in order to protect these environmental features as well as the public health, safety and welfare.

(b) Applicability

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all expansions of the gross floor areas of existing primary structures by 25 percent or more shall comply with Section 20.04.030 (Environmental); and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in 20.04.0110 (Incentives).

(c) Steep Slopes[470]

(1) Applicability

This section shall apply to all land-disturbing activities on properties that contain steep or excessive slopes.

(2) Slope Measurement

For the purposes of this section, the percent slope shall be calculated by dividing the number of feet of elevation change in any 50 foot horizontal distance by 50, then multiply by 100 to acquire a percent figure.

(3) Easements

All slope areas required to be preserved subject to this section shall be placed within conservation easements pursuant to the standards of Section 20.05.040 (Easements).

(4) Excessive Slopes

Areas of land where the pre-development slopes are greater than 18 percent shall not be disturbed for any improvements with the exception of utility lines.

(5) Steep Slopes

Any development on slopes between 12 percent and 18 percent shall be allowed a maximum disturbance of 50 percent of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one or more of the following characteristics:

(A) Presence of highly erodible soils as identified in the soil survey of Monroe County, Indiana;

(B) Adjacent to slopes of greater than 18 percent;

(C) Adjacent to water resources; or

(D) Adjacent to other environmental features that are required to be preserved as part of this UDO.

(6) Construction Measures

Any development on slopes between 12 percent and 18 percent shall incorporate construction measures such as retaining walls and walkout basements as well as special erosion control measures during construction.

[469] From current 20.05.038. Wording revisions for clarity throughout.
[470] From current 20.05.039.

(7) Street Grades

Arterial and collector streets shall not exceed grades of six percent and neighborhood streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.

(8) Street Design

All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) Soil Constraints[471]

The extent of cutting and filling, the resulting slopes, and the stabilization measures required to mitigate any unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.

(10) Overlapping Preservation Areas

Where acreage set aside to fulfill the conservation or buffer requirements in Section 20.04.030(e), Section 20.04.030(f), Section 20.04.030(g), and Section 20.04.030(h) also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.

(d) Siltation and Erosion Prevention[472]

(1) Applicability

(A) This subsection applies to any land development or land-disturbing activities that include one or more of the following conditions:

i. That disturbs a surface of 1,000 square feet or more;

ii. That involves excavation or filling of 40 cubic yards or more of dirt, sand, or clean fill;

iii. That involves street, highway, or bridge construction, enlargement, relocation or reconstruction; or

iv. That involves the laying, repairing, replacing, or enlarging of an underground pipe, facility, or any utility for a distance of 50 feet or more.

(B) All municipal government departments, including the city utilities department, shall comply with this section.

(2) Compliance With Other Regulations Also Required

Compliance with the requirements set out in this section shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10: Wastewater of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the city utilities department regarding stormwater management practices.

(3) Erosion and Pollutant Control Requirements

(A) Environmental Constraints

For land-disturbing activities that occur adjacent to environmentally sensitive areas, redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, shall be required.

(B) Waste and Material Disposal

Waste and unused building materials (e.g., garbage, debris, cleaning wastes, concrete waste, wastewater, toxic materials or hazardous materials) shall be properly disposed of and shall be prevented from going off-site or into storm sewers.

[471] Replaces current 20.05.039(a)(9). Revised language to be more objective.
[472] From current 20.05.040.

(C) Tracking

Each site shall have crushed stone streets, access drives, and parking areas of sufficient size and thickness to prevent sediment from being tracked onto public or private streets. Any sediment reaching a public or private street shall be removed by street cleaning (not flushing) by those responsible before the end of each workday.

(D) Drain Inlet Protection

All storm inlets shall be protected with best management practices (BMPs) meeting accepted design criteria, standards and specifications.

(E) Sediment Control

Sediment shall be controlled and contained on-site and control measures shall prevent damage to existing vegetation or pavement.

(F) Ground Cover

Vacant land held for development shall be planted with grass or other vegetative ground cover.

(G) Inspection

All erosion control measures shall be installed by the developer, and inspected and approved by the city planning and transportation department before land-disturbing activity may take place. Developers shall follow their self-monitoring inspection program throughout construction as outlined in Bloomington Municipal Code Section 10.21.070.

(H) Finished Grade

Disturbed areas that are at finished grade with installed utilities shall be permanently seeded within seven days.

(I) Unfinished Grade

Areas that have undergone land-disturbing activities and are not yet at finished grade, and that have no construction activity as indicated in the construction plan for 15 days or more, shall be established with temporary vegetation or mulching.

(J) Soil Stockpiles

All soil stockpile areas that remain inactive for seven days or more shall be seeded, covered, or protected by erosion control barriers.

(K) Single-Family Lots

Single-family lots that remain inactive for 15 days or more shall be established with temporary vegetation.

(L) Channelized Runoff

Channelized runoff from off-site areas passing through a construction site shall be diverted around disturbed areas. Sheet flow runoff from off-site areas greater than 10,000 square feet in area shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

(M) Sedimentation Basins

i. **Disturbance of One or More Acres**

For sites with one or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed.

ii. **Disturbance of Less Than One Acre**

For sites with less than one acre disturbed at one time, filter fences, straw bales or other BMPs shall be placed along all side slopes of the site as an alternative to sedimentation basins. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel. Diversion ditches and other sediment control measures shall be used.

iii. **Design**

Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and shall be constructed in accordance with accepted design specifications. The basin shall be designed to trap sediment greater than 15 microns in size based on the set of two-year design storms having durations from one-half minute to 24 hours. The basin discharge rate shall be sufficiently low as to not cause erosion along the discharge channel.

(N) Sequence of Land-Disturbing Activity

Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing shall be subject to the approval of the city planning and transportation department.

(e) Riparian Buffers[473]

(1) Applicability

This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, platted lots of record of less than one acre in size shall not be subject to 20.04.030(e)(6) nor 20.04.030(e)(7) of this section.

(2) Adjacent Properties

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

(3) Easements

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

(4) Graduated Buffer Zones

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

(A) Streamside Zone (Zone 1).

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

(B) Intermediate Zone (Zone 2)

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

(C) Fringe Zone (Zone 3).

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

(5) Streamside Zone Design

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

(A) Location

Immediately adjacent to the stream channel.

(B) Buffer Width

The width of this zone shall be a minimum of 25 feet on each side of the top of stream bank. The buffer width shall be measured perpendicular to the adjoining top of stream bank, following the natural curvature of the stream channel.

[473] From current 20.05.041.

(C) Vegetation Requirements

All vegetative cover within this zone shall consist of undisturbed, existing vegetation. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.

(D) Disturbance Activities

Only the following land disturbance activities may be allowed within this zone, subject to approval of the city planning and transportation department:

i. Utility installation; if no alternative location is available;
ii. Street crossings, where necessary to achieve connectivity;
iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
iv. Connector path constructed with a permeable surface.

(6) Intermediate Zone Design

The intermediate zone (Zone 2) shall be designed as follows:

(A) Location

Immediately outside the streamside zone (Zone 1).

(B) Buffer Width

The required width shall be a minimum 25 feet on each side of Zone 1.

(C) Vegetation Requirements

Vegetative cover within this zone shall consist of undisturbed, existing vegetation, supplemented by native, groundcover and edge vegetation. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.

(D) Disturbance Activities

Only the following land-disturbing activities may be allowed within this zone, subject to planning department approval:

i. All activities allowed in Zone 1 (streamside zone);
ii. Stormwater management facilities;
iii. Removal of nonnative or invasive species;
iv. Multiuse trails.

(7) Fringe Zone Design

The fringe zone (Zone 3) shall be designed as follows:

(A) Location

Immediately outside the intermediate zone (Zone 2).

(B) Buffer Width

The required width shall be a minimum of 25 feet measured perpendicular from the outer boundary of Zone 2.

(C) Vegetation Requirements

The vegetative cover for the outer zone shall be native grasses, sedges, and forbs that perform phytofiltration. In addition, woody plants may be utilized where appropriate. Appropriate species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new

vegetation within buffer zones shall comply with specifications of the natural resources conservation service for each plant type.

(D) Disturbance Activities

Only the following land-disturbance activities may be allowed within this zone, subject to planning and transportation department approval:

i. All activities allowed within Zones 1 and 2.

ii. Streets, as needed to achieve connectivity.

(8) Additional Riparian Buffer Design Standards

(A) Riparian buffer design shall be fitted to the topography and soil conditions of the site. Preference shall be given to preserving existing vegetation within riparian buffer areas. Protection of tree crowns and root zones within the drip-line shall be required for all trees planned for retention.

(B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.

(C) In order to ensure vegetative diversity, a minimum of nine different plant species shall be used within the overall riparian buffer area. At least three of these species shall be trees selected from Section 20.04.080(d) (Permitted Plant Species).

(D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.

(9) Riparian Buffer Maintenance

(A) Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3, but shall be prohibited in Zones 1 and 2.

(B) Any new, non-single family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(e)(1), shall provide at least a 25 foot wide streamside buffer zone in compliance with the design standards of 20.04.030(e)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:

i. Use of 100 percent native vegetation;

ii. Use of permeable pavement for at least 50 percent of all on-site parking areas;

iii. Biofiltration swales;

iv. Rain gardens; or

v. 50 percent vegetated roof.

(f) Karst Geology[474]

(1) Applicability

This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.

(2) Adjacent Properties

Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, the buffer zones required by this subsection (e) shall be established.

[474] From current 20.05.042.

(3) Compound Karst Features

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

(4) Karst Conservancy Easement (KCE)

All karst features shall be protected by Karst Conservancy Easements. Such easements shall be established in accordance with the following standards:

(A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.

(B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.

(C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within 25 feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the city's geographic information system (GIS) using a contour interval of two feet. When the city has reason to doubt the accuracy of the GIS data, the city shall use field verification to determine the location of the last closed contour.

(D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in 20.04.030(f)(3) above and all of the area within 25 feet horizontally from the outer boundary of the compound karst feature.

(5) Setback

No structures shall be located within 10 feet of a Karst Conservancy Easement.

(6) Stormwater Discharge

Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.

(7) Stormwater Detention

Karst Conservancy Easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.

(8) Spring or Cave Entrances

Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

(g) Wetlands[475]

(1) Applicability

This section shall apply to all land-disturbing activities on properties containing wetland resources.

(2) Adjacent Properties

Where wetland resources are present on adjacent properties, and where required buffer areas for such wetland resources would extend onto the subject property, the buffer zones required by this subsection (f) shall be established.

(3) Compliance With Other Regulations Also Required

In addition to the standards of this UDO, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR) and Army Corps of Engineers regulations.

[475] From current 20.05.043.

(4) Disturbance

No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within 25 feet of a delineated wetland.

(5) Buffer Area

A wetland buffer area extending 25 feet from a delineated wetland shall be placed within a conservancy easement consistent with the standards of Section 20.05.040 (Easements) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.

(6) Draining

Draining of a delineated wetland is prohibited.

(7) Stormwater Discharge

Stormwater discharge into a wetland shall not be increased over, or substantially reduced below, its preexisting rate.

(h) Tree and Forest Preservation[476]

(1) Applicability

This section shall apply to all land-disturbing activities on properties containing wooded areas.

(2) Retention of Existing Canopy

The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 4-7: Minimum Required Vegetation Canopy

Baseline Canopy Cover	Retained Canopy Cover
80—100%	0.50 × Baseline canopy cover
60—79%	0.60 × Baseline canopy cover
40—59%	0.70 × Baseline canopy cover
20—39%	0.80 × Baseline canopy cover
0—19%	0.90 × Baseline canopy cover

Example:
For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least seven acres (10 acres × 0.70) of canopy cover.

(3) Preference to Stands of Vegetation

The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than 10 percent of the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (g). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

(4) Smaller Parcels

For parcels of land less than two acres, the preservation standards in Table 4-7: Minimum Required Vegetation Canopy may be altered by the city planning and transportation department to allow preservation of individual specimen trees or tree lines along property borders.

[476] From current 20.05.044.

(5) Overlapping Preservation Areas

Where acreage set aside to fulfill the conservation or buffer requirements found in 20.04.030(c), 20.04.030(e), 20.04.030(f), and 20.04.030(g) also meets the requirements for tree and forest preservation under 20.04.030(h)(2), such acreage shall be counted toward fulfillment of all applicable requirements.

(6) Easement Required

Where contiguous areas of at least one-half acre of tree cover are required to be preserved, a conservation and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated 10 feet beyond the driplines of the trees to be preserved.

(i) Lake Watershed Areas[477]

(1) Applicability

This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the city's geographic information system (GIS).

(2) Exception[478]

Single-family, duplex, triplex, fourplex, mobile home, and manufactured home dwellings on existing lots of record shall not be subject to the requirements of this section.

(3) Geotechnical Report

Site plans, subdivision plats, and planned unit development plans shall include a report prepared by a geotechnical consultant that addresses soil stabilization, erosion/siltation control and stormwater runoff quality. The geotechnical consultant who prepares the required report shall be a licensed professional engineer.

(4) Site Design

Site design shall locate structures and land-disturbing activities so as to avoid tree concentrations. Streets, parking areas, and building pads shall conform closely to existing contours and minimize grading.

(5) Steep Slopes[479]

The maximum slope on which buildings may be constructed shall be 12 percent. No disturbance shall occur on any slope greater than 12 percent, measured as described in Section 20.04.020 (Dimensional Standards).

(6) Recordable Commitment

Developments shall incorporate redundant stormwater runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:

(A) Periodic third-party inspection and report;

(B) A homeowner's association with financing capability;

(C) City authorization to order maintenance;

(D) City authorization to seek injunctive relief;

(E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and

(F) Provisions, meeting the standards of [current Section 20.07.090(c)], for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

[477] From current 20.05.045
[478] For consistency with other sections of the UDO, this exception also includes duplex, triplex, fourplex, mobile home, and manufactured home residential uses. Added "existing" before "lots of record."
[479] Revised to clarify measurement.

20.04.040 Drainage and Floodplain[480]

COMMENTARY:
The city has been coordinating with the IDNR Floodplain Management Section to update these standards and to bring them into alignment with state statutes. This section includes the recommended revisions by the IDNR. Any content related to permitting, administration, or procedures will be included in Module 3.

(a) Applicability

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all modification of existing structures shall comply with Section 20.04.040 (Drainage and Floodplain), unless more specific standards are listed below; and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in 20.04.0110 (Incentives).

(b) Drainage[481]

(1) Applicability

All proposed site plans submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Exemption[482]

The construction of single-family, duplex, triplex, fourplex, mobile home, and manufactured home homes on existing lots of record with fully engineered drainage infrastructure shall be exempt from the requirements of this Section 20.04.040 (Drainage and Floodplain).

(3) Drainage Plan

All grading permit petitions shall include the submittal of a drainage plan to the city utilities department. The drainage plan shall include, but not be limited to, the following items: [483]

(A) Complete construction plan showing all proposed detention and retention facilities, swales, and drainage structures.

(B) All proposed piping including size and location of proposed stormwater lines, as well as plan and profile drawings for all proposed improvements.

(C) Complete and accurate stormwater calculations justifying methodology of the drainage plan in compliance with city utilities department standards.

(4) Stormwater Mitigation Requirements

Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the site to a location adequate to receive such runoff, and shall:

(A) Be designed and constructed in accordance with city utilities department standards.

(B) Be durable, easily maintained, retard sedimentation, and retard erosion, not endanger the public health and safety, and not cause significant damage to property.

(C) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting city utilities department standards.

(D) Provide stormwater runoff quality mitigation in compliance with city utilities department standards.

[480] Carried over from current UDO with changes as footnoted. Wording revised for clarity throughout.
[481] From current 20.05.034.
[482] For consistency with other sections of the UDO, this exception also includes duplex, triplex, fourplex, mobile home, and manufactured home residential uses.
[483] Changed "site plan" to "grading permit." It is unusual to require this level of detail or to require construction drawings at the site plan stage.

(5) Poorly Drained Sites

Development proposed for sites that are adjacent to a floodplain area, located in an area with converging drainage flows, located in an area characterized by documented drainage problems, or located in an area with closed, depressed contour lines as shown on the city's GIS maps shall be subject to a higher level of drainage plan review. Site plans for these areas shall submit documentation that finished floor elevations of structures shall be at least two feet above areas that would be flooded during a one hundred-year storm event.

(c) Floodplain[484]

(1) Purpose

The floodplain standards are intended to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, reduce the potential for extraordinary public expenditures for flood protection and relief, and make federally subsidized flood insurance available for existing structures and their contents by fulfilling the requirements of the National Flood Insurance Program.

(2) Applicability

(A) This section shall apply to all properties that contain floodplain areas.

(B) Development shall be prohibited within the floodplain, except as specified in this section.

(3) Floodwater Storage Capacity

(A) No development or redevelopment may result in a net loss of floodwater storage capacity.

(B) No development or other activity that might impair the flow of water in the floodplain shall be permitted.

(C) No development that may cause any increase in the elevation of the regulatory flood shall be permitted.

(4) Jurisdictional Boundary for the Floodplain Standards

The jurisdictional boundaries for the floodplain standards shall be as shown on the Flood Insurance Rate Maps (FIRM) prepared under the National Flood Insurance Program by FEMA. The areas included in the floodplain are the floodway, floodway fringe, and the floodplain, as defined in 20.04.040(c)(7) below.

(5) Warning and Disclaimer of Liability

The regulation of this Section 20.04.040(c) does not constitute a representation that flooding will be limited to those areas designated as floodplain or flood hazard areas or to the conditions of the regulatory flood. There shall be no liability on the part of the city or the state or any employee of the city or state for any flood damage that may occur as a result of reliance upon, or conformance with, these regulations.

(6) Duties of Administrator

The planning and transportation director or their designee shall be the administrator of the floodplain standards, as required by the Federal Emergency Management Agency (FEMA).

(7) Floodplain Features

For the purpose of these regulations, the following features are established:

(A) Floodway

That portion of the flood hazard area required to store, convey, and discharge the peak flood flow of the regulatory flood. The floodway shall include the floodway as shown on the Flood Insurance Rate Map (FIRM) prepared under the National Flood Insurance Program by FEMA.

(B) Floodway Fringe

Those portions of the floodplain outside the floodway.

[484] From current 20.05.048. These standards are still being reviewing internally by City staff and may be revised slightly in the Consolidated Draft. Any changes from this draft will be noted in future drafts.

(C) Floodplain

The channel proper and the areas adjoining wetlands, lakes or watercourses that have been or that may in the future be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features. The floodplain is also referred to as the Special Flood Hazard Area (SFHA).

(8) Permitted and Conditional Uses

(A) Permitted Uses

i. Floodway

The following are permitted in the floodway provided that no structure, obstruction, deposit or excavation is involved:

1. Pasturage;
2. Forestry;
3. Wildlife areas;
4. Nature preserves;
5. Riparian buffers;
6. Storm sewers;
7. New and replacement utility pipelines; and
8. Parks and recreational open space.

ii. Floodway Fringe

The following are permitted in the floodway fringe provided that no structure, obstruction, deposit or excavation is involved:

1. Pasturage;
2. Forestry;
3. Wildlife areas;
4. Nature preserves;
5. Storm sewers;
6. New and replacement utility pipelines;
7. Parks and recreational open space; and
8. Open areas used to meet lot area, setback, density, and impervious surface coverage requirements for structures and uses located outside the floodplain or floodway boundaries.

(B) Conditional Uses

The following are conditional uses in the floodway fringe, subject to approval under Section ---:

i. Transportation facilities, including, but not limited to, bridges, streets or drives;

ii. Water related urban uses, such as wastewater treatment facilities, electric generating and transmission facilities and water treatment facilities;

iii. Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;

iv. Parking lots constructed solely of permeable pavers; and

v. Recreational equipment.

(9) Floodplain Boundaries

(A) Location

i. The locations of the floodplain boundaries are based upon the regulatory flood elevation, floodway, and floodway fringe limits for the studied special flood hazard areas of the City of Bloomington as delineated on the 100-year profiles in the Flood Insurance Study of Monroe County and Incorporated Areas and the corresponding flood insurance rate map prepared by the Federal Emergency Management Agency and dated December 17, 2010.

ii. The flood profiles, and the special flood hazard areas delineated on the December 17, 2010, FIRM are a component of the official zoning map.

iii. The regulatory flood elevation, floodway, and fringe limits for each unstudied special flood hazard area of the City of Bloomington delineated as an "A Zone" on the FIRM of the Monroe County and Incorporated Areas 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.

(B) Disputed Boundaries

i. The elevation of the regulatory flood profile for the point in question shall be the governing factor in locating the boundary on the land.

ii. Any person contesting the location of the boundaries on the FIRM maps may apply to FEMA for a letter of map amendment (LOMA) to establish that the property is not located in a flood hazard area (FHA).

iii. Any person who believes the FIRM maps to be in error in the location of the flood districts, delineations, and/or elevations may apply to FEMA for a letter of map revision (LOMR) for an official revision to the FIRM maps.

(C) Structures Located on Boundary Lines

Where a floodplain boundary line divides a structure, these regulations shall apply to the entire structure.

(D) Subdivision Plats

Developers shall record the base flood elevation and delineate the floodplain boundary on all secondary plats prior to submitting the secondary plats for approval by the plan commission.

(E) Site Plans[485]

Upon receipt of a petition for a site plan review and/or a certificate of zoning compliance, the city planning and transportation department shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain.

i. Floodway

If the site is in an identified floodway, the city planning and transportation department shall require the petitioner to forward the petition, along with all pertinent plans and specifications, to DNR and apply for a permit for construction in a floodway.

1. Under the provisions of Indiana Code 14-28-1, a permit from DNR is required prior to the issuance of a local certificate of zoning compliance for any excavation, deposit, and 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 construction of the building.
2. No action shall be taken by the city planning and transportation department until a permit for construction in the floodway has been issued by DNR. Once a permit has been issued by DNR, and provided the petitioner has received approval as necessary from the board of zoning appeals under [current Sections 20.09.130, Development standards variance or 20.09.150, Conditional use], the city planning and transportation department may issue a certificate of zoning compliance provided the provisions of this UDO have been met. The certificate of zoning compliance and standards of site plan review may not be less restrictive than the permit issued by DNR.

ii. Floodway Fringe

If the site is located in an identified floodway fringe, the city planning and transportation department may issue a certificate of zoning compliance provided the provisions of this UDO, and particularly the provisions of Section 20.04.040(c), have been met.

iii. Floodplain with Drainage Area Greater Than One Square Mile

[485] This material may be relocated as part of Module 3, Administration and Procedures.

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the city planning and transportation department shall require the petitioner to forward the petition, along with all pertinent plans and specifications, to DNR for review and comment.

1. No action shall be taken by the city planning and transportation department until either a permit for construction in the floodway or a letter stating that no permit is required citing the base flood elevation and the recommended flood protection grade has been received from DNR.
2. Once a permit for construction in the floodway or a letter stating that no permit is required has been issued by DNR, and provided the petitioner has received approval as necessary from the board of zoning appeals under [current Section 20.05.024, CU-02 (Conditional use—Floodway and floodway fringe development)] of this UDO, the city planning and transportation department may issue a certificate of zoning compliance provided the provisions of this UDO have been met. The certificate of zoning compliance and standards of site plan review may not be less restrictive than the permit for construction in the floodway issued by DNR.

iv. **Floodplain with Drainage Area Less Than One Square Mile**

If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the planning and transportation department shall require the petitioner to provide an engineering analysis from a certified professional engineer showing the limits of the floodway, floodway fringe and base flood elevation for the site. Once the city planning and transportation department has verified that the proposed development will not cause any increase in the elevation of the regulatory flood, the city planning and transportation department may issue a certificate of zoning compliance provided the provisions of this UDO have been met.

(F) Watercourse Alterations

i. No alteration shall be made to any watercourse in any floodplain area as shown on the official zoning map or any area otherwise subject to the jurisdiction of DNR or FEMA without first securing a LOMR from FEMA, as well as any necessary permits and approvals from DNR, IDEM, and the Army Corps of Engineers.

ii. Prior to any alteration or relocation of a watercourse, the city shall notify any applicable adjacent communities and the state floodplain coordinator. Copies of such notifications shall also be submitted to FEMA. Maintenance of any altered or relocated watercourse is required in order to ensure that no diminishing of flood-carrying capacity occurs.

iii. No local floodplain development permit shall be issued unless all necessary federal or state permits have been received. Copies of such permits are to be maintained on file with the floodplain development permit.

(G) Record Keeping

The city shall maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, LOMA, 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 section.

(H) Construction of Utilities and Waste Disposal Systems

i. Public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed so as to minimize or eliminate flood damage.

ii. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

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

20.04.050 Access and Connectivity[486]

(a) Purpose[487]

The purpose of this section is to reduce the number and length of automobile trips and related greenhouse gas emissions by encouraging walking and bicycling by integrating sidewalks and bicycle routes in new development and redevelopment, and by providing for shorter and more direct routes between many destinations.

(b) Applicability[488]

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all modification of existing structures shall comply with Section 20.04.050 (Access and Connectivity); and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in Section 20.04.0110 (Incentives).

(c) Driveways and Access[489]

(1) Number of Drives

(A) Single-Family, Duplex, Triplex, and Fourplex Residential Uses[490]

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

i. The maximum circle drive width shall be 10 feet;

ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and

iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(B) All Other Uses

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

(2) Location and Separation of Drives[491]

(A) Generally[492]

i. No entrance or drive shall be installed:

1. Within 50 feet of any intersection.
2. Within the front parking setback running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement.

ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.

iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a low traffic capacity designation and consistent with access management by the Transportation Plan, or is a private street.[493]

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[486] From current 20.05.035 and 20.05.036. Slight wording revisions for clarity throughout.
[487] New.
[488] New.
[489] From current 20.05.035.
[490] From current 20.05.036(h). Revised to include duplex, triplex, and fourplex residential uses.
[491] Did not carry forward graphic from current 20.05.035(c)(2).
[492] Standard related to angle of access drives in front parking setback are deleted, since parking setbacks have been replaced by landscape buffer requirements.
[493] From current 20.05.070(c). Changed "secondary collector or street with a lower capacity designation" with "low traffic capacity designation and consistent with access management by."

(B) Street Classification

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

(C) Distance Calculations

i. The distances applicable to the standards outlined in this Section 20.04.050 shall be determined as follows:

1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or
2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive.

ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the transportation and traffic engineer. [494]

(D) Arterial or Collector Streets

i. **Single-Family, Duplex, Triplex, and Fourplex Residential Uses**[495]

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

ii. **All Other Uses**

No entrance or drive along an arterial or collector street shall be installed:

1. Within 150 feet of any intersecting street.
2. Within 100 feet of another driveway entrance.

(E) Neighborhood Streets

i. **Single-Family, Duplex, Triplex, and Fourplex Residential Uses**[496]

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

ii. **All Other Uses**

No entrance or drive along a neighborhood street shall be installed:

1. Within 100 feet of any intersecting street.
2. Within 50 feet of another driveway entrance.

(F) Improved Alley Access in the R3 and R4 District[497]

In the R3 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.

(3) Driveway and Access Design

(A) Generally

The city planning and transportation department shall determine curb radii and other construction standards for all entrances, and:

i. Whether an acceleration lane, deceleration lane, or passing blister is required.

[494] Added "subject to approval by the transportation and traffic engineer."
[495] Revised to include duplex, triplex, and fourplex residential uses.
[496] Revised to include duplex, triplex, and fourplex residential uses.
[497] Reworded for clarity.

(B) Driveway Pavement Widths

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses[498]

1. The width of a driveway between the building front and the street shall not exceed the width of the door of an attached garage or 22 feet where there is no attached garage.
2. In the RC zoning district, the maximum width of a driveway shall be 18 feet regardless of the presence of a garage.

ii. All Other Uses

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

1. 34 feet if from a nonresidential use onto an arterial or collector street.
2. 24 feet if from a nonresidential use onto a neighborhood street.
3. 24 feet if from a mixed-use multifamily residential use onto any type of street.[499]

(C) Surface Material

i. Unless specifically stated otherwise in this UDO, all entrances and drives shall be asphalt, concrete, or other material approved by the city.

ii. The planning and transportation director may approve structurally-engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.

iii. Areas using permeable pavers shall not be counted in impervious surface calculations.

iv. For new development, all driveway aprons onto a street shall be constructed of concrete.

v. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

vi. Surface materials for single-family residential driveways shall be as required in Section 20.04.060(i)(7).

(4) Vision Clearance Triangle[500]

(A) Applicability

A vision clearance triangle shall be maintained at every street intersection.

i. For the purposes of this Section 20.04.050 intersections shall include alley and driveway intersections with streets;

ii. Vision clearance triangles for alley and driveway intersections may be reduced upon a determination by the city planning and transportation department that such a reduction would not interfere with the vehicle, bicycle, or pedestrian safety of the intersection.

(B) Vision Clearance Triangle Leg Lengths[501]

The vision clearance triangle leg lengths shall be as specified in the most current edition of the policy on geometric design of highways and streets published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the city planning and transportation department.

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[498] Revised to include duplex, triplex, and fourplex residential uses. Revised to apply to building front, rather than parking setback area has been deleted from the UDO.
[499] Added "mixed-use."
[500] From current 20.05.109. Did not carry forward graphic.
[501] The AASHTO standards are fairly conservative, though often used. City staff is considering alternative standards which may be used to reduce visibility triangle distances in urban areas. Any future changes to this section will be noted in the Consolidated Draft.

(C) Vertical Clear Area

No primary or accessory structures, landscaping, fences, walls or signs shall be placed in or to project into the vision clearance triangle between the heights of two and one-half feet and nine feet above the crown of the adjacent street.

(d) Pedestrian and Bicycle Circulation[502]

(1) Purpose[503]

To reduce traffic congestion and improve the health, fitness and quality of life of city residents by providing safe, convenient, and attractive pedestrian and bicycle transportation paths, sidewalks, trails, and other facilities throughout the city as alternatives to routes designed only to serve motorized vehicles.

(2) Applicability

Pedestrian facilities shall be required on both sides of all streets, except that cul-de-sacs less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All other required trails and connector paths shall still be required.

(3) Inspection and Acceptance

Prior to the issuance of a final certificate of occupancy, all alternative transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with standards adopted by the city of Bloomington, the Bloomington Public Transportation Corporation, and/or AASHTO standards.

(4) Pedestrian Network Required

(A) All developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks or asphalt paths for pedestrian transportation and recreation. This network shall include pedestrian facilities along street frontages, multiuse trails where indicated on the Transportation Plan, and pedestrian connector paths between developments and public destinations (e.g., schools, parks, hospitals), nearby trails, other developments, and vacant land.

(B) All concrete sidewalk and asphalt path improvements shall be constructed as per city planning and transportation department requirements.

(5) Type of Pedestrian Facility

Required pedestrian facilities shall be as indicated in the Transportation Plan, unless it is determined by the planning and transportation director that such facility should be altered to match adjacent facilities.

(6) Width

The minimum width of required pedestrian facilities shall be as indicated in the Transportation Plan unless specifically noted in Table 5-5: Subdivision Development Standards.

(7) Placement

To the extent possible, all required sidewalks shall be located one foot inside the right-of-way to be dedicated to the city. If utility poles, trees, or other physical characteristics complicate installation, then the sidewalk or path may extend into individual lots or common area if the area of encroachment is placed within a pedestrian easement.

(8) Minimum Tree Plot Width

All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated in the Transportation Plan. Except as specified elsewhere in this UDO, tree plots may not be less than five feet and shall be planted with grass.

[502] From current 20.05.010 and 20.07.140.
[503] Wording revised for clarity.

(9) Administrative Adjustment[504]

(A) When the petitioner can demonstrate the acceptability of waiving or altering certain design standards relating to pedestrian facilities as described below, it may be the ruling of the planning and transportation director that such standards be altered. In addition, these provisions may be adjusted to allow compliance with the standards of Section 20.04.050 (Access and Connectivity).

(10) Paths, Sidewalks and Trails

(A) Construction Standards

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

(B) Additional Facility Amenities[505]

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

(C) Sidewalks

Sidewalks shall be provided as follows:

i. Minimum Width

Five feet.

ii. Surface

Sidewalks shall be constructed of concrete.

iii. Location

1. **External Sidewalks[506]**
   Sidewalks shall be located a minimum of one foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages.

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

iv. Separation

Sidewalks shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property.
2. In situations where the city planning and transportation department has determined that a pedestrian easement is not feasible, the city planning and transportation department may approve the following design options:

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[504] Revised title from "waiver" to "adjustment" because waiver implies that no requirement will apply. Second sentence added for consistency with access and connectivity standards. This standard may be revised or moved to Module 3 when that portion of the UDO is drafted.
[505] Updated reference from "bicycle and pedestrian transportation and greenways system plan" with "transportation plan." Did not carry forward specific list of amenities (informational signage, pavement markings, and safety bollards), instead, the transportation plan will govern.
[506] Added "a minimum of" to provide more flexibility.

[a] A five foot wide sidewalk with reduced vegetated plot width.

[b] A six foot wide monolithic sidewalk and curb.

v. **Cross-Slopes**

Sidewalks shall be constructed to ensure that the cross-slopes over entrances and drives comply with ADA requirements.

(D) Sidepaths

Where sidepaths are identified on the Transportation Plan, or as construction of new streets warrants the provision of sidepaths, as determined by the planning and transportation director, such facilities shall be provided as follows: [507]

i. **Minimum Width**[508]

10 feet.

ii. **Surface**

Sidepaths shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the planning and transportation in order to mitigate environmental impacts.

iii. **Location**[509]

Sidepaths shall be constructed a minimum of one foot inside the public right-of-way line.

(E) Bike Lanes

Where development projects include the construction of new public streets that are identified as having bike lanes in the Transportation Plan, such facilities shall be provided as follows:

i. **Minimum Width**[510]

A minimum of five feet, or as indicated in the Transportation Plan. Any adjacent curb and gutter shall not be included in the bike lane width measurement.

ii. **Location**

Striped bike lanes shall be located at the outer edge of the street, adjacent to the curb.

iii. **Substitution**

Substitution of an eight foot wide sidepath may be allowed if approved by the city planning and transportation department.

(F) Multiuse Trails

Where multiuse trails are identified on the Transportation Plan, such facilities shall be provided as follows:

i. **Minimum Width**

Pavement width shall be a minimum of 12 feet, and the paved trail shall have two foot wide crushed stone shoulders on both sides.

ii. **Surface**

Multiuse trails shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the city planning and transportation department in order to mitigate environmental impacts.

iii. **Dedication**

[507] Revised to clarify that Planning and transportation director makes this determination.
[508] Currently eight feet. Federal standards require a minimum of 10 feet.
[509] Added "a minimum of" to provide more flexibility.
[510] Reworded to clarify that five feet is the minimum width, and that deference will be given to the Transportation Plan.

All multiuse trails shall be dedicated to the city parks and recreation department within rights-of-way of at least 50 feet in width. Right-of-way width for multiuse trails may be reduced by the city planning and transportation department after approval by the city parks and recreation department.

(G) Connector Paths

Where a development is adjacent to a public park, school, commercial area, or existing or proposed multiuse trail as identified in the Transportation Plan, connector paths shall be provided as follows:

i. The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the city parks and recreation department. The parks and recreation department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.

ii. **Minimum Width**

Eight feet

iii. **Surface**

Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the city planning and transportation department in order to mitigate impacts to environmental constraints.

iv. **Easement**

Connector paths shall be contained within pedestrian easements of at least 15 feet in width pursuant to Section 20.05.040 (Easements).

v. **Undeveloped Properties**

Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.

(e) Public Transit[511]

(1) General Standards

(A) For the purposes of this section, transit facilities shall include:

i. Benches;

ii. Shelters; or

iii. Other similar transit stop amenities.

(B) Where a development is required to install one or more transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. Where such facilities are proposed within the public right-of-way, approval by the city board of public works shall also be required.

(C) The Bloomington Public Transportation Corporation may waive a required transit facility if that Corporation deems it unnecessary based on existing facilities.

(2) Existing Public Transportation Routes

(A) Transit Facility[512]

For any development of at least 20 dwelling units, or for any nonresidential development of at least 20,000 square feet gross floor area, developed adjacent to one or more public transportation routes, a transit facility shall be constructed on all routes for which one or more of the following criteria are met:[513]

i. The proposed development is expected to generate public transit usage; or

[511] From current 20.05.010(c).
[512] This section is under review by the city attorneys. Any future edits will be noted in the Consolidated Draft.
[513] Replaced reference to multifamily with generic term "development" as some projects with 20 or more units may be mixed use.

ii. The nearest existing transit facility on the route is more than one-fifth of one mile (1,056 feet) away from the closest primary building on the site, measured along rights-of-way; or

iii. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes. In such a case, the busier routes shall receive the facility.[514]

(B) Location

The transit facility shall occupy:

i. A site within or adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site approved by the Bloomington Public Transportation Corporation that is or will be contained within a transit facility easement.

(C) Pedestrian Accessibility

Transit facilities shall be connected to the public sidewalk system and ADA-accessible routes.

(3) Future Public Transportation Routes

(A) Transit Facility Easement

For any development where one or more public transportation routes are reasonably expected to exist on adjacent public streets in the future, and where the development is expected to generate public transit usage, transit facility easements shall be established on each future route if one or more of the following criteria exist:

i. **Route Overlap**

The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes; or

ii. **Insufficient Right-of-way**

Insufficient right-of-way exists to reasonably allow a transit facility and/or transit service access.

(B) Location

Transit facility easements shall occupy:

i. A site adjacent to the right-of-way on which the public transportation route is established; or

ii. Another site as approved by the Bloomington Public Transportation Corporation.

(4) Transit Facilities and Easements

(A) Pedestrian Traffic

Public transit facilities shall be designed so that they will not interfere with the normal flow of pedestrian traffic on public or private sidewalks.

(B) Construction Standards

Public transit facilities, shelters, and appurtenant amenities shall be built to meet the requirements of the Bloomington Public Transportation Corporation.

(C) Setback Exemption[515]

Public transit facilities, shelters, and appurtenant amenities shall be exempt from the building setback standards of the zoning district.

(D) Minimum Easement Depth

10 feet

(E) Minimum Easement Width

15 feet

[514] Last sentence is new.
[515] Slightly revised to clarify that this exemption refers to building setbacks.

(F) Recording of Easements

See Section 20.05.040 (Easements).

(5) Bus Turnout Areas

(A) Bus Turnout[516]

Bus turnout areas shall be constructed in conjunction with a transit route if a transit stop is warranted, as determined by the Bloomington Public Transportation Corporation, and the street on which the public transportation route is established is classified as a primary arterial on the Transportation Plan.

(B) Dimensional Standards

Bus turnout areas shall be built to the dimensional requirements of the Bloomington Public Transportation Corporation.

(C) Construction Standards

The engineering design of bus turnout areas shall be coordinated with the city planning and transportation department.

[516] Revised to clarify that determination is made by the Public Transportation Corporation.

20.04.060 Parking and Loading[517]

(a) Purpose[518]

This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

(1) Avoiding and mitigating traffic congestion;

(2) Providing necessary access for service and emergency vehicles;

(3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;

(4) Encouraging multi-modal transportation options and enhanced pedestrian safety;

(5) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the city;

(6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and

(7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

(b) Applicability[519]

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all modification of existing structures shall comply with Section 20.04.060 (Parking and Loading); and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in Section 20.04.0110 (Incentives)..

(c) Parking Calculations[520]

(1) Generally

(A) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.[521]

(B) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.

(C) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated.[522]

(D) When measurements of the number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.

(E) Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 20.04.060(g)(1).

(2) Unlisted Uses[523]

For uses not listed in Table 4-8: Minimum Vehicle Parking Requirements or Table 4-9: Maximum Vehicle Parking Requirements, the city planning and transportation department is authorized to do any of the following:

[517] From current 20.05.070.
[518] Replaces current 20.05.070 to include new language that explains the intent of parking standards more broadly.
[519] From current 20.05.070.
[520] New unless otherwise noted.
[521] Replaces current 20.05.070(a)(1)(A).
[522] Replaces current 20.05.070(a)(3). Added business vehicles, fleet vehicles, and delivery vehicles to calculation exemption.
[523] Replaces current 20.05.070(a)(1)(C).

(A) Apply the minimum or maximum off street parking space requirement specified in Table 4-8: Minimum Vehicle Parking Requirements or Table 4-9: Maximum Vehicle Parking Requirements, for the listed use that is deemed most similar to the proposed use as determined by the city planning and transportation department (based on operating characteristics, the most similar related occupancy classification, or other factors related to potential parking demand determined by the department).

(B) Establish the minimum or maximum off-street parking space and loading requirements based on a parking study prepared by the petitioner according to 20.04.060(g) or 20.04.060(h).[524]

(d) Minimum Vehicle Parking Requirement

(1) Applicability

(A) Generally

Each development or land use subject to this section pursuant to Section 20.04.060 shall provide at least the minimum number of vehicle parking spaces required for each land use listed in Table 4-8: Minimum Vehicle Parking Requirements.

(B) MD District[525]

Minimum parking requirements do not apply to development in the Courthouse Square Character Area or the Downtown Core Character Area south of 4th Street.

Table 4-8: Minimum Vehicle Parking Requirements

DU = dwelling unit

	All Other Zoning Districts	MD Zoning District
Community garden[526]	2 spaces per lot	
Dwelling, single-family (detached)	2 spaces per DU [1]	
Dwelling, single-family (attached)		
Dwelling, duplex[527]	2 spaces per DU [1]	1.5 spaces per DU [1]
Dwelling, triplex[528]		
Dwelling, fourplex[529]		
Dwelling, multifamily [2][530]	Studio: 0.5 space per DU 1 bedroom: 1 space per DU 2 bedroom: 1.5 spaces per DU 3 bedroom: 2 spaces per DU 4+ bedroom: 1 space per bedroom	
Dwelling, live/work[531]	no requirement	

[524] New.
[525] From current 20.03.050(c) and 20.03.120(c)(2)(D).
[526] Replaces current standard (lots greater than 15,000 square feet shall provide one on-site space per 2,000 square feet of lot area above 15,000 square feet.
[527] New.
[528] New.
[529] New.
[530] Revised to calculate minimum parking spaces per unit rather than per bedroom (with exception to large units with four or more bedrooms). This change is intended to incentivize a variety of apartment unit sizes within a project and discourage units with large bedroom counts. Current standard is: (A) For the first 10 bedrooms, no parking required. (B) For bedrooms 11-20, 0.5 parking spaces per bedroom (C) Any bedrooms above 20, 0.8 parking spaces per bedroom. Current standard in Downtown Edges Overlay is 0.8 spaces per bedroom.
[531] New.

Table 4-8: Minimum Vehicle Parking Requirements

DU = dwelling unit

	All Other Zoning Districts	MD Zoning District
Dwelling, cottage development[532]	1 space per DU	
Dwelling, mobile home[533]	1 spaces per DU[534]	
Manufactured home park		
Student housing or dormitory[535]	0-10 bedrooms: no requirement 11 or more bedrooms: 0.5 spaces per bedroom	

NOTES:

[1] See Section 20.04.0110 (Incentives) for alternative standards.

[2] Minimums shall only apply to multi-family development within or adjacent to the R3 zoning district and multi-family development in the MD zoning district.[536]

(e) Maximum Vehicle Parking Requirement[537]

In no case shall any land use or development subject to this Section 20.40.30 provide more than the maximum number of vehicle parking spaces required for each land use listed in Table 4-9: Maximum Vehicle Parking Requirements.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
RESIDENTIAL USES		
Household Living		
Dwelling, single-family (detached)	No requirement	No requirement
Dwelling, single-family (attached)		
Dwelling, duplex	2 spaces per DU	--
Dwelling, triplex		--
Dwelling, fourplex		--
Dwelling, multifamily	1 space per bedroom	1 space per bedroom
Dwelling, live/work	1 spaces per DU	--
Dwelling, cottage development	2 spaces per DU	2 spaces per dwelling unit
Dwelling, mobile home	2 spaces per DU	2 spaces per dwelling unit
Manufactured home park	2 spaces per DU, plus 1 visitor space per 2 DUs	2 spaces per unit plus 1 visitor space per 2 unit

[532] Renamed from "pocket neighborhoods."
[533] Included To be consistent with single family dwelling standards.
[534] Currently 2 spaces per dwelling unit.
[535] Taken from current parking standards for multi-family development. Did not carry forward standard requiring 0.8 parking spaces per bedroom for projects with more than 20 bedrooms. Because some student housing developments are apartment style, with multiple bedrooms/bathrooms and a shared living room, while other are dormitory style with separate bedrooms and shared bathrooms and common areas, this provision calculates minimum parking based on bedrooms rather than dwelling units.
[536] From current 20.05.070(a)(2)(B). Did not carry forward allowance for additional parking spaces based on project size, the maximum parking ratio of one space per bedroom allows for ample parking beyond the new minimums.
[537] Replaced "on-site" with "off-street" parking spaces. Parking maximums have been removed from uses where over-provision of parking is unusual.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
Group Living		
Assisted living facility	1 space per 6 infirmary or nursing home beds; plus 1 space per 3 rooming units; plus 1 space per 3 DUs[538]	1 space per employee on the largest shift plus 1 space per 3 residential units
Continuing care retirement facility		--
Fraternity or sorority house	0.8 spaces per bedroom	0.8 spaces per bedroom
Group care home, FHAA small	1 space per 4 persons design capacity[539]	Group care home for developmentally disabled: 1 space per employee Group care home for mentally ill: 1 space per employee Group/residential care home: 1 space per employee on the largest shift plus 1 space per 6 persons maximum occupancy Rehabilitation clinic: 1 space per employee on the largest shift plus 1 space per 2 client capacity
Group care facility, FHAA large		
Nursing or convalescent home		Nursing/convalescent home: 1 space per employee on the largest shift plus 1 space per 4 maximum occupancy
Opioid rehabilitation home, small		--
Opioid rehabilitation home, large		--
Residential rooming house	2 spaces; plus 1 space per guest room	2 spaces plus 1 space for every room for rent
Student housing or dormitory	0.75 spaces per bedroom	--
Supportive housing, small[540]	No requirement	Homeless shelter: 1 space per employee on the largest shift plus 1 space per 30 beds
Supportive housing, large		
PUBLIC, INSTITUTIONAL, AND CIVIC USES		
Community and Cultural Facilities[541]		
Art gallery, museum, or library	1 space per 500 sq. ft. GFA	Art gallery: 1 space / 300 sq. ft. GFA Library: 1 space per 500 sq. ft. GFA Museum: 1 space per 300 sq. ft. GFA
Cemetery or mausoleum	No requirement	1 space per 50 grave sites
Club or lodge[542]	1 space per 4 seats in main assembly area, or 1 space per 200 sq. ft. GFA, whichever is greater	1 space per 250 sq. ft. GFA

[538] Revised to calculate parking based on the number of beds, rooming units, and dwelling units rather than the number of employees on a peak shift (which is difficult to administer and may change frequently).
[539] For ease of administration and for consistency, we propose all group care facilities have the same maximum parking requirement. This new maximum is based on maximum design capacity, as determined by the building permit petition, occupancy code, or fire code, as determined by the City, rather than by employee counts, which can vary over time.
[540] Did not carry forward maximum parking of one space per employee plus one space per 30 beds. Unlike some retail or office uses, this use type is not likely to provide more parking than is needed.
[541] Did not carry forward "prison."
[542] Revised to match standard for Place of Worship in order to comply with federal RLUIPA.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
Community center	No requirement	1 space / 300 sq. ft. GFA
Conference or convention center	1 space per 500 sq. ft. GFA for surface parking No requirement for structured parking	--
Crematory	1 space per 300 sq. ft. GFA	1 space per employee on the largest shift plus 3 visitor spaces
Day-care center, adult or child[543]	1 space per 300 sq. ft. GFA	1 space per 4 persons of licensed capacity (Per single family standard for Day-care home)
Government service facility[544]	No requirement	1 space per employee on the largest shift
Jail or detention facility[545]	Jail: 1 space per employee on the largest shift plus 1 visitor space per 8 cells Juvenile Detention Facility: 1 space per employee on the largest shift plus 1 visitor space per 10 beds	Jail: 1 space per employee on the largest shift plus 1 visitor space per 8 cells Juvenile Detention Facility: 1 space per employee on the largest shift plus 1 visitor space per 10 beds
Meeting, banquet, or event facility	1 space per 250 sq. ft.	1 space / 250 sq. ft. GFA
Mortuary	1 space per 300 sq. ft. GFA	1 space per 4 chapel or parlor seats
Park	No requirement	5 spaces per acre
Place of worship	1 space per 4 seats in main assembly area, or 1 space per 200 sq. ft. GFA, whichever is greater	1 space per 4 fixed seats or 1 space per 50 sq. ft. of seating area in sanctuary, whichever results in the greater number of spaces
Police, fire, or rescue station	No requirement	1 space per employee on the largest shift
Educational Facilities		
School, college or university	No requirement	1 space per two employees plus 1 space per 4 students maximum capacity
School, public or private	No requirement	Preschool: 1 space per employee plus 1 space per 6 students Primary/Secondary: 1 space per employee plus 1 space per 10 students maximum capacity
School, trade or business	1 space per 250 sq. ft. GFA	1 space per employee plus 1 space per two students maximum capacity
Healthcare Facilities		
Hospital	1 space per patient bed design capacity	1.5 spaces per bed
Medical clinic	1 space per 300 sq. ft. GFA	Ambulatory surgical care: not addressed in code Medical care clinic (immediate): 1 space per 300 sq. ft. GFA Medical clinic: 1 space per 300 sq. ft. GFA Outpatient care facility: 1 space per 250 sq. ft. GFA
Methadone treatment facility	1 space per 300 sq. ft. GFA	--
Opioid rehabilitation facility	1 space per 300 sq. ft. GFA	--

[543] Licensed capacity may increase or decrease overtime and may be difficult to administer.
[544] Did not carry forward maximum of one space per employee on largest shift, this may fluctuate and is difficult to administer.
[545] Clarion recommends that this standard not be carried forward. It is not common for a jail or detention facility to provide more parking than is needed. We also discourage parking standards that are based on the number of employees. This is difficult to administer and may change over time.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
COMMERCIAL USES		
Agricultural and Animal Uses		
Greenhouse, noncommercial	No requirement	--
Kennel	No requirement	1 space per employee on the largest shift plus 1 space per 500 sq. ft. GFA
Orchard or tree farm	No requirement	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
Pet grooming	No requirement	1 space per 400 sq. ft. GFA
Plant nursery or greenhouse, commercial	1 space per 300 sq. ft. of GFA retail sales	0.75 spaces per employee on the largest shift plus 1 space per 500 sq. ft. GFA of retail sales
Urban agriculture	No requirement	Not addressed in code
Veterinarian clinic	1 space per 300 sq. ft. GFA	1 space per 300 sq. ft. GFA
Entertainment and Recreation		
Amenity center	No requirement	--
Country club	No requirement	3 spaces per golf hole plus 1 space per 300 sq. ft. GFA customer seating area in an accessory restaurant or bar use
Recreation, indoor	Bowling alley: 3 spaces per lane Theater: 1 space per 4 seats in assembly areas All other: 1 space per 250 sq. ft. GFA	Amusements, indoor: 1 space / 250 sq. ft. GFA Billiard/arcade room: 1 space / 250 sq. ft. GFA Bowling alley: 3 spaces per bowling lane Recreation center: 1 space per 250 sq. ft. GFA Skating rink: 1 space per 200 sq. ft. GFA Theater, indoor: 1 space per 4 seats
Recreation, outdoor	Golf course: 2 spaces per golf hole Mini golf course: 1 space per golf hole Golf driving range: 1 space per tee box All other: 1 space per 400 sq. ft. of site area used for recreation	Amusements, outdoor: 1 space / 400 sq. ft. of site area accessible to the public Golf course: 2 spaces per golf hole Golf driving range, outdoor: 1 space per tee box Theater, drive-in: 1 space per vehicle maximum capacity Miniature golf: 1 space per golf hole
Sexually oriented business	1 space per 200 sq. ft. GFA	1 space per 200 sq. ft. GFA
Stadium	No requirement	--
Food, Beverage, and Lodging		
Bar or Dance club	1 space per 250 sq. ft. GFA	1 space / 250 sq. ft. GFA
Bed and breakfast	1 space per guest bedroom	Per single family standard plus 1 space per guestroom
Brewpub[546]	Indoor tasting/seating area: 1 space per 100 sq. ft. GFA; Outdoor tasting/seating area: 1 space per 200 sq. ft. of	1 space per 200 sq. ft. of tavern/restaurant space plus 1 space per employee on the largest shift

[546] Indoor and outdoor seating areas are treated differently, as outdoor seating is seasonal and typically has fewer patrons than indoor seating. This may also incentivize developers to incorporate more outdoor seating options, which tends to enhance the pedestrian and user experience.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
Hotel or motel	1 space per guest room	1 space per lodging unit
Restaurant[547]	Indoor seating area: 1 space per 100 sq. ft. GFA; Outdoor seating area: 1 space per 200 sq. ft. of	Restaurant Under 5,000 sq. ft. GFA: 1 space per 200 sq. ft. GFA 5,000 sq. ft. or greater: 1 space per 100 sq. ft. GFA Restaurant, limited service: 1 space per 300 sq. ft. GFA customer seating area
Office, Business, and Professional Services		
Artist studio or workshop	No maximum	--
Check cashing	1 space per 250 sq. ft. GFA	--
Financial institution	1 space per 250 sq. ft. GFA	1 space / 250 sq. ft. GFA
Fitness center, small	1 space per 300 sq. ft. GFA	Fitness center/gym: 1 space / 300 sq. ft. GFA Fitness/training studio: 1 space / 400 sq. ft. GFA
Fitness center, large	1 space per 400 sq. ft. GFA	
Office	1 space per 300 sq. ft. GFA	Business/professional office: 1 space per 300 sq. ft. GFA Government office: 1 space / 300 sq. ft. GFA License branch: 1 space per 300 sq. ft. GFA Post office: 1 space per employee on the largest shift plus 1 per 200 sq. ft. GFA accessible to the public Radio/TV station: 1 space per employee on the largest shift plus 1 visitor space per 3 employees Research center: 1 space per employee on the largest shift plus 1 visitor space per 10 employees Social service: 1 space per 250 sq. ft. GFA Testing lab: 1 space per employee on the largest shift plus 1 visitor space per 10 employees
Personal service, small	1 space per 300 sq. ft. GFA	Barber/beauty shop: 2 spaces per operator station Coin laundry: 1 space per 3 washing machines Copy center: 1 space / 300 sq. ft. GFA Dry-cleaning service: 1 space per employee on the largest shift plus 300 sq. ft. accessible to the public Equipment/party/event rental (indoor): 1 space per 500 sq. ft. of building space Health spa: 2 spaces per spa suite Photographic studio: 1 space per 400 sq. ft. GFA Shoe repair: 1 space per 400 sq. ft. GFA Tailor/seamstress shop: 1 space per 400 sq. ft.
Personal service, large	1 space per 300 sq. ft. GFA	

[547] Revised, see footnote for "brewpub."

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
		GFA Tanning salon: 1 space per 250 sq. ft. GFA
Tattoo or piercing parlor	1 space per 300 sq. ft. GFA	1 space per 300 sq. ft. GFA
Retail Sales		
Building supply store	1 space per 500 sq. ft. GFA	1 space per 500 sq. ft. GFA
Grocery or supermarket	1 space per 200 sq. ft. GFA	1 space / 200 sq. ft. GFA
Liquor or tobacco sales	1 space per 300 sq. ft. GFA	1 space per 250 sq. ft. GFA
Pawn shop	1 space per 300 sq. ft. GFA	1 space per 300 sq. ft. GFA
Retail sales, small	1 space per 200 sq. ft. GFA	Antique sales: 1 space / 400 sq. ft. GFA Apparel and shoe sales: 1 space / 250 sq. ft. GFA Arts/crafts/hobby store: 1 space / 300 sq. ft. GFA Auto parts sales: 1 space / 300 sq. ft. GFA Bicycle sales/repair: not addressed in code Book store: 1 space / 200 sq. ft. GFA Cellular phone/pager services: 1 space per 250 sq. ft. GFA Computer sales: 1 space / 300 sq. ft. GFA Convenience store (without gas): 1 space per employee on the largest shift plus 1 space per 3 restaurant seats and 1 space per 500 sq. ft. GFA of convenient store space Department store: 1 space per 200 sq. ft. GFA Drugstore: 1 space per 250 sq. ft. GFA Florist: 1 space / 300 sq. ft. GFA Furniture store: 1 space / 500 sq. ft. GFA Garden shop: 1 space / 400 sq. ft. GFA Gift shop/boutique: 1 space / 400 sq. ft. GFA Hardware store: 1 space per 300 sq. ft. GFA Home electronics/appliance sales: 1 space per 250 sq. ft. GFA Jewelry shop: 1 space per 300 sq. ft. GFA Musical instrument sales: 1 space per 250 sq. ft. GFA Music/media sales: 1 space per 250 sq. ft. GFA Pet store: 1 space per 250 sq. ft. GFA Print shop: 1 space per employee on the largest shift Retail, low intensity: 1 space per 300 sq. ft. GFA Sporting goods sales: 1 space per 250 sq. ft. GFA Video rental: 1 space per 200 sq. ft. GFA
Retail sales, medium	1 space per 200 sq. ft. GFA	
Retail sales, large	1 space per 250 sq. ft. GFA	
Retail sales, big box	1 space per 300 sq. ft. GFA	
Vehicles and Equipment		
Equipment sales or rental	1 space per 350 sq. ft. GFA of indoor	Equipment rental, outdoor: 1 space per 500

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
	sales/leasing/ office area; plus 1 space per service bay	sq. ft. of building space, plus 1 space per 3,000 sq. ft. of outdoor storage Heavy equipment sales/rental: 1 space per 2,000 sq. ft. indoor and outdoor display area Manufactured home sales: 1 space per 2,000 sq. ft. indoor and outdoor display area
Transportation terminal	No requirement	1 space per employee on the largest shift plus 1 space per 400 sq. ft. GFA
Vehicle fleet operations, small	No requirement	--
Vehicle fleet operations, large	No requirement	--
Vehicle fuel station	1 space per 200 sq. ft. GFA	Convenience store (with gas or alternative fuels): 1 space per employee on the largest shift plus 1 space per double-sided pump; 1 space per 3 restaurant seats; 1 space per 1,000 sq. ft. GFA of convenient store space
Vehicle impound storage	No requirement	1 space per employee on the largest shift
Vehicle parking garage	No requirement	Not addressed in code
Vehicle repair, major	1 space per 350 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay	Auto body shop: 1 space per employee on the largest shift plus 2 spaces per repair bay Vehicle repair: 1 space per employee on the largest shift plus 2 spaces per bay
Vehicle repair, minor		Oil change facility: 1 space per employee on the largest shift plus 2 stacking spaces per bay Vehicle accessory installation: 1 space per employee on the largest shift plus 2 spaces per bay
Vehicle sales or rental		Boat sales: 1 space per 1,500 sq. ft. indoor and outdoor display area Vehicle sales/rental: 1 space per 1,000 sq. ft. GFA indoor display area
Vehicle wash	No requirement	Car wash, Full Service: 1 space per employee on the largest shift, plus 8 stacking spaces per washing bay Car wash, Self Service: 4 stacking spaces per washing bay
INDUSTRIAL USES		
Manufacturing and Processing[548]		
Commercial Laundry	No requirement	--
Food production or processing	No requirement	1 space per employee on the largest shift
Manufacturing, artisan	No requirement	Welding: 1 place per employee on the largest shift
Manufacturing, light	No requirement	not addressed in code
Manufacturing, heavy	No requirement	Beverage bottling: not addressed in code

[548] Did not carry forward maximum requirements for manufacturing and processing uses. These land uses are not likely to provide more parking than is needed to serve the business or establishment.

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
		Heavy manufacturing: not addressed in code Tool and die shop: 1 space per employee on the largest shift
Salvage or scrap yard	No requirement	1 space per employee on the largest shift
Storage, Distribution, or Warehousing		
Bottled gas storage or distribution	No requirement	1 space per employee on the largest shift
Contractor's yard	No requirement	1 space per employee on the largest shift
Distribution, warehouse, or wholesale facility	No requirement	Distribution facility: 1 space per employee on the largest shift Warehouse: 1 space per employee on the largest shift Mini-warehouse facility: 1 space per employee on largest shift plus 1 space per 25 storage units
Storage, outdoor	No requirement	1 space per 2,000 sq. ft. of storage area
Storage, self-service	1 space per 350 GFA of indoor sales/leasing/office space	--
Resource and Extraction		
Gravel, cement, or sand production	No requirement	1 space per employee on the largest shift
Quarry	No requirement	1 space per employee on the largest shift
Stone processing	No requirement	1 space per employee on the largest shift
UTILITIES AND COMMUNICATION		
Communication facility	No requirement	1 space
Solar collector, ground- or building-mounted	No requirement	--
Utility substation and transmission facility	No requirement	2 spaces
Wind energy system, large	No requirement	--
Wind energy system, small	No requirement	--
ACCESSORY USES		
Chicken flock	No requirement	Not addressed in code
Crops and pasturage	No requirement	Not addressed in code
Detached garage	No requirement	Not addressed in code
Drive-through	No requirement	See Table 4-11: Minimum Vehicle Stacking Space Requirements
Dwelling, accessory unit	No requirement	
Electric vehicle charging facility	No requirement	--
Home occupation	No requirement	Not addressed in code
Outdoor retail and display	No requirement	1 space per 500 sq. ft. of outdoor display area
Outdoor trash receptacles	No requirement	--

Table 4-9: Maximum Vehicle Parking Requirements

DU = dwelling unit sq. ft. = square feet

	Maximum (proposed)	Maximum (current)
Recycling drop-off, self-serve	No requirement	--
Swimming pool	No requirement	--
TEMPORARY USES		
Book buyback	No requirement	Not addressed in code
Construction support activities	No requirement	--
Farm produce sales	No requirement	Not addressed in code
Real estate sales or model home	No requirement	--
Seasonal sales	No requirement	--
Special event	No requirement	--

(f) Accessible Parking[549]

(1) Accessible spaces shall be provided and designed as required to meet the requirements of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC).

(2) Each accessible space shall be located adjacent to an access aisle and as close as reasonably practicable to the building entrance most accessible for the disabled.

(3) All accessible spaces shall be striped and have vertical signs identifying them as accessible spaces.

(4) Required accessible spaces shall count towards to number of maximum parking spaces permitted, unless the maximum allowed is 15 spaces or less.

(g) Adjustments to Minimum Parking Requirements[550]

The amount of vehicle parking required pursuant to Table 4-8: Minimum Vehicle Parking Requirements, may be adjusted by the factors listed in this Section 20.04.060(g). These adjustments may be applied as part of the calculation of parking requirements and do not require discretionary approval by the City.

(1) Shared Parking Facilities[551]

(A) Generally

Where a minimum number of parking spaces are required by Table 4-8: Minimum Vehicle Parking Requirements, the owners of two or more properties may join together to provide the required parking spaces for their respective uses. Upon request by the owners and after review of the request, the city planning and transportation department may authorize the shared use of parking facilities subject to the following:

i. Minimum

In a shared parking arrangement, each property shall provide a minimum of 60 percent of the individual parking requirements provided in Table 4-8: Minimum Vehicle Parking Requirements. In no case shall the total combined parking spaces be less than 120 percent of the greater individual parking requirement.

ii. Proximity[552]

[549] From current 20.05.070(b). Subsection 4 is new.
[550] New unless otherwise noted. These standards allow more flexibility with minimum parking requirements and allow development to consider impacts that may reduce overall parking demand.
[551] From current 20.05.070(e)(2). Last paragraph was added for clarification. Many communities are moving away from recording shared parking agreements because any amendment to that agreement would require another recorded agreement.

Any property using shared parking facilities shall be located within 600 feet of such parking facility, using established sidewalks and crosswalks where available.

When reviewing a shared parking proposal, the city planning and transportation department shall consider any additional reductions in minimum parking requirements that might otherwise apply pursuant to subsections (2) through (5) below, but such additional reductions shall not apply to further reduce the shared parking requirements approved by the city planning and transportation department.

(B) Shared Parking Agreement

The property owner seeking leased spaces shall provide a recordable zoning commitment to the planning and transportation department stating that in the case where leased spaces are no longer available, that an adequate parking alternative will be provided.

(2) Proximity to Transit

Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, the minimum parking required for development within one-quarter mile, measured radially in a straight line, of a fixed transit station shall be reduced from those shown in Table 4.1 by 15 percent.

(3) Affordable and Senior Housing[553]

The minimum number of required vehicle parking spaces for multifamily residential structures shall be reduced by 25 percent if the multifamily residential structure has at least 10 dwelling units and:

(A) A minimum of 25 percent of the dwelling units are restricted to residents with 60 percent area median income (AMI) for leased units; or

(B) A minimum of 25 percent of the dwelling units are restricted to residents with 80 percent AMI for sale units; or

(C) A minimum of 75 percent of the dwelling units are restricted for lease or sale by persons 65 years of age or older.

(4) On-Street Parking

Any on-street parking space in which more than one-half of the area of the parking space abuts the subject property, may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

(A) On-street parking may not be used to meet the minimum off street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, except as authorized in 20.04.0110(a) (Affordable Housing);

(B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use;

(C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

(E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off- street vehicle parking does not meet the minimum off street parking requirements of this chapter.

(5) Modification of Minimum Parking Requirement Based on Parking Study

If a petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 4-8:

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[552] Revised from 300 feet. We think 600 feet (2 blocks) is a reasonable distance for shared parking facilities. This is still under consideration and may be revised in later drafts. Any revisions will be noted in the Consolidated Draft.

[553] Added to help incentivize affordable and senior housing projects.

Minimum Vehicle Parking Requirements, and the city planning and transportation department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the city planning and transportation department may authorize a reduction in required off-street parking spaces based on that study.

(h) Adjustments to Maximum Parking Requirements[554]

No use shall provide vehicle parking spaces in an amount exceeding the maximum established in Table 4-9: Maximum Vehicle Parking Requirements, unless approved by the city planning and transportation department based on the following:

(1) The proposed development has unique or unusual characteristics that typically do not apply to comparable developments, uses, or combinations of uses, such as high sales volume per floor area or low parking turnover, that create a parking demand that exceeds the maximum ratio;

(2) The petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be more than that calculated from Table 4-9: Maximum Vehicle Parking Requirements, and the city planning and transportation department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects maximum reasonably anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses; and

(3) Any parking provided above the maximum required in Table 4-9: Maximum Vehicle Parking Requirements is constructed in a parking structure or with approved pervious surfaces.

(i) Vehicle Parking Location and Design

(1) Applicability

The standards in 20.04.060(i)shall apply to all surface and aboveground vehicle parking and maneuvering areas.

(2) Location[555]

(A) Generally

i. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same lot as the building or use served, unless otherwise allowed pursuant to 20.04.060(g)(1).

ii. Parking areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.

iii. For surface parking lots with 100 or more parking spaces, landscaped biodetention areas located below the surface level of the parking spaces, shall be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.[556]

iv. No park strip shall be used for parking unless otherwise approved by the city planning and transportation department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.[557]

v. All parking shall comply with parking landscape standards in Section 20.04.060.

vi. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.

[554] New. This standard is intended to provide flexibility and allow the Planning and transportation director to determine if maximum parking requirements should be adjusted for a unique project or land use.
[555] Did not carry forward 20.05.070(e)(1). By definition, on-site parking is located outside of the right of way.
[556] Revised to require below-surface biodetention, which reduces pollution in parking lot storm water runoff, rather than landscaped islands.
[557] Standards to guide the Planning and transportation directors' determination added.

(B) In the R2, R3, and R4 District[558]

i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the setback between the street and the building except on a single drive not exceeding 18 feet in width.

ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. Determinations of whether an alley allows for safe access shall be made by the city planning and transportation department.[559]

(3) Dimensions of Parking Spaces and Drive Aisles

All parking and maneuvering areas shall be constructed according to the following dimensional standards.

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

(B) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:[560]

i. Any raised curb in the overhang areas is no more than four inches in height; and

ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.

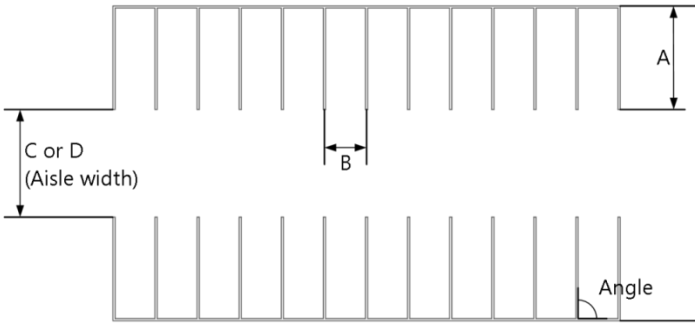

Figure 41: Illustrative Scale and Character

Table 4-10: Parking Dimensions (in feet)[561]

Angle	Parking Space		One-Way Aisle	Two-Way Aisle
	A	B	C	D
0° (parallel)	8.0	22.0 [1]	12.0	22.0
1° to 45°	18.0	9.0	12.0	22.0
46° to 60°	18.0	9.0	15.0	22.0
61° to 90°	18.0	9.0	18.0	24.0

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

(C) If the petitioner can provide different acceptable standards based on a professionally recognized source of parking lot design, the city planning and transportation department may approve alternative standards pursuant to the minor modification process outlined in Section 20.06.080(a) (Minor Modification).[562]

[558] From current 20.05.072(a). Currently only applies to the RC (now R3) zone district, added R2 and R4.
[559] Depth exception is new.
[560] New.
[561] Replaces 20.05.070(d); 20.05.070(i)(A); 20.05.070(i)(B); 20.05.070(i)(C); and 20.05.070(i)(D). Alternative standards are under consideration by staff to reduce dimensions and to increase space efficiency. Any future edits to these standards will be noted in the Consolidated Draft.

(4) Stacked Parking[563]

Stacked parking arrangements are permitted.

(5) Back-out Parking

(A) Generally

All on-site vehicle parking areas shall be designed to avoid the need for vehicles to back onto public streets when exiting the parking space, unless otherwise stated in this UDO.

(B) Exceptions[564]

Single-family, duplex, triplex, and fourplex uses in any zone district shall be permitted to back-out directly onto an alley or a public street, other than an arterial street.

(C) Back-out Parking Waiver

Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

i. The lot in question does not exceed 20,000 feet in area;

ii. A maximum of eight back-out parking spaces are permitted per site; and

iii. Parking shall directly access an improved alley.

(6) Stormwater Drainage

(A) Parking lots shall be constructed such that all surface water is directed into an approved landscape bumpout, island, or endcap per Section 20.04.080(h)(2) (Landscape Bumpouts, Islands, and Endcaps). Stormwater run-off that cannot be directed into approved landscape bumpouts, islands, or endcaps shall be treated using one or more of the best management practices prescribed in Section 20.04.060(i)(6)(E) or directed into the stormwater drainage system.[565]

(B) Water draining from a parking lot shall not flow across a sidewalk.

(C) Stormwater drainage plans for off-street parking lots shall be reviewed and approved by the city utilities department.

(D) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.

(E) For all new parking lots containing 12 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:[566]

i. Permeable pavement materials shall be installed. If such materials are the only practice employed from this list, then they shall cover at least 25 percent of the total parking lot area; or

ii. Treatments such as rain gardens, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities shall be installed; or

iii. Other combinations of best management practices subject to approval by the City of Bloomington Planning and Transportation and Utilities Departments.

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[562] New.
[563] From current 20.05.070(f). Did not carry forward 20.05.071(d), the standard in 20.05.070(f) would imply that stacking parking is permitted city-wide.
[564] From current 20.05.071(c). Currently limits this exception to single-family uses in the RE and RS zoning districts. Revised to broaden exception to any single-family, duplex, triplex, and fourplex residential use in any zoning district.
[565] New language allows alternative stormwater run-off treatments to help improve water quality and to reduce stress on the City's infrastructure. Current standard requires all stormwater to enter into the City's stormwater drainage system.
[566] Revised from 16 to 12 for consistency with other parking lot landscaping standards.

(7) Surface Material[567]

(A) Except as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.

(B) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.

(C) Areas using permeable parking pavers shall not count towards impervious surface calculations.

(D) Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, all parking spaces shall be striped or otherwise designated to clearly mark each space.

(E) All driving lanes and parking aisles in parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.[568]

(8) Parking Area Landscaping

All development shall comply with Section 20.04.080(h).

(9) Parking Area Lighting

All development shall comply with Section 20.04.090.

(10) Pedestrian and Bicycle Circulation

All development shall comply with Section 20.04.050.

(j) Loading Area Location and Design[569]

(1) Applicability[570]

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

(2) Location

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

(3) Design

(A) Loading berths shall be paved with asphalt or concrete.

(B) Loading berths shall be effectively screened from view from adjacent public streets and residential uses by solid building walls, constructed of similar building materials as the primary structure and not less than six feet in height.

(C) The design of loading berth areas shall prevent any portion of any vehicle using the loading facility from projecting into a public right-of-way.

(k) Drive-Through Facilities and Vehicle Stacking Areas[571]

(1) Applicability

The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

(2) Minimum Number of Vehicle Stacking Spaces

All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 4-11: Minimum Vehicle Stacking Space Requirements, and shall comply with the standards in this Section 20.04.060(k).

[567] Consolidated 20.05.070(m), 20.05.071(e), 20.05.072(b), 20.05.073(b), and 20.05.074(b). The current standards include slight deviations for parking materials depending on the district, we recommend a uniform approach for ease of administering and to promote a cohesive aesthetic in Bloomington.
[568] Revised to remove striping requirement. Added last phrase allowing alternative designs to promote more stormwater treatment in vegetated areas.
[569] From current 20.05.063.
[570] Revised to apply to all loading berths. Currently standards only apply in the CL, CG, CA, CD, IG, BP, IN, MD, and QY zone districts.
[571] Replaces current 20.05.091.

Table 4-11: Minimum Vehicle Stacking Space Requirements

Use	Required Stacking Spaces
Car wash[572]	4 spaces per bay or lane
Food and beverage uses[573]	4 spaces per service lane
Other uses[574]	3 spaces per service lane

(I) Minimum Bicycle Parking Required[575]

(1) Applicability[576]

The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(2) Required Bicycle Parking Spaces[577]

(A) Generally

i. Each development subject to this Section 20.04.03(I) shall provide a minimum of six bicycle parking spaces or the number of bicycle parking spaces required in Table 4-12: Minimum Bicycle Parking Requirements, whichever is more. [578]

ii. The minimum number of bicycle parking spaces required in Table 4-12: Minimum Bicycle Parking Requirements shall be based on the total number of vehicle parking spaces provided on-site or in a permitted off-site location to serve the principal uses.

Table 4-12: Minimum Bicycle Parking Requirements

(Percentage of vehicle parking spaces provided on-site)

Use	All Other Zoning Districts	MD Zoning District
Residential Uses	10%	20%
Public, Institutional, and Civic Uses	5%	15%
Commercial Uses	5%	10%
Industrial Uses	2%	5%

[572] Consolidated full-service and self-service uses. Current code requires eight stacking spaces for full-service and four stacking spaces for self-service. We recommend carrying forward four stacking spaces for both uses.
[573] From current parking table. Renamed from "drive-through" to provide more clarity. Reduced from current requirement of 5 spaces
[574] From current 20.05.092(a). This is intended to include all drive-through uses not listed in this table (i.e., bank, pharmacy, dry-cleaning, etc.). The current standard says "up to three drive-through bays."
[575] Replaces current 20.05.011; 20.05.013; and 20.05.014. Standards have been simplified to require bicycle parking based on the percentage of vehicle parking provided on-site. In many cases the required parking has been increased in response to comprehensive plan guidance to promote walkability and alternative modes of transportation.
[576] Replaces current 20.05.012. Rather than listing specific land uses for which these standards do not apply, we recommend they broadly apply to all land uses. A new standard below allows the Planning and transportation director to reduce the minimum bicycle parking requirement subject to building site characteristics.
[577] Replaces the current standards for how many bicycle parking spaces are required (20.05.011; 20.05.013; and 20.05.014). This approach bases bicycle parking ratios on the number of vehicle spaces provided on-site and creates a consistent methodology for the entire City. Development projects that provide parking downtown will require more bicycle parking to reflect a more pedestrian/bike friendly environment. Current standards require multifamily projects in the RM, RH, MH, CL, CG, CA, and CD districts to provide one Class II bicycle parking space per six bedrooms, or a minimum of four, whichever is greater.
[578] New.

(B) Mixed-Use Developments

Developments with both nonresidential and residential uses shall provide the cumulative required number of bicycle parking spaces as calculated for the respective nonresidential and residential requirements in Table 4-12: Minimum Bicycle Parking Requirements.

(C) Cottage Development[579]

A minimum of one class-2 bicycle parking space is required per dwelling unit. Secure garages may count toward this requirement, but a minimum of four class-2 bicycle parking spaces shall be provided.

(D) Building Expansions or Changes of Use[580]

Building expansions or changes of use that require additional vehicle parking spaces pursuant to Section 20.04.060(b) shall also require additional bicycle parking spaces based on the percentages in Table 4-12: Minimum Bicycle Parking Requirements, as applied to the building expansion area or the additional parking required by the change of use.

(E) When No On-Site Vehicle Spaces are Provided[581]

Where vehicle parking spaces are provided on-site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

(F) Existing Public Bicycle Parking Spaces[582]

Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change of use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

(G) Bicycle Parking Reduction[583]

Subject to the approval of the planning and transportation department, the number of bicycle parking spaces may be reduced if:

i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or

ii. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on-site.

(m) Bicycle Parking Location and Design[584]

(1) Location

(A) Rights-of-way

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

(B) Access and Pedestrian Obstruction

All required bicycle parking spaces shall be located so that a minimum three-foot clear pedestrian passage space is provided to all sides of a standard six-foot bicycle parked in each required space.

[insert graphic here]

[579] From current 20.05.0332 made applicable to cottage development.
[580] New.
[581] New. This ensures that each development project provides a minimum number of bicycle parking spaces, even if no vehicle parking is provided.
[582] New.
[583] Replaces current 20.05.12 and 20.05.014(a)(1). Rather than exempting uses entirely, this provides flexibility and allows the Planning and transportation director to reduce bicycle parking requirements if a site is isolated from other development or is situated on a unique site that would not lend itself to bicycle traffic or where bicycle facilities are already provided in the public right-of-way.
[584] From current 20.05.011, with some provisions consolidated and reorganized.

(C) Design and Proximity[585]

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

(D) Collocation

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

(E) Distribution

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

(2) Design

(A) Type

i. All bicycle parking requirements shall be met using either long-term Class I or short-term Class II bicycle security facilities.[586]

ii. For multifamily residential uses, developments with 25 or more dwelling units shall provide:[587]

1. A minimum of one-half of the total required bicycle parking spaces as covered, short-term Class II bicycle parking facilities; and
2. A minimum of one-quarter of the total required bicycle parking spaces as long-term Class I facilities.

iii. For nonresidential and mixed-use developments with more than 20,000 square feet of gross floor area, all required bicycle parking facilities shall be Class II covered spaces.[588]

(B) Surface

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

(n) Use of Parking Areas[589]

(1) Exclusive Use

(A) Unless a shared parking agreement has been established in accordance with Section 20.04.060(g)(1), required vehicle and bicycle parking spaces shall be designed, maintained and used exclusively for the tenants, occupants, and customers of the buildings or uses on the site.

(B) Excess or unused parking vehicle or bicycle parking spaces or loading spaces may not be rented or leased to the general public or to those who are not tenants, occupants and customers of the buildings or uses where the parking is located unless:

i. Otherwise allowed pursuant to 20.04.060(g)(1); or

ii. A vehicle parking garage is listed as a permitted or conditional use in the zoning district where the parking lot or parking garage is located pursuant to Table 3-1: Allowed Use Table.

[585] From current 20.05.013. This standard would now apply broadly to any use for which bicycle parking is required (not just multifamily projects). Reference to bicycle racks was replaced with more flexible requirement that bicycles be able to be locked.
[586] From current 20.05.011(e).
[587] Replaces current 20.05.013(c) that establishes a threshold of 32 bedrooms or more. We recommend moving away from bedroom-based regulations to help incentivize a diversity of unit sizes.
[588] From current 20.05.014(a)(3).
[589] From current 20.05.070(g).

(2) Storage of Vehicles or Equipment[590]

Vehicle parking spaces, including both required and excess parking spaces, shall not be used for storing vehicles that are not used in conjunction with the primary use of the lot.

(3) Motor Vehicle Repair

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

(B) Motor vehicle repair work in parking areas, including both required and excess parking spaces, shall be prohibited in all other zoning districts.

(C) A maximum of three wrecked or inoperable vehicles awaiting repair may be stored on-site at one time. No such vehicle shall be stored on-site in excess of 30 days.

(4) Vehicles and Trailers[591]

Except for uses where auto repair is authorized, the parking of vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited for periods in excess of 30 days, unless such vehicle or trailer is completely enclosed within a building or within an approved Salvage or Scrap Yard.

(5) Storage, Occupancy, or Similar Uses

Vehicles, campers or tractor/trailers of any type shall not be used for the purpose of storage, occupancy, or similar use.

(o) On-street Parking Standards for Private Streets[592]

The following standards apply to all developments where the City has approved the use of private streets that have not been dedicated to the City. This on-street parking standards section applies to the following types of development:

(1) Striping

All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least eight feet long, and be spaced at least 22 feet apart. An on-street parking space located at the end of a row of spaces may be shortened to 20 feet in length. T-markings may also be permitted to mark spaces. No parking spaces shall be placed within thirty 30 feet of an intersection, or within a greater distance of the intersection if required by the City based on considerations of pedestrian and traffic safety.

(2) No Parking Signs

Any side of a street where parking is not permitted shall have signs noting such restrictions placed at least every one hundred fifty feet.

(3) Bump-outs

(A) Bump-outs may be required at street intersections where on-street parking is used. Where required, bump-outs shall use a six inch standing curb, shall be designed to extend a minimum of eight feet from the curb line, and may not reduce the travel lane widths below the standards of the Transportation Plan.

(B) Curbing may include cuts for water runoff collection into approved bioswales or the like to improve water quality.[593]

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[590] Second sentence is new.
[591] Revised language to clarify that this does not apply to auto repair establishments. Added "for periods in excess of 30 days."
[592] From 20.07.120-OG-01, reworded for clarity. These standards are under review by the department of public works and may be modified in the Consolidated Draft.
[593] New.

(C) Bump-outs shall be installed at angles greater than 90 degrees away from the street curb to facilitate street maintenance, and shall use designs approved by the transportation and traffic engineer based on considerations of pedestrian and traffic safety and efficient maintenance.

20.04.070 Site and Building Design

(a) Purpose[594]

The intent of this Section 20.04.070, is to establish site and building design standards that foster high-quality, attractive, and sustainable development that is compatible with the Bloomington's principles and policies. The standards are further intended to:

(1) Protect and enhance the character and quality of Bloomington's neighborhoods;

(2) Protect and enhance the long-term market value of property within Bloomington;

(3) Enhance the human and pedestrian scale of new developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;

(4) Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;

(5) Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;

(6) Minimize negative impacts of on-site activities to adjacent uses; and

(7) Balance the community's economic and aesthetic concerns.

(b) Applicability

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all expansions of the gross floor areas of existing primary structures by 25 percent or more shall comply with Section 20.04.070 (Site and Building Design); and

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in Section 20.04.0110 (Incentives).

(c) MD District[595]

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

(d) Building Design[596]

(1) Mixed-Use and Nonresidential[597]

(A) Applicability

The following standards shall apply to parcels in the MN, MM, MC, ME, MI, and MH zone districts located wholly or partially within 300 feet of the centerline of a primary arterial, or 500 feet of the centerline of a freeway/expressway, as classified by the Transportation Plan.

(B) Exceptions

Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1). Such residential dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(2).

[594] New.
[595] From current 20.05.018. Currently applies to the CD zone district.
[596] From current 20.05.015.
[597] Replaces current 20.15.015(a). Currently only applies to the CL, CG, CA, IG, BP, IN and MD zone districts.

(C) Materials

All facades of a primary building visible from a primary arterial or freeway/expressway shall consist of one or more of the following materials:

i. Cementitious siding;
ii. EIFS;
iii. Masonry;
iv. Natural stone;
v. Precast concrete;
vi. Split-faced block;
vii. Transparent glass;
viii. Wood; or
ix. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

(D) Exterior Facades

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

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

(E) Patterns

All facades of a primary building visible from a primary arterial or freeway/expressway shall contain the following color and texture changes:

i. Facades shall consist of at least one primary and one secondary color.
ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.
iii. Variations in texture and color elements shall repeat vertically a minimum of every 30 feet.[598]

(F) Eaves and Roofs

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

(G) 360-Degree Architecture

Those sides of a building that are not visible from a primary arterial or freeway/expressway shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing. [599]

(H) Primary Pedestrian Entry

One primary pedestrian entrance shall be provided for any facade which contains at least 66 feet of frontage along a primary arterial or freeway/expressway. The pedestrian entry shall contain at least three of the following architectural details:

i. Pilasters or facade modules;
ii. Public art display;
iii. Prominent building address, building name, and lighting;
iv. Raised corniced entryway parapet; or

[598] Added "a minimum of" before 30 feet to provide more flexibility.
[599] Vague "complementary" standard was replaced with "similar."

v. Buttress and arched entry.

(2) Residential[600]

(A) Applicability

The following standards shall apply to the construction, expansion, addition, or alteration of any building used for residential occupancy in the RE, R1, R2, R3, R4, RM, RH and RMH zone districts.

(B) Materials

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
ii. V-grooved tongue-and-groove siding;
iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
iv. Cedar or other wood materials;
v. Stucco, plaster, or similar systems;
vi. Stone;
vii. Split face block, ground face block, or brick;
viii. Cast or cultured stone;
ix. Cast in place concrete;
x. Earthen structural materials;
xi. Other materials that replicate the look and durability of the above materials, as approved by the staff.

(C) Minimum Coverage

Exterior finish building materials listed above, or a combination of such materials, shall extend from roofline to within six inches of finished grade.

(D) Foundations

All buildings shall be placed on permanent foundations.

(E) Roofs[601]

i. Attached and detached single-family dwellings, duplex, triplex, and fourplex dwelling units shall have sloped roofs consisting of shingles, shakes, tile, standing-seam metal, or V-grain metal. Additions to attached or detached single-family dwelling units may use flat roofs.
ii. Multifamily structures may use a flat roof with a parapet or a sloped roof consisting of the materials listed in 20.04.070(d)(2)(E)i above.

(F) Rain Gutters and Downspouts

Rain gutters and downspouts are required.

(G) Uniform Architecture

When the rear or side facade of a newly constructed building is adjacent to a street, the architecture of these facades shall be made to match that of the front facade. Such matching shall occur through use of similar materials, window/doorway openings, variation in rooflines, or fenestration.

(H) Anti-monotony Standards

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

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

[600] From current 20.05.016.
[601] Revised to include duplex, triplex, and fourplex dwelling uses.

(e) Projects Adjacent to Historic Buildings[602]

The following standards shall apply to all facades of primary buildings in the MN, MM, MC, ME, MI, MD, and MH zone districts that are visible from the road frontage:[603]

(1) Height Stepdowns

Buildings located immediately adjacent to the side of outstanding, notable and contributing structures as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall incrementally step down upper stories at each respective facade module to within one story or 14 feet, whichever is less, above the highest elevation of the respective adjacent historic structure.

(2) Alignment with Setbacks

Notwithstanding the provisions of Section 20.04.020 (Dimensional Standards), new buildings located immediately adjacent to the side of an outstanding, notable and/or contributing structure as identified in either one or both of the City of Bloomington Survey of Historic Sites and Structures or the Indiana State Historic Architectural and Archaeological Research Database shall align their respective facades to match the front setback established by a surveyed structure rather than the required build-to line.

(3) Alignment with Belt Courses

Where a building façade is required to incorporate horizontal belt course elements pursuant to Section 20.02.060(a)(8)(A), the required horizontal elements shall visually align with similar horizontal design elements of adjacent historic structures.

(4) Belt Courses[604]

(A) Building facades shall incorporate exterior horizontal belt course design elements for the building base, middle and cap through techniques such as copestone, dripstone, string course, water table, and/or plinth using natural stone or masonry.

(B) Building facades shall incorporate exterior vertical banding techniques using natural stone or masonry to visually define building subdivisions of wall planes, modules, or building facade focal points.

[602] From architectural standards for current downtown overlay districts. The provisions for defaulting to standard setbacks and build-tos when there are no adjacent historic buildings were deleted as unnecessary. These provisions are now generally applicable to buildings in Mixed-Use zone districts outside of downtown that are adjacent to Notable or Outstanding buildings.
[603] Added "that are visible from the road frontage" for clarity.
[604] From architectural standards for current downtown overlay districts. Applicability to non-street facing facades clarified.

20.04.080 Landscaping, Buffering, and Fences

(a) Purpose

The landscaping standards are intended to improve Bloomington's vegetated environment and foster development that will protect and preserve the appearance, character, health, safety and welfare of the community. Additionally, the standards are intended to foster an aesthetically pleasing development that will protect and improve Bloomington's biodiversity and the ecological services provided by native species and ecosystems. Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are essential components of a project. These components act to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environments.

(b) Applicability

Unless otherwise stated in this UDO:

(1) All development of vacant land, all construction of new structures, and all expansions of the gross floor areas of existing primary structures by 25 percent or more shall comply with Section 20.04.080: Landscaping, Buffering, and Fences

(2) All development of vacant land, all construction of new structures, and all modification of existing structures are eligible to earn the Incentives in Section 20.04.0110 (Incentives).

(c) General Landscaping[605]

(1) Placement of Landscape Materials[606]

(A) Rights-of-way and Easements

It shall be the responsibility of the property owner to install and maintain landscape material in rights-of-way or easements. Plant types shall be approved by either the city or the easement holder.

(B) Utility Infrastructure

i. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections.

ii. Trees shall be planted at least 10 feet from sanitary sewer and water service lines.

iii. A tree canopy may project over a right-of-way or easement.

iv. All landscaping plans shall be reviewed by the city utilities department in order to ensure that there are no conflicts between proposed landscaping and utility lines.

(C) Vehicular and Pedestrian Movement

Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of 15 feet.

(D) Vision Clearance

Materials shall be located to avoid interference with visibility per Section 20.04.050(c)(4) (Vision Clearance Triangle).

(E) Distribution

Required landscaping shall be reasonably distributed in any areas of a site not covered by a structure, parking lot or required buffer yard.[607] It is suggested that the required plantings be planted in clusters or irregular

[605] From current 20.05.052.
[606] Did not carry forward current 20.05.052(a)(5). These standards read more like a guideline (using “should” rather than “shall”). While it suggests a best practice, it is not required and should be removed from the code.
[607] Reworded to replace “open space” with “areas not covered by a structure, parking lot, or required buffer yard.”

patterns, and that native grasses and other native species be used for ornamentation in addition to the required plantings.

(2) Plant Material Standards

(A) Live Plantings

All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized as contributing to required landscaping.

(B) Species Diversity

On sites that require an aggregate total of 20 or more new trees, any given species of tree shall be limited to a maximum of 33 percent of the total number of newly planted trees on site.

(C) New Planting Sizes

The following minimum sizes shall apply to all required plant material:

i. Deciduous Trees

All newly planted deciduous trees shall be at least two inches in caliper.

ii. Evergreen Trees

All newly planted evergreen trees shall be at least six feet tall.

iii. Shrubs

Shrubs shall be at least three-gallon container size or 18 inches tall.

(D) Substitution

i. Public Art

The city planning and transportation department may reduce the landscaping requirement by up to 25 percent if it is replaced with public art. Public art shall not replace required buffer yard landscaping as required by Section 20.04.080(g).

ii. Existing Vegetation

1. The city planning and transportation department may permit the substitution of required landscaping with existing vegetation provided that the existing vegetation is similar in species and location as well as in good health and quality.
2. Vegetation preserved to meet the requirements of Section 20.04.030(h), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section 20.04.080(c)(2).
3. Qualified existing vegetation shall be credited towards required landscaping based on the following values:

[a] Deciduous Trees

A credit of one tree per every four inches in caliper of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than five individual required trees.

[b] Evergreen Trees

A credit of one tree per every 12 feet in height of an existing qualified evergreen tree is earned. No single existing tree shall count towards more than three individual required trees.

[c] Shrubs

A credit of one shrub per every one existing qualified shrub is earned.

(E) Shrubs

Where shrubs are required to be planted, up to 20 percent of the total number of required shrubs may be substituted for with flowering perennials, grasses, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g).[608]

(F) Ground Cover[609]

i. Grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot bumpouts, islands, and endcaps and areas within 12 inches of a building foundation may use decorative mulch or stone.

ii. Planting beds shall not extend more than one foot beyond the drip line of shrubbery, and shall be no more than six feet in diameter surrounding trees.

iii. Areas of a development site designed for natural stormwater treatment, such as bioswales, may use decorative stone in lieu of grass or other vegetative ground cover.

(3) Alternatives Authorized[610]

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

(A) Natural conditions, such as watercourses, natural rock formations, or topography;

(B) The likelihood that required landscaping material would not achieve the intent of the ordinance at maturity due to topography, placement, or other existing site conditions;

(C) Unique lot size or configuration;

(D) Infill development or redevelopment on lots containing less than 5,000 square feet of lot area;

(E) The presence of existing utility or other easements;

(F) The potential for interference with public safety;

(G) Preservation of natural vegetation; or

(H) Other situations where strict adherence to the buffer or landscaping standards in this UDO are determined impractical by the city planning and transportation department.

(4) Alternative Landscape Plan Approval Criteria[611]

The city planning and transportation department may approve alternative landscape plans that do not meet the specific requirements stated in this Section 20.04.080, when the petitioner demonstrates and the city planning and transportation department determines that the alternatives meet all of the following criteria:

(A) Are consistent with the purposes of this Section 20.04.080;

(B) Do not include invasive vegetation included in an adopted city, county, or state list of prohibited or invasive species;

(C) Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and

(D) Provide equal or superior visual appearance of the property when viewed from a public right of way.

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[608] Last sentence is new.

[609] Revised to reflect current trends to promote water conserving vegetation, and to allow vegetation requiring less water than grass to meet landscaping standards. These new standards reflect other updates replacing landscaped islands with requirements for vegetated swales located lower than the level of the parking surface (with gaps in any perimeter curbs to allow stormwater to enter the swales) in order to promote better stormwater infiltration and treatment.

[610] New. This new provision is intended to allow flexibility in design when specific criteria are met.

[611] New.

(d) Permitted Plant Species[612]

All plant material shall be selected from this Section 20.04.080(d). Substitutions to the list shall be submitted to the city planning and transportation department for approval.

(1) Street Trees

Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required are established in Table 4-13: Permitted Street Tree.

Table 4-13: Permitted Street Tree Species

Bold text indicates native species

Common Name	Scientific Name
Large Street Trees - 45 feet or more at mature height	
Black Maple	***Acer nigrum***
Red Maple	***Acer rubrum***
Sugar Maple	***Acer saccharum***
Sugar Hackberry	***Celtis laevigata***
Hackberry	***Celtis occidentalis***
American Beech	***Fagus grandfolia***
European Beech	*Fagus sylvatica*
Ginkgo	*Ginkgo biloba*
Thornless Honeylocust	***Gleditsia triacanthos inermis***
Kentucky Coffee Tree	***Gymnocladus dioica***
Sweetgum	***Liquidambar styraciflura***
Tulip Tree	***Liriodendron tulipifera***
Cucumbertree	*Magnolia acuminate*
Blackgum or Tupelo	***Nyssa sylvatica***
Sycamore	***Platanus occidentalis***
London Planetree	*Plantanus x acerfolia*
Sawtooth Oak	***Quercus acutissima***
White Oak	***Quercus alba***
Swamp White Oak	***Quercus bicolor***
Scarlet Oak	***Quercus coccinea***
Shingle Oak	***Quercus imbricaria***
Bur Oak	***Quercus macrocarpa***
English Oak	*Quercus robur*
Red Oak	***Quercus rubra***
Shumard Oak	***Quercus shumardii***
Black Oak	***Quercus velutina***
Bald Cypress	***Taxodium distichum***

[612] From current Exhibits LA-A. Clarion recommends this content be removed from the UDO and retained in a separate administrative manual that is available on the city's website or in the planning and transportation office. We find that codifying such lists makes it difficult to amend in the future and tends to lengthen and complicate the code.

Table 4-13: Permitted Street Tree Species

Bold text indicates native species

Common Name	Scientific Name
Basswood or American Linden	***Tilia Americana***
Litteleaf Linden	*Tilia cordata*
Silver Linden	*Tilia tomentosa*
Crimean Linden	*Tilia x euchiora*
Homestead Elm	*Ulmus x*
Japanese Zelkova	*Zelkova serrata*
Medium Street Trees - 25 feet to 45 feet at mature height	
Hedge Maple	*Acer campestre*
Nikko Maple	*Acer nikoense*
Autumn Flame Red Maple	***Acer rubrum***
Roughbark or Three-Flowered Maple	*Acer triflorum*
Downy Serviceberry	***Amelanchier arborea***
Whitespire Birch	*Betula platyphylla japonica*
European Hornbeam	*Carpinus betulus*
American Hornbeam or Blue Beech	***Carpinus caroliniana***
Katsura Tree	*Cercidiphyllum japonicum*
Yellowwood	***Cladrastis lutea***
Turkish Filbert	*Corylus colurna*
Golden Raintree	*Koelreuteria paniculata*
Magnolia	*species*
Hop Hornbeam or Ironwood	***Ostrya virginiana***
Purple Robe Locust	***Robinia x ambigua***
Small Street Trees - Under 25 feet at mature height	
Paperbark Maple	*Acer griseum*
Tartarian Maple	*Acer tartaricum*
Shadblow Serviceberry	***Amelanchier canadensis***
Apple Serviceberry hybrids	*Amelanchier x grandiflora*
Allegheny Serviceberry	*Amelanchier laevis*
Eastern Redbud	***Cercis canadensis***
Flowering Dogwood	***Cornus florida***
Kousa Dogwood	*Cornus kousa chinensis*
Thornless Cockspur Hawthorn	*Crataegus crus-galli*
Washington Hawthorn	***Crataegus phaenopyrum***
Green Hawthorn	***Crataegus viridis***
Flowering Crabapple	*Malus sp.*
Cultivars: 'Adirondack', baccata 'Jackii', 'Bechtel', 'Centzam', 'David', 'Hargozam', 'Pink Spires', 'Prairie Fire', 'Red Barron', 'Red Jewel', 'Sinai Fire', 'Van Esltine', 'Winter Gold', x zumi 'Calocarpa'	
Japanese Tree Lilac	*Syringa reticulata*

(2) Interior Trees

Trees suitable for the interior of a site are established in Table 4-14: Permitted Interior Tree Species. Permitted street tree species listed in Table 4-13: Permitted Street Tree Species may also be used.

Table 4-14: Permitted Interior Tree Species

Bold text indicates native species

Common Name	Scientific Name
Large Trees - 45 feet or more at mature height	
Ohio Buckeye	*Aesculus glabra*
Yellow Buckeye	*Aesculus octandra*
Horsechestnut or Buckeye	*Aesculus sp.*
Bitternut Hickory	*Carya cordiformis*
Pignut Hickory	*Carya glabra*
Shellbark Hickory	*Carya laciniosa*
Shagbark Hickory	*Carya ovata*
Mockernut Hickory	*Carya tomentosa*
Northern Catalpa	*Catalpa speciosa*
American Holly	*Ilex opaca*
Black Walnut	*Juglans nigra*
White Pine	*Pinus strobes*
Virginia Pine	*Pinus virginiana*
Black Cherry	*Prunus serotina*
Chestnut Oak	*Quercus prinus*
Canadian or Eastern Hemlock	*Tsuga Canadensis*
Medium Trees - 25 feet to 45 feet at mature height	
River Birch	*Betula nigra*
Hardy Rubber Tree	*Eucommia ulmoides*
Sassafras	*Sassafras albidum*
Arborvitae	*Thuja occidentalis*
Small Trees - Under 25 feet at mature height	
Red Buckeye	*Aesculus pavia*
Pawpaw	*Asimina triloba*
Dwarf Hackberry	*Celtis tenuifolia*
Pagoda Dogwood	*Cornus alternifolia*
Smoke Tree	*Cotinus coggygria*
Silverbell	*Halesia carolina*
Wild Plum	*Prunus Americana*
Oriental or Flowering Cherry	*Prunus*
Red Buckeye	*Aesculus pavia*

(3) Shrubs, Bushes, and Hedges

Plants, bushes, and hedges suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 4-15: Permitted Shrubs, Bushes and Hedges Species.

Table 4-15: Permitted Shrubs, Bushes and Hedges Species

(Bold indicates native species)

Common Name	Scientific Name
Red Chokeberry	***Aronia arbutifolia***
Black Chokeberry	***Aronia melanocarpa***
Boxwood	*Buxus* species
Caolinia Allspice or Sweet Shrub	*Calycanthus floridus*
New Jersey Tea	***Ceanothus americanus***
Buttonbush	***Cephalanthus occidentalis***
Flowering Quince	*Chaenomeles*
False Cypress	*Chamaecyparis*
Gray Dogwood	***Cornus racemosa***
American Hazelnut	***Corylus Americana***
Cotoneaster	*Cotoneaster*
Silverbell shrub	***Halesia tetraptera***
Spring Witch Hazel	***Hamamelis vernalis***
Eastern Witch Hazel	***Hamamelis virginiana***
Wild Hydrangia	***Hydrangia arborescens***
Oakleaf Hydrangia	***Hydrangia quercifolia***
Winterberry Holly	***Ilex verticillata***
Virginia Sweetspire	***Itea virginica***
Juniper	*Juniper* species
Spicebush	***Lindera benzoin***
Mockorange	*Philadelphus*
Ninebark	***Physocarpus opulifolius***
Shrubby Cinquefoil	***Potentilla***
Purple Leaf Sand Cherry	*Prunus cistena*
Sand Cherry	***Prunus pumila***
Rhododendron	*Rhododendron* species
Lilac	*Syringa vulgaris*
Fragrant Sumac	***Rhus aromatica***
Winged Sumac	***Rhus copallina***
Shinning Sumac	***Rhus glabra***
Staghorn Sumac	***Rhus typhina***
Virginia Rose	***Rosa virginiana***
Pussy Willow	***Salix discolor***
Bladdernut	***Stapphylea trifolia***

Table 4-15: Permitted Shrubs, Bushes and Hedges Species

(Bold indicates native species)

Common Name	Scientific Name
Coralberry or Indian Currant	*Symphoricarpos orbiculatus*
Canadian Yew	*Taxus canadensis*
Weeping Hemlock	*Tsuga Canadensis 'pendula'*
Highbush Blueberry	*Vaccinium corymbosum*
Mapleleaf Viburnum	*Viburnum acerifolium*
Arrowwood	*Viburnum dentatum*
Nannyberry	*Viburnum lentago*
Black Haw	*Viburnum prunifolium*
American Highbush Cranberry	*Viburnum trilobum*
Prickly Ash	*Zanthoxylum americanum*

(4) Herbacaceous Perennial Plants

Herbacaceous perennial plants suitable for infill, aesthetics, and cover are established in Table 4-16: Permitted Herbacaceous Perennial Plant Species.

Table 4-16: Permitted Herbacaceous Perennial Plant Species

Bold text indicates native species

Common Name	Scientific Name
Flowering Perennials	
Columbine	*Aquilegia canadensis*
Swamp or Marsh Milkweed	*Asclepias incarnata*
Common Milkweed	*Asclepias syriaca*
Butterflyweed	*Asclepias tuberosa*
Smooth Aster	*Aster laevis*
Short's Aster	*Aster shortii*
False Blue Indigo	*Baptisia australis*
Tall Coreopsis	*Coreopsis tripteris*
Larkspur	*Delphinium tricorne*
Purple Coneflower	*Echinacea purpurea*
Spotted-Joe-Pye-Weed	*Eupatorium maculatum*
Wild Geranium	*Geranium maculatum*
Autumn Sneezeweed	*Helenium autumnale*
Stiff or Prairie Sunflower	*Helianthus pauciflorus*
False Sunflower	*Heliopsis helianthoides*
Hosta	*Hosta* species
Violet Lespedeza	*Lespedeza violacea*
Prairie Blazing Star	*Liatris pycnostachya*
Dense Blazing Star	*Liatrus spicata*

Table 4-16: Permitted Herbacaceous Perennial Plant Species

Bold text indicates native species

Common Name	Scientific Name
Cardinal Flower	*Lobelia cardinalis*
Great Blue Lobelia	*Lobelia siphilitica*
Virginia Bluebells	*Mertensia virginica*
Bergamot or Bee-balm	*Monarda fistulosa*
Purple Prairie Clover	*Petalostemum purpureum*
Blue Phlox	*Phlox divaricata*
Summer Phlox	*Phlox paniculata*
Obedient Plant	*Physostegia virginiana*
Yellow Coneflower	*Ratibida pinnata*
Black-Eyed-Susan	*Rudbeckia hirta*
Green-Headed Coneflower	*Rudbeckia laciniata*
Sweet Coneflower	*Rudbeckia subtomentosa*
Stiff Goldenrod	*Solidago rigida*
Blue-stemed Goldenrod	*Solidago caesia*
Grey Goldenrod	*Solidago nemoralis*
Royal Catchfly	*Silene regia*
Fire Pink	*Silene virginica*
Celandine Poppy	*Stylophorum diphyllum*
Culver's Root	*Veronicastrum virginicum*
Violet	*Viola sororia*
Ground Covers	
Canada Anemone	*Anemone canadensis*
Wild Ginger	*Asarum canadense*
Palm Sedge	*Carex muskingumensis*
Common Oak Sedge	*Carex pensylvanica*
Green and Gold	*Chrysogonum virginianum*
Running Strawberry Bush	*Euonymus obovatus*
Wild Strawberry	*Fragaria virginiana*
Dwarf Crested Iris	*Iris cristata*
Creeping Phlox	*Phlox subulata*
Partridge Berry	*Mitchella repens*
Wild Stonecrop	*Sedum ternatum*
Foam Flower	*Tiarella cordifolia*
Vines	
Wooly Douchman's Pipe	*Aristolochia tomentosa*
Crossvine	*Bignonia capreolata*
Trumpet Creeper	*Campsis radicans*

Table 4-16: Permitted Herbacaceous Perennial Plant Species

Bold text indicates native species

Common Name	Scientific Name
American Bittersweet	*Celastrus scandens*
Virgin's Bower (native clematis)	*Clematis virginiana*
Virginia Creeper	*Parthenocissus quinquefolia*
Ferns	
Maidenhair Fern	*Adiantum pedatum*
Lady Fern	*Athyrium filix-femina*
Giant Wood Fern or Goldie's Fern	*Dryopteris goldiana*
Evergreen Shield Fern	*Dryopteris marginalis*
Ostrich Fern	*Matteuccia struthiopteris*
Cinnamon Fern	*Osmunda cinnamomea*
Christmas Fern	*Polystichum acrostichoides*
Grasses	
Big Bluestem	*Andropogon gerardii*
Side-Oats Gramma	*Bouteloua curtipendula*
Bottlebrush Grass	*Elymus hystrix*
June Grass	*Koeleria macrantha*
Switch Grass	*Panicum virgatum*
Little Bluestem	*Schizachyrium scoparium*
Prarie Dropseed	*Sporobulus heterolepsis*

(e) Prohibited Plant Species[613]

Species identified in Table 4-17: Prohibited Plant Species are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 4-17: Prohibited Plant Species

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

Common Name	Scientific Name
Invasive Trees	
Amur Maple	*Acer ginnala*
Norway Maple	*Acer platanoides*
Tree-of-Heaven	*Ailanthus altissima*
Russian Olive	*Elaeagnus angustifolia*
Autumn Olive	*Elaeagnus umbellata*
White Mulberry	*Morus alba*

[613] From current Exhibits LA-B. Clarion recommends this content be removed from the UDO and retained in a separate administrative manual that is available on the city's website or in the planning and transportation office. We find that codifying such lists makes it difficult to amend in the future and tends to lengthen and complicate the code.

Table 4-17: Prohibited Plant Species

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

Common Name	Scientific Name
European or Common Buckthorn	*Rhamnus cathartica*
Glossy or Smooth Buckthorn	*Rhamnus frangula*
Buckthorn Tallhedge	*Rhamnus frangula columnaris*
Black Locus	*Robinia pseudoacacia*
Siberian Elm	*Ulmus pumila*
Trees with Poor Characteristics	
Box Elder	*Acer negundo*
Silver maple	*Acer saccharinum*
European White Birch	*Betula pendula*
Ash	*Fraxinus* species
Gingko (female only)	*Gingko biloba*
Flowering Crabapple	*Malus*
Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Doubloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'.	
Bradford Pear	*Pyrus calleryana*
American Elm	*Ulmus Americana*
Invasive Herbaceous Perennials	
Wild Garlic and Wild Onion	*Alliums spp.* *
Garlic Mustard	*Alliaria petiolata*
Cornflower or Bachelor's Button	*Centaurea cyanus*
Russian Knapweed	*Centaurea repens* *
Canada Thistle	*Cirsium arvense* *+
Grecian Foxglove	*Digitalis lanata*
Teasel	*Dipsacus fullonum ssp. Sylvestris*
Giant Hogweed	*Fallopia japonica*
Dame's Rocket	*Hesperis matronalis*
Meadow Fleabane or British Yellowhead	*Inula britannica*
Sericea Lespedeza	*Lespedeza cuneata*
Purple Loosestrife	*Lythrum salicaria* *
Sweet Clover	*Melilotus alba, M. officinalis*
Star of Bethlehem	*Ornithogalum umbellatum*
Japanese Knotweed	*Polygonum cuspidatum*
Perennial Sowthistle	*Sonchus arvensis* *
Invasive Grasses	
Quackgrass	*Agropyron repens* *
Smooth Brome	*Bromus inermis*

Table 4-17: Prohibited Plant Species

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

Common Name	Scientific Name
Tall Fescue	*Festuca elatior*
Perennial Peppergrass	*Lepidium draba* *
Japanese Stilt Grass	*Microstegium vimineum*
Maiden Grass	*Miscanthus sinensis*
Reed Canary Grass	*Phalaris arundinacea*
Common Reed Grass	*Phragmites australis*
Columbus Grass	*Sorghum almun Parodi* *
Shattercane	*Sorghum bicolor* *+
Johnson Grass or Sorghum Almum	*Sorghum halepense* *+
Invasive Vines and Groundcovers	
Oriental Bittersweet	*Celastrus orbiculatus*
Field Bindweed	*Convolvulus arvensis* *
Crown Vetch	*Coronilla varia*
Black Swallow-Wort	*Cynanchum nigrum, syn. Vincetoxicum nigrum*
Pale Swallow-Wort	*Cynanchum rossicum*
Potato vine	*Dioscorea batatas*
Chinese Yam	*Dioscora oppositifolia*
Purple Winter Creeper	*Euonymus fortunei*
Creeping Charlie	*Glechoma hederacea*
English Ivy	*Hedera helix*
Japanese Hops	*Humulus japonicus*
Japanese Honeysuckle	*Lonicera japonica*
Amur Honeysuckle	*Lonicera maackii*
Creeping Jenny or Moneywort	*Lysimachia nummularia*
Mile-A-Minute Weed	*Polygonum perfoliatum*
Kudzu	*Pueraria montana lobata*
Poison Ivy	*Rhus radicans*
Bur Cucumber	*Sicyos angulatus* *+
Periwinkle or Myrtle	*Vinca minor*
Invasive Shrubs	
Black Alder	*Alnus glutinosa*
Japanese Barberry	*Berberis thunbergii*
Butterfly Bush	*Buddleia davidii*
Asiatic Bittersweet	*Celastrus scandens*
Burning Bush	*Euonymus alatus*
Bicolor Lespedeza	*Lespedeza bicolor*
Common Privet	*Ligustrum vulgare*

Table 4-17: Prohibited Plant Species

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

Common Name	Scientific Name
Bush or Amur Honeysuckle	*Lonicera maackii*
Morrow's Honeysuckle	*Lonicera morowii*
Tatarian Honeysuckle	*Lonicera tatarica*
Multiflora Rose	*Rosa multiflora* *
Japanese Spirea	*Spiraea japonica*
Atlantic Poison Oak	*Toxicodendron pubescens, syn. Rhus pubescens*
Poison Sumac	*Toxicodendron vernix, syn Rhus vernix*
European Highbush Cranberry	*Viburnum opulus v. opulus*

(f) Street Trees[614]

(1) Number

A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right-of-way.

(2) Type

Street tree species shall be subject to approval by the city's urban forester.

(3) Location

(A) Freeway/Expressway

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

(B) Arterial, Collector, Local or Private Street

Street trees along an arterial, collector, local, or private street shall be planted in the tree plot between the sidewalk and the curb. If a tree plot is not available, then the street trees shall be planted within the front yard immediately adjacent to the street. Street trees planted within the front yard shall not count towards other landscaping requirements.

(C) Proximity of Adjacent Street Trees

The spacing between adjacent street trees shall be no less than 20 feet and no more than 40 feet.

(D) Tree Grates

Where approved by the city's urban forester, street trees may be planted in a minimum five foot by five foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks.

(E) Vision Clearance

i. Street trees shall be planted outside the vision clearance triangle as defined in Section 20.04.050(c)(4) (Vision Clearance Triangle).
ii. Within 50 feet of an intersection, street trees may be planted behind the sidewalk in order to maintain sight distances for traffic control signs.
iii. Low-branching species shall not be allowed within 50 feet of an intersection.
iv. Locations for street trees within 50 feet of an intersection shall be approved by the city planning and transportation department.

[614] From current 20.05.052(d).

v. Street trees shall be located a minimum of 10 feet from a driveway cut, traffic control sign, or street light, and a minimum of three feet from a fire hydrant.

(4) MD District[615]

(A) Generally

Street trees shall be planted in a minimum five foot by five foot tree pit covered with an ADA compliant cast iron grate to maintain a flush grade with adjacent sidewalks, subject to approval by the transportation and traffic engineer.

(B) Alternatives

The following street tree planting methods may be used in lieu of the five foot by five foot grate, subject to approval by the transportation and traffic engineer.

i. Street trees may be planted in a minimum five foot wide grassed tree plot area; or

ii. Street trees may be planted in a large curbed planting area.

(g) Buffer Yards[616]

(1) Purpose[617]

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

(2) General Standards

(A) Responsibility

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

(B) Location

All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Error! Reference source not found. (Error! Reference source not found.). The required ffer yards shall be installed despite the presence of streets, alleys, streams or other features that may separate the two properties.

(C) Plant Material

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

(D) Groundcover[618]

All portions of a buffer yard not planted with trees, shrubs, or other required landscape materials shall be covered with grass or similar ground-covering vegetation. Landscaping stone or other non-vegetative materials may not be substituted for ground-covering vegetation except for areas that incorporate natural stormwater treatment alternatives, such as bioswales. Decorative mulch or stone planting beds may be used around trees, provided that such planting beds are no greater than six feet in diameter.

[615] From current 20.03.060(a)(4); 20.03.130(a)(4); 20.03.200(a)(4); 20.03.270(a)(4); 20.03.340(a)(4); and 20.03.410(a)(4). We have carried forward the existing alternatives and simplified these standards by offering one or two general alternatives (not specific to each area).
[616] From current 20.05.052(f).
[617] Replaces the first sentence of current 20.05.052(f)(1).
[618] Revised to reflect updates to natural stormwater treatment alternatives.

(E) Planned Unit Development[619]

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

(F) Credit Towards Other Requirements[620]

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

(3) Buffer Yard Types

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

Table 4-18: Required Buffer Yard Types[621]

Buffer Yard Treatment	Buffer Type		
	Type 1	Type 2	Type 3
Minimum setback [1]	10 feet	15 feet	20 feet
Deciduous trees	1 tree every 30 linear feet	1 tree every 25 linear feet	1 tree every 20 linear feet
Evergreen trees	No requirement	2 trees every 25 linear feet	(see below)
Other	No requirement	No requirement	Any one of the following: 1 evergreen tree every 10 linear feet; or A 6-foot opaque fence; or A stone/brick wall; or A 5-foot tall undulating berm planted with shrubs

Table Notes:

[1] The buffer yard setback is measured from the property line along the boundary between the subject and adjoining properties and shall be provided in addition to the required building and parking setbacks required by this UDO.

(4) Buffer Yard Requirements[622]

Buffer yards shall be required by the developing use pursuant to Table 4-19: Required Buffer Yards.

Table 4-19: Required Buffer Yards

Developing Use	Adjacent Use			
	Single-family detached, duplex, triplex, and fourplex	Multifamily and single-family attached	Mixed-use, commercial, or institutional	Industrial
Single-family detached, duplex, triplex, and fourplex		1	3	3
Multifamily and single-family attached	1		2	3
Mixed-use, commercial, or	3	2		1

[619] Added "as determined by the decision-making body."
[620] Clarion recommends allowing landscaping requirements that overlap to count towards other requirements if it meets the intent and criteria for that standard.
[621] Consolidated content from 20.05.052(f)(2) into a single table.
[622] Consolidated content from 20.05.052(f)(2) into a single table. Buffer yard requirements have been revised to regulate buffers based on land use rather than zone district (i.e., single-family, multi-family, mixed-use, commercial, etc.). We find it is not effective to require a developing use to buffer its neighbor if it's the same use, even though they may be in a different zone district.

institutional				
Industrial	3	3	2	

Table Notes:

(h) Parking Lot Landscaping[623]

(1) Parking Lot Perimeter Treatment[624]

Parking lots shall be screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen berms. Parking lots with four or more spaces shall have the following perimeter treatment:

(A) Minimum Landscape Width[625]

i. Generally

A landscape area a minimum of eight feet in width shall be provided along all parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line.

ii. MD Zone District

A minimum of one of the following perimeter landscape treatments shall be applied in the MD zone district:

1. A landscape area a minimum of five feet in width shall be provided along all parking lot perimeter areas abutting another property or a public right-of-way. This standard does not apply to those portions of a development site where shared parking, access, or other site features adjoin at the property line; or
2. A decorative wall shall be installed along the perimeter of the parking area except for parking spaces where vehicles back out into the public right-of-way. Decorative walls shall be a minimum of 30 inches and a maximum of 42 inches in height and may incorporate breaks to allow for pedestrian movement.

(B) Trees

i. Number

Parking lot perimeter areas shall contain a minimum of one tree per four parking spaces.

ii. Type

A minimum of 75 percent of the required trees shall be large, canopy trees.

iii. Location

Trees shall be planted within 10 feet of the parking lot edge.

(C) Shrubs

i. Number

Parking lot perimeter areas shall contain a minimum of three shrubs per one parking space.

ii. Type

A minimum of 50 percent of the required shrubs shall be evergreen.

iii. Location

[623] From current 20.05.053. These standards currently apply to the RM, RH, MH, CL, GH, CA, IG, BP, IN, MD, and QY zone districts.
[624] We replaced "plating" with "treatment," as walls or other alternatives may be approved.
[625] New. This is our recommended option for buffer yard requirements. This list can become more detailed (listing each category or subcategory in the use table) if you think it is necessary.

Shrubs shall be planted within five feet of the parking lot edge.

iv. **Height**

Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) Landscape Bumpouts, Islands, and Endcaps

(A) Number[626]

Parking lots with 12 or more parking spaces shall provide one landscape bumpout, island, or endcap per every 12 parking spaces.

(B) Minimum Area[627]

The width and length of each landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.

(C) Minimum Planting

Each landscape bumpout, island, or endcap shall contain at least one large canopy tree.

(D) Stormwater Filtration[628]

Parking lot bumpouts, islands, or endcaps shall be installed lower than the parking surface to allow stormwater run-off to enter the bumpout, island, or endcap for natural treatment and filtration. Any parking areas with curbing shall incorporate gaps to allow stormwater to enter the bumpout, island, or endcap.

(E) Placement[629]

Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than 12 consecutive spaces.

[insert new graphic here]

(i) Multifamily Development Landscaping[630]

(1) Interior Plantings[631]

Any areas of a site not covered by an impervious surface or required buffer yard shall be planted with the following:

(A) Trees

A minimum of 14 large canopy trees, five evergreen trees, and five medium or small canopy trees per acre.

(B) Shrubs

i. **Number**

A minimum of 36 shrubs per acre.

ii. **Type**

A minimum of 50 percent of the required shrubs shall be evergreen.

[626] Currently required for every 12 parking spaces. Added endcap.
[627] Replaces language in current 20.05.053(b)(2). The current standard requires an area of 324 square feet, which is derived from the size of a parking space (9 feet x 18 feet) x 2 = 324 square feet. We think this new language is more clear and meets the intent of the standard.
[628] This replaces the current requirement for curbing in parking lots. Several communities have removed the curbing requirements to allow natural treatment and filtration of stormwater. Given the many environmentally sensitive development standards in the current UDO, and the goals and policies identified in the 2018 comprehensive plan, we recommend this approach.
[629] Currently 16. Added bumpout and endcaps.
[630] Revised to include "endcaps." Currently only required in the RM, RH, and MH zone districts.
[631] Replaced "covered by a structure, parking lot" with "covered by an impervious surface."

iii. **Substitution**
One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.

iv. **Foundation Plantings**
Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Landscaping

See Section 20.04.080(h).

(j) MD District Landscaping

(1) Interior Plantings

Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with the following:

(A) Trees

i. **Number**
A minimum of one tree per 500 square feet.

ii. **Type**
All of the required trees shall be canopy trees. Open areas less than 10 feet wide may substitute ornamental trees for required canopy trees.

(B) Shrubs

i. **Number**
A minimum of eight shrubs per 500 square feet.

ii. **Type**
A minimum of 50 percent of the required shrubs shall be evergreen.

iii. **Substitution**
One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.

iv. **Foundation Plantings**
Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two feet and eight feet respectively from the foundation wall.

(2) Parking Lot Perimeter Plantings

See Section 20.04.080(h)(1).

(3) Parking Lot Landscape Bumpouts, Islands, and Endcaps[632]

See Section 20.04.080(h)(2).

[632] Clarion recommends that landscape bumpouts, islands, and endcaps in downtown parking lots only be required for large surface parking lots (50 spaces or more). Requiring more parking lot landscaping in downtown may result in higher project costs because land area is limited (i.e., more landscaping means less building, which is what generates revenue for developers).

(k) Mixed-Use and Nonresidential Landscaping[633]

(1) Interior Plantings

Any areas of a site not covered by a structure, parking lot, or required buffer yard shall be planted with the following:

(A) Trees

i. Number

A minimum of nine large canopy trees, three evergreen trees, and three medium or small canopy trees per acre.

ii. Type

A minimum of 75 percent of the required trees shall be canopy trees.

(B) Shrubs

i. Number

A minimum of 27 shrubs per acre.

ii. Type

A minimum of 50 percent of the required shrubs shall be evergreen.

iii. Substitution

One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50 percent of the required shrubs.

(C) Foundation Plantings

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

(2) Parking Lot Perimeter Plantings

See Section 20.04.080(h)(1).

(l) Vacant Lot Landscaping[634]

(1) Applicability[635]

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

(2) Timing

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

(A) The city planning and transportation department has granted an extension of time due to the need for more time to complete demolition activities or due to the presence of seasonal or inclement weather; or

(B) A site plan has been approved for the reuse of the property. If an approved site plan has expired and has not been renewed, landscaping as outlined in Section 20.04.080(l)(3) shall be installed within 180 days after site plan expiration.

[633] From current 20.05.056. Renamed from "nonresidential" to be consistent with new zoning district naming conventions.
[634] From current 20.05.057.
[635] Currently only applies to the RM, RH, CL, CG, CA, CD, IG, BP, IN, and MD zone districts. We have applied this standard to all zoning districts.

(3) Planting Requirements

(A) For lots of one-half acre or less, the entire lot containing the demolition activity shall be covered with grass or other suitable ground cover. No ground cover is required in locations where existing vegetation, remaining structures, or parking areas serving such remaining structures still exist.

(B) For lots greater than one-half acre, one of the following landscaping options must be selected:

i. The entire area disturbed for demolition shall be covered with grass or other suitable ground cover; or

ii. A 10-foot wide planting area shall be installed along the property line bordering the entire area disturbed for demolition from any public street. This planting area may either utilize raised planters or be level with street grade. Evergreen shrubs that grow to a minimum height of at least four feet shall be planted every three feet within these planting areas.

(m) Screening[636]

(1) Roof-Mounted Mechanical Equipment[637]

(A) Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.

(B) The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground-level.

(C) Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements when it can be clearly demonstrated that required screening will clearly restrict their efficient operation.

(2) Ground-Mounted Mechanical Equipment[638]

The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

(A) Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.

(B) In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:

i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or

ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.

iii. Screening of ground-mounted solar energy equipment is not required when it can be clearly demonstrated that required screening would reduce the efficiency or effectiveness of the solar energy equipment.

(3) Loading, Service, and Refuse Areas[639]

(A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.[640]

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[636] These standards replace those in 20.03.060(a)(6); 20.03.130(a)(6); 20.03.200(a)(6); 20.03.270(a)(6); 20.03.340(a)(6); and 20.03.410(a)(6). The current standards are vague and only apply to the downtown area. We propose replacing them with more specific screening options that apply city-wide.
[637] New.
[638] New.
[639] Replaces current 20.05.067. Current standards apply to the RE, RS, RC, RM, RH, MH, CL, CG, CA, CD, BP, and MD zone districts.

(B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:[641]

i. Side and rear locations adjacent to alleyways;

ii. Side and rear locations adjacent to the RE, R1, R2, R3, and R4 zone districts shall have a minimum 25-foot setback from the respective property lines.

(C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:

i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block); or

ii. A vegetative screen planted along the full length of the area to be screened and a minimum of eight feet in height at the time of planting.

(D) In the MD district, screening shall be accomplished by use of an opaque wall or fence that matches the general design and materials of the primary structure. The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.

(E) Design

i. Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.[642]

ii. Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(n) Fences and Walls[643]

(1) Applicability

Unless otherwise provided below, this Section 20.04.080(n) shall apply to all new development.

(A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.

(B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).

(C) Retaining walls are exempt from the height standards, but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.

(D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.

(E) Fences and walls located in the RE, IN, and MI zoning districts are exempt from height standards.

(F) Decorative features of fences such as post tops are exempt from height requirements provided they extend no more than 12 inches from the top of the fence and are spaced at least eight feet apart.

(2) Fence and Wall Location

(A) Fences and walls shall be permitted up to the property line.

(B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

[640] Did not carry forward requirement for trash receptacle or dumpster, compactor, and similar container enclosures to comply with underlying zoning setbacks.
[641] From current 20.05.077(b)(1)(J). Reworded for consistency.
[642] Replace “paved slab” with “impervious surface.”
[643] From current 20.05.046. Currently applies to all zoning districts.

(3) Fence and Wall Height

(A) Interior Lots

i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet.

ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

(B) Corner Lots

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

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A).

ii. Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four feet forward of the build to line or the building setback line, whichever applies.

iii. Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight feet in height.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Any determinations as to the secondary front building wall shall be decided by the city planning and transportation department.

(C) Through Lots

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

i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A).

ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood street or secondary collector street, shall meet the building setback.

iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least 10 feet from the property line.

iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.

v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height.

(4) Fence and Wall Design[644]

(A) Prohibitions

Except in the IN zone district, the following shall be prohibited from use as a component of a fence or wall:[645]

i. Barbed wire;

ii. Security wire;

iii. Sharpened top spikes;

[644] From current 20.05.047 and 20.05.046(a).

[645] The current code only allows these treatments in the QY zone district; however, because the QY zone was consolidated with the IG zone district (now IN) we have exempted the IN from these standards.

iv. Electrified wires; and

v. Other similar elements or materials.

(B) Orientation

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

(C) Vision Clearance

Fences and walls shall meet all vision clearance standards in Section 20.04.050(c)(4) (Vision Clearance Triangle).

20.04.090 Outdoor Lighting[646]

(a) Purpose

The lighting standards are intended to encourage lighting practices and systems that conserve energy and resources; minimize light pollution, glare, and light trespass while maintaining nighttime safety, security, and enjoyment of property; and curtail the degradation of the nighttime visual environment.

(b) Applicability

(1) New Construction

For all new building construction that requires a certificate of zoning compliance, all lighting fixtures shall meet the requirements of this Section 20.04.090.[647]

(2) Change in Use

If there is any change in use of the property, the provisions of this Section 20.04.090 shall apply when the new use commences. Changes in use within multi-tenant centers shall not require the individual tenant or the entire center to comply with the provisions of this section.

(3) Building Expansions of 25 Percent or More[648]

All expansions of the gross floor areas of existing primary structures, the number of dwelling units, or the number of parking spaces by 25 percent or more shall comply with Section 20.04.090 (Outdoor Lighting) for the entire property.

(4) Modification, Replacement or Addition of Outdoor Lighting

Modification, replacement or addition of outdoor lighting fixtures constituting 25 percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a site, shall constitute a major modification for purposes of this section.

(5) Exemptions

(A) Temporary Carnivals and Festivals

Lighting for temporary festivals and carnivals are exempt, but shall be turned off within 30 minutes of the last event.

(B) Emergency Lighting

Emergency lighting, used by police, fire fighting, or medical personnel, or at their direction, is exempt from all requirements of this Section 20.04.090.

(C) Traffic Control Lighting

Traffic control lighting is exempt from the provisions of this Section 20.04.090.

(D) Lighted Flags[649]

Lighted United States, state of Indiana, Monroe County, city of Bloomington, university, college, military, and place of worship flags are exempt from the provisions of this Section 20.04.090. All other outdoor lighted flags, including, but not limited to, decorative and commercial flags shall conform to the provisions of this chapter.

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[646] From current 20.05.060.
[647] This reference may be updated after Module 3, Administration and Procedures, is drafted.
[648] Reworded for clarity and consistency.
[649] Clarion recommends deleting the text related to the type of flags involved, and allowing lighting of all flags. Although not a content-based sign regulation, allowing lighting of some flags and not others on the basis of content could be challenged as a content-based regulation under the U.S. Supreme Court's decision in Reed v. Gilbert test.

(E) Holiday Lighting

Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps are exempt from the provisions of this section.

(F) Low-intensity Lighting

i. No shielding is required for a light fixture with a bulb rated at 260 lumens or less.

ii. Full shielding is not required for a light fixture with a bulb rated at more than 260 lumens and less than 1,000 lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.

iii. The total lumens of bulbs specified in subsections 20.04.090(b)(5)(F)i and 20.04.090(b)(5)(F)ii above, when not motion detector activated, shall not exceed 2,000 lumens per building, or 1,000 lumens per exterior entryway, whichever is less.

(G) Swimming Pool and Fountain Lighting

Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it shall conform to all other provisions of this section.

(c) Administration

(1) Conformance with Applicable Codes

All outdoor illuminating devices shall be installed in conformance with the provisions of this UDO and all applicable building and electrical codes.

(2) Interpretation

(A) Initial Lumens

For the purposes of this chapter "lumens" means "initial lumens." The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.

(B) Light Trespass Measurements[650]

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

(d) General Lighting Standards[651]

(1) Prohibitions

(A) Laser Source Light

The use of laser, strobe, and/or flashing source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

(B) Searchlights

The operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.

(C) Towers

Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

[650] Last sentence is new to clarify that the highest reading is used.
[651] From current 20.05.060(d)(1) and 20.05.060(e).

(2) Light Trespass[652]

All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed one footcandle at a point one meter beyond the property line.

(3) Glare

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

(A) Shielding[653]

i. All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line, except as stated otherwise in this Section 20.04.090.

ii. Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.

iii. A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.

iv. Full shielding is not required for motion detector activated lighting of less than 1,800 lumens, provided the light cycles off no more than 10 minutes after coming on.

(B) Floodlights and Spotlights

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

ii. The centerline beam of a floodlight or spotlight shall be aimed no higher than 45 degrees above vertical; however, light fixtures that cast illumination over more than 90 degrees shall be aimed such that no light shall be cast above the horizontal.

(4) Landscape Lighting

(A) When planting materials are lighted, high-pressure sodium lamps and low-intensity incandescent lamps shall not be used.

(B) Lighting of any tree protection area or conservation easement, including but not limited to those required by Section 20.04.030 (Environmental), is prohibited.

(e) Multifamily Residential Lighting[654]

A parcel occupied by a multifamily dwelling shall not be illuminated by more than 6,000 lumens per primary structure, including a maximum of 2,000 lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.

(f) Mixed-Use and Nonresidential Lighting[655]

(1) Adjacent to Residential Districts

Mixed-use and nonresidential uses bordered by any RE, R1, R2, R3, R4, or RHM zone district[656] shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as one-half lumens.

[652] As noted in the Annotated Outline, the existing light trespass standards of 30 or 10 luces at the property line have been replaced with a more traditional standard based on footcandle measurements.
[653] Did not carry forward graphic in 20.05.060.(e)(2)(A)(ii) as there was no supporting text for the information shown. Potentially conflicting standards for shielding of all lamps and lamps emitting more than 1,000 lumens were consolidated in subsection (3)(A)(i).
[654] From current 20.05.061. Currently applies to the RM, RH, CL, CG, CA, and CD zone districts. Added “mixed-use” to the heading.
[655] From current 20.05.062. Currently applies to the CL, CG, CA, CD, IG, BP, IN< MD, and QY zone districts.
[656] Replaced “residentially zoned parcel” with the list of zone districts provided above.

(2) Use-Specific Conditions

(A) Canopies, Pavilions, or Drive-Through Bays

i. Illuminance

The canopy, pavilion, or drive-through bay shall be designed to achieve no greater than the minimal illuminance level of a service station pump island as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments).

ii. Shielding[657]

All light fixtures mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be full cutoff, fully shielded and use flat lenses. Such fixtures shall be recessed so the fixture does not extend below the lower horizontal surface of the canopy, pavilion, or drive-through bay.

(B) Outdoor Recreational Facilities

i. Illuminance

All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

ii. Light Trespass[658]

All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed two footcandles at a point one meter beyond the property line.

iii. Restriction

Field lighting for all outdoor recreational facilities shall be turned off within 30 minutes after the completion of the last event of the night.

(C) Parking Lots and Outdoor Display Lots or Areas

i. Illuminance

The parking lot shall be designed to achieve no greater than the minimal illuminance levels for the given land use as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments). However, a parking lot shall also be designed to achieve a minimum illuminance level of one lux.

ii. Curfew

Lighting for outdoor display lots and parking lots with more than 20 parking spaces shall be reduced by half no later than 11p.m., or within 30 minutes after closing of the business, whichever is later.

[657] Last sentence is new.
[658] As with general light trespass standards, these have been simplified allow a more common form of light trespass measurement.

20.04.0100 Signs[659]

(a) Purpose

The intent of these sign standards is to:

(1) Accomplish the goals of the comprehensive plan;

(2) Avoid unnecessary proliferation of signs;

(3) Provide developments with appropriate identification;

(4) Create a consistent streetscape;

(5) Maintain and enhance the aesthetic environment of the city and its planning jurisdiction;

(6) Eliminate potential hazards to motorists and pedestrians resulting from sign clutter; and

(7) Promote the health, safety, and welfare of the residents of the city of Bloomington and its planning jurisdiction.

(8) No part of these standards shall in any way be interpreted to infringe upon those rights guaranteed by the First Amendment to the United States Constitution or Article 1, Section 9 of the Indiana Constitution.

(b) Applicability[660]

No sign or advertising device shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with this Section 20.04.0100.

(c) Permit Requirements

(1) Generally

A sign permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless specifically exempted by this Section 20.04.0100.

(2) Signs not Requiring a Permit[661]

The following signs are exempt from the requirement to obtain a sign permit, unless specifically required by another subsection of this Section 20.04.0100.

(A) Public Signs[662]

Any signs erected, or required to be erected, by a unit of local, state, or federal government.

(B) Small Signs

Any sign of not more than one and one-half square feet in area.

(C) Temporary Signs[663]

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

ii. In nonresidential and mixed-use zoning districts, each vacant property, or property that is under construction, is allowed to have one sign that shall not exceed 32 square feet in area.

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

[659] From current 20.05.079; 20.05.080; 20.05.081; 20.05.082; and 20.05.083. Some changes have been made to align the current standards with the U.S. Supreme Court's ruling in Reed v. Gilbert, which strictly prohibits content-based regulations.
[660] New.
[661] Relocated from 20.05.079(f).
[662] Category appears in current UDO, but text is new.
[663] Added "mixed-use" to standards with nonresidential .

(D) Murals[664]

Murals are exempt from the requirement to obtain a sign permit

(E) Window Signs[665]

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

(d) Nonconforming Signs

All existing nonconforming signs are subject to the provisions of Section 20.06.090 (Nonconformities). [666]

(e) Sign Measurements

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

(1) Wall Signs

The area of wall signs shall be calculated as the smallest regular geometric figure needed to circumscribe any images, text, or other identifying trait placed on a structure.[667]

(2) Freestanding Signs

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

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

(3) Double-faced Signs

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

(f) Prohibited Sign Types

The following signs are prohibited in all zoning districts unless specifically authorized by another provision of this Section 20.04.0100:

(1) Animated Signs

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

(2) Bench Signs

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

(3) Imitation of Public Signs

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

(4) Off-premise Signs

Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located, except for signs as provided in Section 20.04.0100(c)(2)(B), Section 20.04.0100(c)(2)(C), Section 20.04.0100(l)(7), and Section 20.04.0100(m)(7).

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[664] Staff is currently reviewing the definition for "sign" to determine if revisions are necessary to further distinguish a "sign" from a "mural."
[665] Wording clarified and applicability to glass doors clarified.
[666] This provision will be moved to the UDO section on nonconformities when Module 3 is drafted.
[667] Text revised from "logos" to "images" to be more content neutral.

(5) Vehicle Signs

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

(6) Intermittent Lights

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

(7) Pole Signs

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

(8) Temporary Signs

Any temporary sign not specifically permitted in Section 20.04.0100(j)(8), Section 20.04.0100(k)(7),Section 20.04.0100(l)(5), and Section 20.04.0100(m)(6) or specifically exempted in Section 20.04.0100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, and banners.

(9) Projecting Signs

Any sign that projects outward more than 12 inches from the facade of a building in, except as provided in Section 20.04.0100(l) and Section 20.04.0100(m).

(10) Electronic Reader Board Signs

Any electronic reader board sign not specifically permitted in Section 20.04.0100(h)(3).

(g) Prohibited Sign Locations

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

(1) Public Easement

In any public easement, unless the sign is a public sign authorized by Section 20.04.0100(c)(2)(A), or is further authorized by the city.

(2) Public Right-of-Way

In any public right-of-way, unless the sign is authorized by Section 20.04.0100(l)(7) , or the sign is authorized by Section 20.04.0100(m)(7), or the sign is a public sign authorized by Section 20.04.0100(c)(2)(A) and is further authorized by the city;

(3) Roofs

On the roof of a structure, or extending above the eave, roof line or parapet of a building.

(4) Vision Clearance Triangle

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

(5) Miscellaneous

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

(h) General Design Standards

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

(1) Freestanding Signs

All freestanding signs shall comply with the following standards:

(A) Setback[668]

All freestanding signs shall be set back a minimum of two feet from the front property line or outside of the required clear zone of a public sidewalk unless specifically approved by the city's transportation and traffic engineer, whichever is greater.

(B) Mounting

All freestanding signs shall be permanently affixed to the ground.

(C) Base

Sign bases shall conform to the following standards:

i. Sign bases shall have an aggregate width of at least 40 percent of the total horizontal width of the sign; or have supports that are less than 25 percent of the vertical height of the sign.

ii. The base and exposed foundation of all freestanding signs shall be covered with a finished material such as brick, stone, metal, or wood.

(D) Cap

A decorative cap may extend up to 18 inches above the height limit specified in this Section 20.04.0100. The decorative cap shall have no identifying text, images, or identifying traits.

(E) Landscaping

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

ii. The landscaped area shall contain materials consisting of shrubs, spread no greater than three feet on center, and densely planted perennial ground cover.

iii. The landscaped area shall be greater than or equal to the freestanding sign face area.

(F) Illumination

Sign lighting shall comply with the light trespass regulations in Section 20.04.090 (Outdoor Lighting).

(2) Changeable Copy

Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed 40 percent of the total sign area.

(3) Electronic Reader Boards

Electronic reader boards may be incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

(i) Waiver of Right to Damages

(1) The plan commission, the board of zoning appeals, and the city planning and transportation department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.

(2) Waivers may be requested from the following:

(A) The petitioner;

(B) The property owner;

(C) The sign owner; and

(D) Any other person with an interest in the site or the sign.

[668] Wording revised to clarify meaning of “clear zone”.

(3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.0100(i)(2).

(4) An owner or petitioner who fails to provide and/or to obtain waivers in accordance with this subsection (j) may be denied a permit or approval seeking to alter or remove a lawfully erected sign unless the owner or petitioner agrees to hold harmless and indemnify the city from any and all claims for damages pursuant to the statutes referenced in Section 20.04.0100(i)(1).

(j) Residential District Sign Standards[669]

(1) Applicability[670]

This section applies to the RE, R1, R2, R3, RM, RH, and RMH zoning districts.

(2) Single-Family and Condominium Subdivision

Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:

(A) Freestanding Sign Area

The maximum sign area shall not exceed 32 square feet per side.

(B) Freestanding Sign Height

The maximum height shall not exceed six feet in height.

(C) Changeable Copy

Changeable copy shall be prohibited as part of a freestanding sign.

(D) Number

The permitted subdivision sign may be replaced with two signs of a maximum 16 square feet in area per sign if a sign is placed on each side of the entrance.

(E) Wall Signage

No wall signage is permitted.

(3) Multifamily

(A) Multifamily developments containing more than two and fewer than 15 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development.

(B) Multifamily developments containing at least 15 dwelling units shall be permitted:

i. One freestanding sign per development entrance, not to exceed 32 square feet per side in maximum sign area and not to exceed six feet in height; and

ii. Wall signage not to exceed 24 square feet per development:

(4) Conforming Nonresidential Uses[671]

For any nonresidential use approved as a permitted use, conditional use, or use variance, the provisions of Section 20.04.0100(l) shall apply. These provisions may be modified by action of the board of zoning appeals as part of a conditional use or use variance approval.

(5) Legal Nonconforming Multifamily Residential Uses

Legal nonconforming multifamily residential uses in single family zoning districts with at least three units shall be permitted wall signage not to exceed 10 square feet in area, but shall not be permitted any freestanding signs. This subsection supersedes Section 20.04.0100(j)(3)(A).

[669] From current 20.05.080.
[670] Revised to reflect the new names and line-up of residential zone districts.
[671] This standard may be updated during the drafting of Module 3 to align with any new procedures/processes proposed.

(6) Legal Nonconforming Nonresidential Uses

Legal nonconforming nonresidential uses shall be permitted:

(A) Wall signage not to exceed 10 square feet in area and:

(B) On lots with less than 30 feet of street frontage, no additional freestanding signs; and

(C) On lots with 30 feet or more of street frontage, one additional freestanding sign not to exceed 12 square feet in maximum area per side, and not to exceed four feet in height.

(7) Illumination

Signs within residential districts shall not be internally illuminated.

(8) Window Signs

Window signs are not permitted for residential uses.

(9) Temporary Signs[672]

In addition to the temporary signs exempted under Section 20.04.0100(c)(2)(C), conforming nonresidential uses and multifamily structures with at least 15 dwelling units are permitted to display temporary signage provided that the temporary signs comply with the following standards:

(A) All temporary signs shall receive a sign permit from the city planning and transportation department before being displayed;

(B) A maximum of three temporary signs are permitted;

(C) Temporary sign types shall be limited to printed banners or freestanding portable signs;

(D) Temporary signs shall not exceed 16 square feet in area per side;

(E) Freestanding temporary signs shall not exceed six feet in height; and

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

(k) MM, MC, ME, MI, MH, IN, and OS District Sign Standards[673]

(1) Applicability[674]

This sign standards section applies to the MM, MC, ME, MI, MH, IN, and OS zoning districts.

(2) Wall Signs

The following standards shall apply to wall signs for individual uses or tenants within a multi-tenant center:

(A) Allowance

i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one and one-half square feet per lineal foot of primary facade facing a public or private street.

ii. Multi-tenant Nonresidential Center

The cumulative square footage of all wall signs for any individual tenant shall not exceed one and one-half square feet per lineal foot of the tenant's facade width.

iii. Size Limits

No use shall be limited to less than 30 square feet of wall signage and no use shall be permitted to exceed 300 square feet of wall signage.

[672] Reorganized for clarity; no substantive change.
[673] From current 20.05.081. Updated to include nonresidential and mixed-use.
[674] Revised to reflect the new names and line-up of nonresidential zone districts.

(B) Maximum Projection

Except an awning sign, no part of a wall sign shall project more than 12 inches from the wall or face of the building to which it is attached.

(C) Location

Wall signs for individual tenants within a multi-tenant nonresidential center shall be located on a wall of the tenant's lease space.

(D) Multi-tenant Nonresidential Centers[675]

In addition to other wall signs permitted in this Section 20.04.0100(k)(2), multi-tenant nonresidential centers shall be permitted a single wall sign not exceeding 20 square feet in area, and

(3) Freestanding Signs

The following standards shall apply to all freestanding signs:

(A) Number

i. Freestanding signs shall not be permitted on lots with 30 feet or less of public street frontage.[676]

ii. Lots with greater than 30 feet and less than 500 feet of frontage on a public street are permitted one freestanding sign.

iii. Lots with 500 feet or more of public street frontage shall be permitted two freestanding signs.

iv. Where a lot has more than one public street frontage, each street frontage shall be regulated independently.

v. In no case shall any lot have more than four freestanding signs.

(B) Area

i. Individual Nonresidential Uses

1. Freestanding signs on lots with greater than 30 feet and less than 50 feet of public street frontage shall not exceed 20 square feet.
2. Freestanding signs on lots with at least 50 feet and less than 75 feet of public street frontage shall not exceed 30 square feet.
3. Freestanding signs on lots with at least 75 feet of public street frontage shall not exceed 45 square feet.
4. Where a lot has more than one public street frontage, each street frontage shall be regulated independently.

ii. Multi-tenant Nonresidential Centers

1. Freestanding signs for centers with less than 20,000 square feet of gross floor area are permitted a maximum sign area based on individual nonresidential use allowances listed in the above section 20.04.0100(k)(3)(B)i.
2. Freestanding signs for centers with at least 20,000 and less than 35,000 thousand square feet of gross floor area shall not exceed 60 square feet.
3. Freestanding signs for centers with at least 35,000 and less than 50,000 square feet of gross floor area shall not exceed 75 square feet.
4. Freestanding signs for centers with at least 50,000 square feet of gross floor area shall not exceed 125 square feet.
5. Individual tenant panels shall not exceed 36 square feet.
6. Outlots that are not counted toward center square footages shall be permitted freestanding signage based on individual nonresidential uses in Section 20.04.0100(k)(3)(B)i.

[675] Requirements that the sign identify the center and not individual tenants were deleted as inconsistent with the Reed v. Gilbert decision.
[676] Reworded for clarity.

7. Replacement or switch-out of individual tenant panels on a multi-tenant sign shall not require compliance of the entire freestanding sign.
8. The gross floor area calculations described in this Section 20.04.0100(k)(3)(B)ii shall not include any square footage associated with a residential use.

(C) Height

i. For individual nonresidential uses and multi-tenant centers of less than 20,000 square feet of gross floor area, the maximum freestanding sign height shall be six feet.
ii. For multi-tenant centers with at least 20,000 square feet and less than 50,000 square feet of gross floor area, the maximum freestanding sign height shall be eight feet.
iii. For multi-tenant centers with at least 50,000 square feet of gross floor area, the maximum sign height shall be 15 feet.
iv. The gross floor area calculations described in this Section 20.04.0100(k)(3)(C) shall not include any square footage associated with a residential use.

(D) Separation

Where a lot is permitted multiple freestanding signs, no two freestanding signs shall be within 100 feet of each other, as measured along the public right-of-way.

(E) Changeable Copy

A maximum of 80 percent of any freestanding sign may be dedicated to changeable copy.

(4) Permanent Display Cabinets

Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.
(B) Permanent display cabinets shall count toward the wall signage allowance of the use.
(C) Individual display cabinets shall not exceed 16 square feet in area per display, measured at the outer edge of the cabinet frame.
(D) A permanent display cabinet shall not exceed eight feet in height from ground level.
(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(5) Drive-Through Uses

Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet.

(6) Multifamily Dwelling Uses[677]

Developments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per entrance, provided that the maximum sign area of all signs does not exceed 32 square feet and the height of the sign does not exceed six feet.

(7) Temporary Signs[678]

In addition to the temporary signs exempted under Section 20.04.0100(c)(2)(C), each property is allowed to display temporary signage provided that the temporary signs comply with the following standards:

(A) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.
(B) The following numbers of signs are permitted:

[677] Inconsistency between standards allowing one sign per entrance and one sign per street frontage were resolved in favor of one per entrance.
[678] Reorganized for clarity; no substantive change.

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.
ii. Multifamily structures with at least 15 dwelling units shall be permitted a maximum of three temporary signs.
iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(D) Temporary signs shall not exceed 16 square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

(I) MN District Sign Standards[679]

(1) Applicability[680]

This sign standards section applies to the MN zoning districts.

(2) Wall Signs

The following standards apply to wall signs for individual uses within a multi-tenant center:

(A) Allowance

i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one square foot per lineal foot of primary structure that faces a public or private street.

ii. Multi-tenant Centers

The cumulative square footage of all wall signs for any individual use shall not exceed one and one-half square feet per lineal foot of the use's facade width. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

iii. Limits

No property shall be limited to less than 20 square feet of wall signage and no use or tenant shall be permitted to exceed 100 square feet of wall signage.

(B) Location

No wall signage shall be located on a side or rear building façade facing a residential use.

(C) Maximum Projection

No part of a wall sign, other than an awning sign, shall protrude more than 12 inches from the wall or face of the building to which it is attached.

(3) Freestanding Signs

The following standards apply to permanent freestanding signs:

(A) Lots with 30 feet or less of public street frontage shall not be permitted any freestanding signs. Lots with more than 30 feet of public street frontage on a single street are permitted a maximum of one freestanding sign.

(B) No freestanding sign shall exceed 15 square feet in area per side.

(C) No freestanding sign shall exceed four feet in height.

[679] Replaces current 20.05.082.
[680] Revised to reflect the new names and line-up of nonresidential zone districts.

(D) Internally-illuminated signs are prohibited.

(4) Permanent Display Cabinets

Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed 16 square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(5) Temporary Signs[681]

In addition to the temporary signs exempted under Section 20.04.0100(c)(2)(C), each property is allowed to display temporary signage provided that the temporary signs comply with the following standards:

(A) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least 15 dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(D) Temporary signs shall not exceed 16 square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

(6) Electronic reader boards

Electronic reader boards are not permitted in this zoning district.

(7) Sandwich Board Signs

Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number

Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design

i. Sign face area shall not exceed five square feet.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

[681] Reorganized for clarity; no substantive change.

iv. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

(C) Placement

Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.
ii. Signs shall be removed from the public sidewalk at the end of each business day.
iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.
iv. Signs shall be placed a minimum of 48 inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.
v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.
vi. Sign placement shall meet all requirements of the Americans with Disabilities Act (ADA).
vii. Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

(m) Sign Standards in the MD District[682]

(1) Applicability[683]

This sign standards section applies to the MN zoning districts.

(2) Wall Signs

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

(A) Allowance

i. Individual Nonresidential Uses

The cumulative square footage of all wall signs shall not exceed one and one-half square feet per lineal foot of primary structure that faces a public or private street.

ii. Multi-tenant Centers

1. **First Story**

The cumulative square footage of all permanent wall signs for an individual use shall not exceed one and one-half square feet per lineal foot of the use's facade width for locations on the first floor. For purposes of this section, only one facade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

2. **Upper Story Retail Uses**

Retail uses located above the first story shall be permitted a wall sign allowance equal to 50 percent of the total allowance permitted for first story uses as provided in Section 20.04.0100(m)(2)(A)ii.1 above.

3. **Upper Story Office Uses**

Tenants without first story street frontage shall be permitted to display a maximum of four square feet of signage at the exterior entrance.[684]

[682] From current 20.05.083.
[683] Revised to reflect the new names and line-up of nonresidential zone districts.
[684] Statement that these signs are only permitted with property owner permission was deleted because any posting of signs on a leased property is generally subject to the property owner's permission, but putting that provision in the UDO creates a city delegation of power to allow or prohibit a sign to a private party outside the city's control.

4. **Additional Sign**

Multi-tenant centers shall be permitted a single wall sign that does not exceed 20 square feet in area.[685].

iii. **Multifamily**

Developments containing more than two units shall be permitted wall signage that shall not cumulatively exceed 24 square feet.

iv. **Limits**

No property shall be limited to less than 20 square feet of wall signage and no use or tenant shall exceed 100 square feet of wall signage.

(B) Location

Wall signs for individual tenants within a multi-tenant center shall be located on the tenants lease space, except as regulated in Section 20.04.0100(m)(2)(A)ii.2 above.

(C) Maximum Projection

No part of a wall sign, other than a projecting sign or awning, shall project more than 12 inches from the wall or face of the building to which it is attached.

(3) Projecting Signs

The following standards apply to projecting signs:

(A) Any property that uses a freestanding sign shall be prohibited from using a projecting sign.

(B) A maximum of one projecting sign is permitted per tenant per street frontage.

(C) A minimum separation of 100 feet shall be provided between all projecting signs on the same building facade.

(D) Projecting signs shall be limited to a maximum of 20 square feet in area.

(E) Projecting sign areas shall count toward overall wall sign allowance.

(F) No part of a projecting sign shall protrude more than 36 inches from the wall or face of the building to which it is attached. Support structures between the building and the sign only shall be counted toward this allowance.

(G) Projecting signs shall be located adjacent to the tenant's lease space and shall be installed at least seven feet above the pavement.

(H) No projecting signs shall be located on buildings located within the Courthouse Square Character Area.

(I) The petitioner for a projecting sign shall provide information verifying that the building facade containing the projecting sign can tolerate anticipated wind loading.

(4) Freestanding Signs

The following standards apply to permanent freestanding signs.

(A) The erection of freestanding signs shall be prohibited on any property frontage immediately adjacent to the B-Line Trail right-of-way.

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

(C) Freestanding signs shall not exceed 15 square feet.

(D) Freestanding signs shall not exceed four feet in height.

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

(F) Internally-illuminated signs are prohibited.

[685] Requirements that the sign identify the center and not individual tenants were deleted as inconsistent with the Reed v. Gilbert decision.

(G) Changeable copy shall be prohibited as part of a freestanding sign.

(5) Permanent Display Cabinets

Permanent display cabinets shall be subject to the following standards:

(A) Permanent display cabinets may incorporate interchangeable signage such as banners, flyers, posters, and menus.

(B) Permanent display cabinets shall count toward the wall signage allowance of the use.

(C) Individual display cabinets shall not exceed 16 square feet in area per display, measured at the outer edge of the cabinet frame.

(D) A permanent display cabinet shall not exceed eight feet in height from ground level.

(E) The permanent display cabinet shall be framed with wood, metal, or other durable material, and enclosed with a transparent cover.

(6) Temporary Signs[686]

In addition to the temporary signs exempted under Section 20.04.0100(c)(2)(C), each property is allowed to display temporary signage provided that the temporary signs comply with the following standards:

(A) All temporary signs shall receive a sign permit from the planning and transportation department prior to being displayed.

(B) The following numbers of signs are permitted:

i. Individual nonresidential uses shall be permitted a maximum of three temporary signs.

ii. Multifamily structures with at least 15 dwelling units shall be permitted a maximum of three temporary signs.

iii. Individual tenants within nonresidential centers shall be permitted a maximum of one temporary sign.

(C) Temporary sign types shall be limited to printed banners or freestanding, portable signs.

(D) Temporary signs shall not exceed 16 square feet.

(E) Freestanding temporary signs shall not exceed six feet in height.

(F) External illumination of temporary signs is prohibited.

(G) Display of temporary signs shall be permitted for up to three periods of up to 30 days per period, per calendar year. These permitted periods may be combined into one or two periods per year provided that the total display period does not exceed 90 days.

(7) Sandwich Board Signs

Properties immediately adjacent to a public sidewalk shall be permitted to place sandwich board signs in the public sidewalk provided the following criteria are met.

(A) Number

Each property shall be permitted one sandwich board sign. If a property contains more than one tenant, additional sandwich board signs shall be permitted, provided the number of sandwich boards in front of a single property shall be limited to ensure that no sandwich board sign shall be placed within eight linear feet of another sandwich board sign, measured from the base of each sign.

(B) Design

i. Sign face area shall not exceed five square feet per sign per face.

ii. Sign face width shall not exceed two feet, nine inches measured at the widest point of the sign face.

iii. Sign height shall not exceed four and one-half feet measured from the ground to the top of the sign.

iv. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.

[686] Reorganized for clarity; no substantive change.

(C) Placement

Sandwich board signs shall meet the following placement criteria.

i. Signs shall be placed only on sidewalks with a minimum width of seven feet.

ii. Signs shall be removed from the public sidewalk at the end of each business day.

iii. Signs shall be located a maximum of two feet from the building; or in the tree plot outside of the sidewalk.

iv. Signs shall be placed a minimum of 48 inches from all obstructions within the sidewalk including newspaper boxes, outdoor tables and seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

v. Signs shall be placed a minimum of eight feet from a building corner or pedestrian crosswalk.

vi. Sign placement shall meet all requirements of the ADA.

vii. Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

20.04.0110 Incentives

Commentary:
This section replaces the current incentive standards in Sections 20.05.009; 20.05.049; and 20.07.200. These new incentives have been substantially revised to focus on housing affordability and sustainable development. In light of revised building and site design standards, we do not recommend that separate incentives be offered based on alternative designs. In many communities, offering incentives for innovative design has proven time consuming to administer, and the benefits from alternative designs offered to earn incentives are unclear or not substantial. At worst, design incentive systems can become a way to obtain approvals of de facto variances from design standards that provide little public benefit.

Affordable Housing
The current incentives are not strong enough to offer meaningful incentives for developers to build affordable housing in Bloomington. The current standards also require individualized negotiation, which is unpredictable and time consuming. The proposed revisions are more objective and clearly define the level of affordable housing required to receive the incentives. This draft proposes significant increases in building height and density if affordable units are provided, with additional bonuses for projects that achieve LEED certifications. Generally, a density bonus of 5 dwelling units per acre and a height bonus of 12 feet (one story) is awarded for any project that includes 20 percent affordable housing. Projects that achieve LEED certification can further increase density and can be awarded an additional story of building height. We think these incentives will be strong enough to entice developers to build sustainable and affordable dwelling units in Bloomington.

Sustainable Development
The current sustainable development standards are very subjective and require negotiation of each development petition wanting to take advantage of them, contributing to long and unpredictable approval processes. As a result, the current incentives have been rarely used. The revised sustainability incentives are more objective and are derived from the policy goals found in the 2018 comprehensive plan. We have revised the approval authority to be the final decision-maker on the petition rather than requiring Planning Commission review for each petition seeking a sustainable development incentive.

Several of the current sustainability goals and qualifying criteria are taken from outdated LEED standards (2009). This draft continues to use the LEED rating system as a foundation for calculating incentives because several of the LEED criteria align with sustainable objectives identified in the 2018 comprehensive plan. Similar to the existing three-tier approach in the current UDO, projects that achieve Level 1 receive a 10 percent density bonus, Level 2 is a 25 percent bonus, and Level 3 is a 75 percent bonus. Projects with any LEED certification status receive an additional 12 feet of building height (one story). We think the incentives in this draft will help Bloomington achieve its goal of becoming a more sustainable city while providing sufficient benefit to developers.

Expedited Review
During the drafting of Module 3, we will explore the potential for an expedited review processes for affordable housing projects and sustainable development projects. We think a substantially quicker review period coupled with the proposed incentives in this draft will result in more affordable and sustainable projects in Bloomington.

Preliminary Standards
These standards introduce a new approach to incentives in Bloomington; therefore, this content is preliminary and for discussion purposes only. These incentives may be modified in future drafts to reflect feedback from the public, stakeholders, and city officials.

(a) Affordable Housing[687]

(1) Purpose[688]

The purpose of these standards is to encourage the provision of affordable housing for very low- to moderate-income households in Bloomington. Affordable housing is necessary to help maintain a diverse housing stock and to allow working people to have better access to jobs and to upgrade their economic status.

[687] Replaces current 20.05.009.
[688] Reworded for clarity.

(2) Applicability[689]

This affordable housing standards section applies to all zoning districts, but is not available for projects that meet the definition for "student housing or dormitory."

(3) Prohibitions

No person shall sell, rent, purchase, or lease an affordable housing unit created pursuant to this section except to income-eligible households and in compliance with the provisions of this section.

(4) Eligibility[690]

To qualify for the development standard incentives outlined in this section, petitioners shall enter into an affordable housing program or agreement administered by the federal, state, or local governments to ensure that the provisions of subsection (3) are enforced.

(5) Location

When built as part of a larger development that also includes market rate housing, all affordable units constructed or rehabilitated under this section shall not be situated within the development in less desirable locations than market-rate units and shall not, on average, be less accessible to public amenities, such as open space, than the market rate units. Affordable housing shall be integrated with the rest of the development and shall be compatible with the market rate units in design, appearance, construction and quality of materials.

(6) Incentives

The following incentives may be used to build affordable housing units:

(A) Sidewalk Construction[691]

Where deemed appropriate by the planning and transportation director, required sidewalks and street trees associated with the project may be constructed and installed by the city.

(B) Minimum Parking[692]

Single-family, duplex, triplex, and fourplex residential uses that are restricted for a period of at least 30 years to households earning no more than 60 percent of the HUD AMI for the Bloomington area may reduce minimum parking requirements to one on-site parking space per unit. On-street parking shall comply with the standards in 20.04.060(g)(4) (On-Street Parking).

(C) Reduced Bulk Requirements[693]

The following dimensional standards shall apply to single-family, duplex, triplex, and fourplex residential lots in the R1, R2, and R3 districts which occupancy is restricted for a period of at least 30 years to households earning no more than 60 percent of the HUD AMI for the Bloomington area shall apply:

i. Lot area: minimum lot area may be reduced up to 40 percent.
ii. Lot width: minimum lot width may be reduced up to 20 percent.
iii. Side building setbacks: side building setbacks may be reduced to five feet regardless of the number of stories.
iv. Rear building setbacks: rear building setbacks may be reduced to 15 feet.

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[689] Currently applies to the RE, RS, RC, RM, RH, MH, CL, CG, CA, and CD zone districts. We recommend these incentives be extended to any zoning district in the city. New language excludes projects that meet the definition for "student housing or dormitory."
[690] Added "or agreement" and clarified that this requirement is to ensure compliance with other standards.
[691] Reworded for clarity. We think it's not necessary to offer this incentive with the others we are proposing, and further complicates the process (could be negotiation-based). We suggest it be deleted.
[692] Added "duplex, triplex, and fourplex" to reflect the revised list of uses in Module 1. Replaced "maximum" with "minimum" to accurately reflect the incentive. The minimum required parking of two spaces per unit can be reduced to one space per unit. Added cross-reference to on-street parking standards.
[693] Added "duplex, triplex, and fourplex" to reflect the revised list of uses in Module 1. Revised language allowing these reductions to be automatic rather than approved by staff.

(D) Density and Primary Structure Height[694]

i. Applicability

These density and primary structure height standards shall apply to multi-family residential uses that meet the following criteria:

1. The project contains 10 or more multifamily dwelling units;
2. A minimum of 20 percent of the total dwelling units are restricted for a period of at least 30 years to households earning no more than 60 percent of the HUD AMI for the Bloomington area; and
3. Restricted units are managed by an affordable housing program or agreement sanctioned by the federal, state, or local government.

ii. Maximum Density and Primary Structure Height

1. Multi-family residential uses that satisfy the criteria in 20.04.0110(a)(6)(D)i shall be eligible for increased maximum densities and increased primary structure heights as established in Table 4-20: Affordable Housing Incentives.
2. The Levels referenced in Table 4-20: Affordable Housing Incentives refer to sustainability indicators established in Section 20.04.0110(b).

Table 4-20: Affordable Housing Incentives[695]

Zoning District or Character Area	Density (maximum, dwelling units/acre)				Primary Structure Height (maximum)	
	General	Level 1	Level 2	Level 3	General or Level 1	Level 2 or Level 3
RM [1]	10	12	14	17	45 feet	55 feet
RH [1]	20	23	26	30	67 feet	80 feet
MM, MC	20	23	26	30	62 feet	75 feet
ME	20	23	26	30	72 feet	85 feet
MD-CS	25	28	31	35	40 feet	52 feet
MD-UV, MD-DG	25	28	31	35	52 feet	65 feet
MD-DE	20	23	26	30	47 feet	60 feet
MD-ST	20	23	26	30	57 feet	70 feet
MD-DC	37	40	45	50	62 feet	75 feet

NOTES:
[1] Gross density calculated over the entire development area.

(E) Waiver of Fees[696]

i. Filing fees for the plan commission and/or board of zoning appeals shall be waived.
ii. Fees associated with right-of-way excavation permits shall be waived.
iii. Sewer hook-on fees may be waived or reduced by the utilities service board.

[694] New.
[695] New.
[696] Revised language makes fee waiver for plan commission and board of zoning appeals automatic rather than at the discretion of the planning and transportation director.

(b) Sustainable Development[697]

(1) Purpose[698]

The comprehensive plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. The following incentives are intended to encourage the use of sustainable development practices in Bloomington.

(2) Applicability[699]

This sustainable development incentives section applies to all zoning districts, except for projects that meet the definition for "student housing or dormitory."

(3) Administration

(A) A petition for these sustainable development incentives shall be included with a petition for primary plat or site plan approval.

(B) The final approval authority shall determine if the project satisfies the criteria established in this section based on factors relevant to the individual project and the surrounding area.

(C) Where the final approval authority determines that the project satisfies the criteria of this Section 20.04.0110(b), the final approval authority may authorize the modifications to development standards as established in this Section 20.04.0110(b).[700]

(4) LEED Rating System

The qualification criteria established in Table 4-21: Sustainable Development Incentive Qualification Criteria shall be determined using the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) v4 rating system.

(5) Requirements to Qualify for Incentives[701]

Any project seeking sustainable development incentives shall satisfy one of the following three Levels established in Table 4-21: Sustainable Development Incentive Qualification Criteria:

Table 4-21: Sustainable Development Incentive Qualification Criteria

LEED v4 Categories	Level 1	Level 2	Level 3
Location and Transportation	5 points	10 points	LEED Certification (gold or platinum)
Sustainable Sites[702]	LEED v4 required credits	LEED v4 required credits, plus 5 points	
Water Efficiency	LEED v4 required credits	LEED v4 required credits, plus 5 points	
Energy and Atmosphere[703]	LEED v4 required credits	LEED v4 required credits, plus 5 points	
Material Resources	LEED v4 required credits	LEED v4 required credits, plus 5 points	
Indoor Environmental Quality		LEED v4 required credits,	

[697] Replaces current 20.05.049 and 20.07.200.
[698] Reworded for clarity and consistency.
[699] Currently applies to the SU, CS, TD, and CI subdivision categories and all zoning districts.
[700] Replaced "waive" with "modify."
[701] Did not carry forward the current incentives for public art or the installation of a public park, plaza, recreation area, or similar gather space. Incorporation of this requirement is still under consideration and may be added later to implement Policy 1.4.6; and 2.1.1; and 2.1.4; and 3.8.1 of the 2018 comprehensive plan.
[702] New. Intended to implement Policy 3.2.1 through 3.2.5 and 3.3.1 through 3.3.2 of the 2018 comprehensive plan.
[703] Intended to implement Policy 3.1.1; and 3.7.1 of the 2018 comprehensive plan.

Table 4-21: Sustainable Development Incentive Qualification Criteria

LEED v4 Categories	Level 1	Level 2	Level 3
		plus 5 points	
Innovation			
Regional Priority			

NOTES:

(6) Sustainable Development Incentives[704]

Projects that satisfy the criteria in Table 4-21: Sustainable Development Incentive Qualification Criteria shall be eligible for additional density and primary structure height incentives as established in Table 4-22: Sustainable Development Incentives.

Table 4-22: Sustainable Development Incentives

Zoning District or Character Area	Density (maximum, dwelling units/acre)			Primary Structure Height (maximum)
	Level 1	Level 2	Level 3	Level 2 or Level 3
RM [1]	8	9	13	45 feet
RH [1]	17	19	26	67 feet
MM, MC	17	19	26	62 feet
ME	17	19	26	72 feet
MD-CS	22	25	35	40 feet
MD-UV, MD-DG	22	25	35	52 feet
MD-DE	17	19	26	47 feet
MD-ST	17	19	26	57 feet
MD-DC	33	38	52	62 feet

NOTES:
[1] Gross density calculated over the entire development area.

(A) Waiver of Fees[705]

i. Filing fees for the plan commission and/or board of zoning appeals shall be waived.
ii. Fees associated with right-of-way excavation permits shall be waived.
iii. Sewer hook-on fees may be waived or reduced by the utilities service board.

(7) Petition Material and Verification of Compliance[706]

In addition to the standard petition requirements specified in Section Error! Reference source not found. (Error! ference source not found.), the petitioner shall provide the following information:

(A) A completed green building worksheet accompanied by supporting material specifying how the development will satisfy the criteria in Section 20.04.0110(a) and/or Section 20.04.0110(b).

[704] Replaces qualifying criteria from current 20.07.200(b); 20.07.200(c); 20.07.200(d); 20.04.049(b); 20.04.049(c); and 20.04.049(d).
[705] Revised language makes fee waiver for plan commission and board of zoning appeals automatic rather than at the discretion of the planning and transportation director.
[706] This content will be moved to Module 3 and updated when that section of the UDO is drafted.

(B) At the time of secondary plat recording, the petitioner shall record a covenants, conditions, and restrictions instrument verifying that the subdivision will comply or has already complied with the sustainable development practices petitioned for as part of the primary plat petition.

20.04.0120 Operation and Maintenance

(a) Siltation and Erosion[707]

(1) Sedimentation basins and other control measures necessary to meet the requirements of Section 20.04.030(d) (Siltation and Erosion Prevention) shall be maintained by the property owner during construction.

(2) Sediment shall be removed to maintain a depth of three feet.

(b) Landscaping[708]

Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO. Specifically:

(1) All plant material shall be maintained alive, healthy, and free from disease and pests.

(2) All landscape structures including, but not limited to, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

(3) Ground cover shall be maintained in compliance with Bloomington Municipal Code Title 6, Health and Sanitation; and

(4) Public sidewalks shall be maintained in compliance with Bloomington Municipal Code Title 12, Streets, Sidewalks, and Storm Sewers.

(c) Outdoor Lighting[709]

All lighting fixtures that are required to be shielded shall be installed and maintained so that they maintain compliance with all standards for shielded fixtures as specified in this Section 20.04.090 (Outdoor Lighting).

(d) Signs[710]

All signs and components thereof shall be kept in good repair and in safe, clean, neatly painted, and working condition.

[707] From current 20.05.040(a)(3).
[708] Consolidates 20.05.057(d) and 20.05.052(b).
[709] From current 20.05.060(e)(1)/
[710] From current 20.05.079(e).

Chapter 20.05: Subdivision Standards

20.05.010 Purpose[711]

This Chapter 20.05: (Subdivision Standards) establishes the minimum standards for the design and improvement of land subdivisions to:

(1) Facilitate the orderly growth and harmonious development of the city to accomplish the goals of the comprehensive plan and to protect and promote public health, safety, and welfare.[712]

(2) Provide lots and parcels of sufficient size and appropriate design for the purposes for which they are to be used;

(3) Protect the natural environment by promoting the use of good design, landscape architecture, and civil engineering to preserve and enhance natural topographic features, watercourses, drainage ways, floodplains, native vegetation, and trees and to control erosion and minimize runoff;

(4) Provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic;

(5) Ensure safe and efficient traffic circulation through coordinated and connected street systems with relation to major thoroughfares, adjoining subdivisions, adjoining streets, and public facilities;

(6) Provide adequate water supply, sewage disposal, storm drainage and other utilities and facilities;

(7) Provide for adequate sites for recreation areas, access to trail networks, and other public purposes;

(8) Protect or enhance real property values;

(9) Facilitate the transfer of lands having accurate legal descriptions and to establish and assure the rights, duties, and responsibilities of subdividers and developers with respect to land development;

(10) Ensure that the costs of providing the necessary rights-of-way, street improvements, utilities and public areas and facilities for new developments are borne fairly and equitably; and

(11) Encourage the clustering of dwellings and other structures to preserve open space, preserve the natural terrain, minimize impervious surface area and resulting water runoff, minimize adverse visual impacts, minimize public infrastructure costs, and prevent public safety hazards;

(12) Provide a common ground of understanding and an equitable working relationship between public and private interests, so that both independent and mutual objectives can be achieved in the subdivision of land.

20.05.020 Applicability[713]

This Chapter 20.05: (Subdivision Standards) shall apply to all subdivisions and land divisions located wholly or partially within the city.

20.05.030 Subdivision Types[714]

All subdivisions shall be designed according to one of the subdivision types specified in this Chapter 20.05. A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the plan commission.

[711] New.
[712] Reference to the comprehensive plan has been added.
[713] New.
[714] From current 20.06.005.

(a) Suburban Subdivision (SU)[715]

(1) Purpose

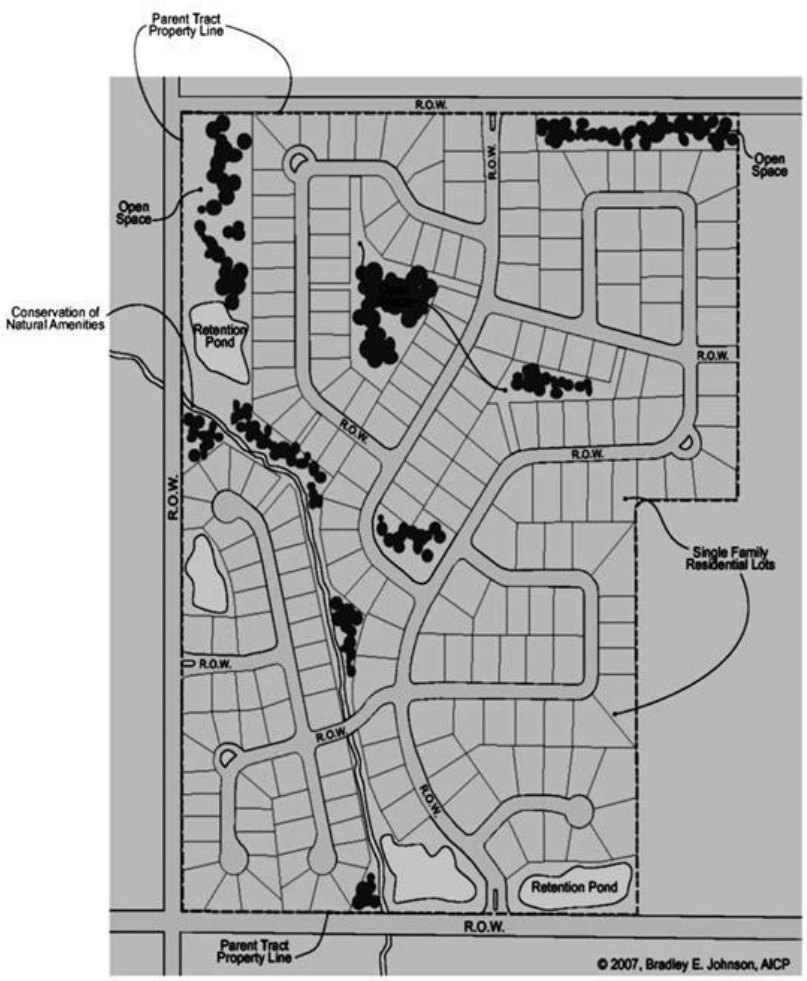
The suburban subdivision (SU) is intended to:

(A) Allow for both subdivisions containing a small number of lots and no new public streets as well as subdivisions consisting of a larger number of lots and new public street extensions;

(B) Permit residential developments that are consistent with adjoining subdivisions that have been more recently developed after the build-out of core neighborhoods;

(C) Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods as well as nonresidential activity centers; and

(D) Facilitate development on parcels not characterized by significant environmental constraints as well as development on parcels not located next to existing subdivisions characterized by more grid-like street patterns.



The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

[715] From current 20.06.010. Existing graphics will be revised to match the zoning district graphic styles.

(2) Development Standards

Table 5-1: SU Subdivision Development Standards[716]

General Standards	
Parent tract size (minimum)	3 acres
Applicable base zoning districts	RE, R1, R2, R3, R4,RM, RH or RMH
Open space required (minimum) [1]	25-49 lots: 10% 50-75 lots: 15% 75 or more lots: 20%
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	1,000 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Alternative transportation facilities	Required to meet Transportation Plan guidance
On-street parking	Not required [2]
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/sidepath width (minimum)	

NOTES:
[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.
[2] Where on-street parking Is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[716] This table consolidates content from current 20.06.020.

(b) Conservation Subdivision (CS)[717]

(1) Purpose

The conservation subdivision is intended to be used as follows:

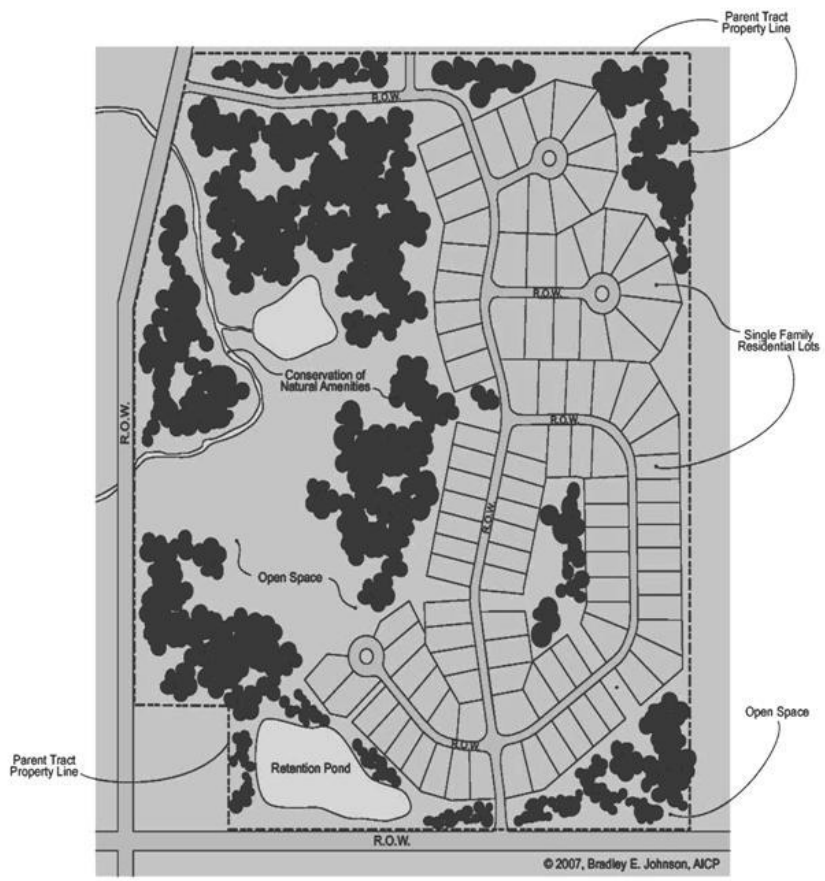
(A) Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;

(B) Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;

(C) Allow very limited development for those parcels containing environmental constraints such as mature tree stands, karst geology, steep slopes, and water resources;

(D) Fulfill the comprehensive plan's policy recommendations concerning Nurture Environmental Integrity; and

(E) Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk network, as well as the placement of individual building lots.



The diagram above is intended to illustrate the concepts outlined in this Chapter. The design of new subdivisions must follow the regulations of the Unified Development Ordinance, but need not match this illustration.

[717] From current 20.06.030.

(2) Development Standards[718]

Table 5-2: CS Subdivision Development Standards[719]

General Standards	
Parent tract size (minimum)	5 acres
Applicable base zoning districts	RE, R1,or R2
Open space required (minimum) [1]	50%
Lots served by alleys (minimum percentage)	Not permitted
Block length (maximum)	1,760 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Alternative transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	RE zone: not permitted R1 zone: not required R2 zone: not required
Tree plot width (minimum)	5 feet [3]
Sidewalk/sidepath width (minimum)	Per Transportation Plan

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking Is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[3] May be reduced to a two foot grass separation to allow for preservation of existing quality vegetation.

[718] Did not carry forward alternative dimensional standards. We think the new line-up of zone districts and the revised dimensional standards are sufficient to allow creative development without the alternative standards.

[719] This table consolidates content from current 20.06.040.

(c) Traditional Subdivision (TD)[720]

(1) Purpose

The traditional subdivision is intended to be used as follows:

(A) Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;

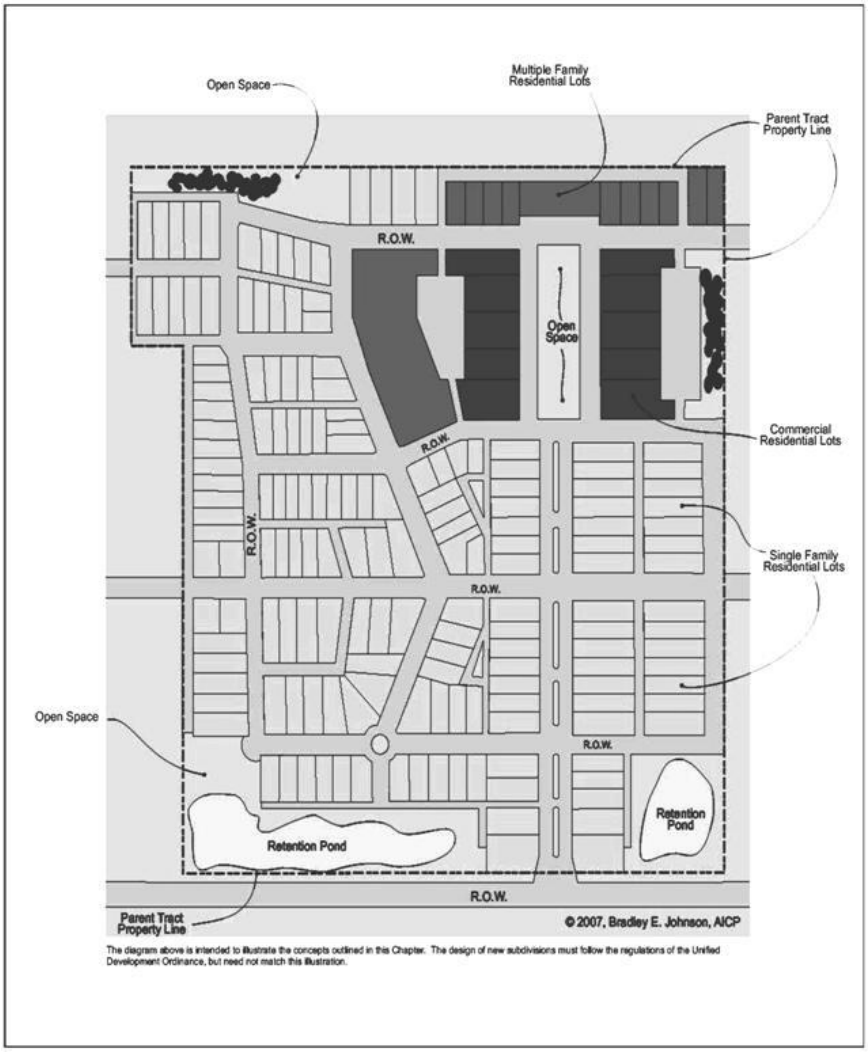
(B) Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;

(C) Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;

(D) Facilitate development on properties not characterized by environmental constraints;

(E) Provide a range of development options (including mixed uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and

(F) Facilitate fulfillment of the comprehensive plan's policies entitled compact urban form, mitigate traffic, and conserve community character.



[720] Did not carry forward alternative dimensional standards. We think the new line-up of zone districts and the revised dimensional standards are sufficient to allow creative development without the alternative standards.

(2) Development Standards

Table 5-3: TD Subdivision Development Standards[721]

General Standards	
Parent tract size (minimum)	3 acres
Applicable base zoning districts	R2, R3, R4, RM, MN, MM
Open space required (minimum) [1]	5%
Lots served by alleys (minimum percentage)	67%
Block length (maximum)	800 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Alternative transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	Required on at least one side of all streets
Tree plot width (minimum)	Residential areas: 7 feet Mixed-use/nonresidential areas: 0 feet, tree grates required
Sidewalk/sidepath width (minimum)	Residential areas: 5 feet Mixed-use/nonresidential areas: 8 feet

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking Is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[721] This table consolidates content from current 20.06.040.

(d) Commercial/Industrial Subdivision (CI)[722]

(1) Purpose

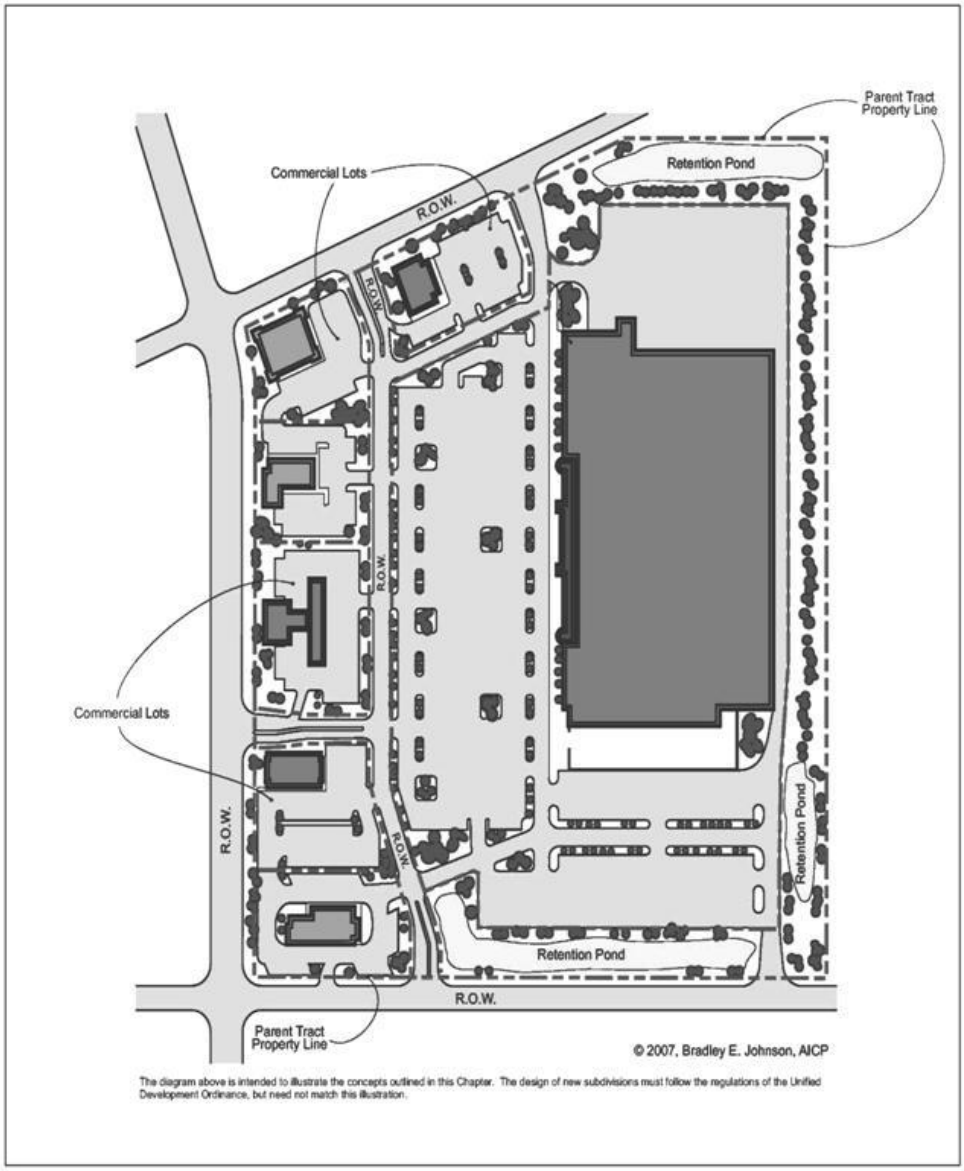
The commercial/industrial subdivision is intended to be used as follows:

(A) Allow for both minor subdivisions containing a small number of lots and no new public streets, as well as major subdivisions consisting of a larger number of lots and new public street extensions;

(B) Permit all nonresidential developments that are compatible with their surroundings;

(C) Ensure that new subdivisions contain adequate street, bicycle, and pedestrian connectivity to adjacent neighborhoods, as well as nonresidential activity centers; and

(D) Facilitate development on parcels not characterized by significant environmental constraints.



[722] From current 20.06.070.

(2) Development Standards

Table 5-4: CI Subdivision Development Standards[723]

General Standards	
Parent tract size (minimum)	None
Applicable base zoning districts	MN, MM, MC, ME, MI, MD, MH, and IN
Open space required (minimum) [1]	None
Lots served by alleys (minimum percentage)	Not required
Block length (maximum)	1,320 feet
Cul-de-sac length (minimum)	200 feet
Cul-de-sac length (maximum)	600 feet
Right-of-Way Standards	
Alternative transportation facilities	Required to meet Transportation Plan guidance
On-street parking	Not required [2]
Tree plot width (minimum)	Per Transportation Plan
Sidewalk/sidepath width (minimum)	

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking Is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[723] This table consolidates content from current 20.06.040.

20.05.040 Easements[724]

(a) Applicability

All proposed plats submitted for approval under the provisions of Chapter 20.06, (Subdivision Regulations) shall allocate sufficient easement areas for features including, but not limited to drainage, utilities, tree preservation, environmental conservation, pedestrian access, vehicular access, and transit facilities, wherever necessary.

(b) General Standards

(1) All easements and corresponding utility location plans shall be approved prior to the approval of the plat.

(2) All necessary easements shall be clearly identified on secondary plats and shall be recorded per processes as defined within Chapter 20.09, Processes, Permits and Fees of the Unified Development Ordinance and shall include a definition consistent with subsection (e), Easement Types, of this section.

(3) All proposed plats shall clearly identify all existing easements on the property, including dimensions, bearings, and recorded instrument numbers.

(4) Signs shall not be located within sanitary sewer easements unless the sign is a public sign authorized by Section 20.04.0100(c)(2)(A) (Public Signs), and is further authorized by the city.

(c) Environmental Features[725]

The following environmental features that are determined to not be developable per Section 20.04.030 (Environmental) shall be placed within preservation/conservation easements on the secondary plat.

(A) All areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes).

(B) All karst features and their required buffer zones as defined in Section 20.04.030(f) (Karst Geology).

(C) All required riparian buffer areas as defined in Section 20.04.030(e) (Riparian Buffers).

(D) All areas within regulatory floodways and floodway fringes as defined in Section 20.04.040(c) (Floodplain).

(E) All delineated wetlands and required wetland buffer areas as defined in Section 20.04.030(g) (Wetlands).

(F) All trees required to be preserved by Section 20.04.030(h) (Tree and Forest Preservation).

(2) Except for areas of excessive slope as defined in Section 20.04.030(c) (Steep Slopes), required easements shall be placed within common areas on the plat.

(3) All common areas required by this section shall be provided with an access easement that connects the common area with a public right-of-way. The access easement shall be a minimum of 15 feet in width.

(4) All proposed plats that require the establishment of easements and common areas per this section shall also provide a Facilities Plan in accordance with [current Section 20.07.090, FC-01 (Facilities plan standards)].[726]

(d) Maintenance

(1) For features required to be in an easement but not required to be within common area, maintenance shall generally be the responsibility of the lot owner, except as expressly provided otherwise in this UDO or in the development approval.

(2) A grant of authority to the city to enter upon an easement for purposes of inspection, maintenance and/or repair of a feature within the easement shall not be construed as relieving the owner or owners of such responsibility.

(3) A facilities plan shall also be provided in accordance with Section 20.07.090, FC-01 (Facilities plan standards).[727]

[724] From current 20.07.070
[725] From current 20.07.070(d) and 20.07.080.
[726] STAFF: We recommend that the content from Section 20.07.090 be moved to an administrative manual and that than manual be referenced here.
[727] STAFF: We recommend that the content from Section 20.07.090 be moved to an administrative manual and that than manual be referenced here.

(e) Standards for Specific Easement Types

Unless specifically defined on an approved plat or by condition of plat approval, the following requirements shall apply:

(1) Sanitary Sewer Easement

(A) Shall allow the city utilities department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the city utilities department in conjunction with the primary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, and light fixtures, shall not be located within sanitary sewer easements.

(D) Grading activity shall be prohibited within sanitary sewer easements without written permission from the city utilities department.

(2) Waterline Easement

(A) Shall allow the city utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

(B) Encroachment by other utilities is prohibited, unless such encroachment is approved by the city utilities department in conjunction with the primary plat. Upon written permission from the city utilities department, encroachments may be permitted after the recording of the secondary plat.

(C) Trees and structures including, but not limited to, buildings, fences, retaining walls, signs, and light fixtures, shall not be located within waterline easements.

(D) Grading activity shall be prohibited within waterline easements without written permission from the city utilities department.

(3) Drainage Easement

(A) Shall be required for any surface swales or other minor improvements that are intended for maintenance by the lots on which they are located.

(B) Shall prohibit any alteration within the easement that would hinder or redirect flow.

(C) Shall provide that the owner of the lot on which the easement is placed shall be responsible for maintenance of the drainage features within such easement.

(D) Shall be enforceable by the city utilities department and by owners of properties that are adversely affected by conditions within the easement.

(E) Shall allow the city utilities department to enter upon the easement for the purpose of maintenance, to charge the costs of such maintenance to the responsible parties, to construct drainage facilities within the easement, and to assume responsibility for the drainage features at its discretion.

(4) Utility Easement

(A) Shall allow both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

(B) Prohibits the placement of any unauthorized obstruction within the easement area.

(5) Pedestrian Easement

(A) Grants the general public the right to access the pedestrian easement for purposes of walking, running, bicycling, skating, or utilizing certain classes of nonmotorized vehicles.

(B) Grants the city the right to construct, alter, repair, maintain, or remove improvements within the easement area.

(C) Prohibits the placement of any obstruction within the pedestrian easement.

(6) Transit Facility Easement

(A) Grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation.

(B) Grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

(C) Prohibits anyone other than the public transportation authority from placing any structures within the transit facility easement.

(7) Karst Conservancy Easement

(A) Prohibits any land-disturbing activities, including the placement of a fence, within the easement area. Mowing is allowed within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the planning and transportation department.

(C) Grants the city the right to enter the property to inspect the easement and alter or repair the karst feature.

(D) All Karst Conservancy Easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size.

(E) Any use of pesticides, herbicides, or fertilizers is prohibited within the easement area.

(F) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the planning and transportation department is required prior to any proposed restoration.

(8) Tree Preservation Easement

(A) Prohibits the removal of any tree over six inches dbh within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the planning and transportation department.

(C) All tree preservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one half square feet in area. A minimum of one public sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the planning and transportation department is required prior to any proposed restoration.

(9) Tree Conservation Easement

(A) Prohibits the removal of any tree and the placement of a fence within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal of exotic invasive species, only after first obtaining written approval from the planning and transportation department.

(C) All tree conservation easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the planning and transportation department is required prior to any proposed restoration.

(10) Conservancy Easement

(A) Prohibits any land-disturbing activities including the placement of a fence, or alteration of any vegetative cover, including mowing, within the easement area.

(B) Allows the removal of dead or diseased trees that pose a safety risk or impede drainage as well as allowing the removal exotic invasive species, only after first obtaining written approval from the planning and transportation department.

(C) All conservancy easements shall be identified with public signs located along the boundary of the easement. Public signs shall be placed at intervals of no more than two hundred feet, and each public sign shall be a maximum of one and one-half square feet in area. A minimum of one public sign is required, regardless of easement size.

(D) Allows, in cases where removal of exotic invasive species is proposed, the restoration of disturbed areas with native plant material. Written approval from the planning and transportation department is required prior to any proposed restoration.

(11) Other

Other easements may be required by the plan commission to preserve features or functions unique to a given property and shall be defined on the recorded plat.

20.05.050 Subdivision Design Standards

(a) Purpose

This section is intended to establish and define the design standards that are required by the city for any subdivision of land.

(b) Applicability[728]

This Section 20.05.050 applies to all site and infrastructure improvements associated with subdivisions. These requirements shall also apply to planned unit developments associated with subdivision approval.

(c) Generally[729]

(1) In planning for the development of areas within the jurisdiction of the plan commission, the owner and petitioner shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the comprehensive plan.

(2) The proposed development shall also be consistent with the property's zoning classification, and shall result in a project that is harmonious with the environmental character of the property as well as the overall community of the city of Bloomington.

(d) Specific Standards for Subdivision Types[730]

In addition to the standards in this Section 20.05.050 (Subdivision Design Standards), each subdivision type defined in 20.05.030 (Subdivision Types) shall comply with the specific standards summarized in Table 5-5: Subdivision Development Standards below.

Table 5-5: Subdivision Development Standards[731]

	SU	CS	TD	CI
Applicable base zoning districts	RE, R1, R2, R3, R4,RM, RH or RMH	RE, R1,or R2	R2, R3, R4, RM, MN, MM	MN, MM, MC, ME, MI, MD, MH, and IN
Parent tract size (minimum)	3 acres	5 acres	3 acres	None
Open space required (minimum) [1]	25-49 lots: 10% 50-75 lots: 15% 75 or more lots: 20%	50%	5%	None
Block length (maximum)	1,000 feet	1,760 feet	800 feet	1,320 feet
Cul-de-sac length (minimum)	Not permitted	Not permitted	Not permitted	200 feet
Cul-de-sac length (maximum)	Not permitted	Not permitted	Not permitted	600 feet
Alternative transportation facilities	Required to meet Transportation Plan guidance			
On-street parking [2]	Not required	RE zone: not permitted R1 zone: not required R2 zone: not required	Required on at least one side of all streets	Not required

[728] From current 20.07.010.
[729] From current 20.07.020(b).
[730] Introduction text is new.
[731] This table consolidates content from current 20.06.020; 20.06.040; 20.06.060; and 20.06.080.

Table 5-5: Subdivision Development Standards[731]

	SU	CS	TD	CI
Lots served by alleys (minimum percentage)	Not required	Not permitted	67%	Not required
Tree plot width (minimum)	Per Transportation Plan	5 feet [3]	Residential areas: 7 feet Mixed-use/nonresidential areas: 0 feet, tree grates required	Per Transportation Plan
Sidewalk/sidepath width (minimum)		Per Transportation Plan	Residential areas: 5 feet Mixed-use/nonresidential areas: 8 feet	

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking Is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[3] May be reduced to a two foot grass separation to allow for preservation of existing quality vegetation.

(e) Lots[732]

(1) Generally

(A) The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts.

(B) Residential lots shall have side lot lines that are within 15 degrees of a right angle to the street and right-of-way.

(C) Residential corner lots shall be 50 percent larger than the minimum lot area indicated for the zoning district. Nonresidential corner lots shall be 25 percent larger than the minimum lot area indicated for the zoning district.

(D) Except as permitted by this UDO, lots shall not be permitted to be through lots.

(2) Intersection Radii

(A) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet in radius, or by chords of such arcs.

(B) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 25 feet, or by chords of such arcs.

(C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than 10 feet, or by the chord of such arcs.

(3) Cohesive Design

(A) Commercial developments (e.g., multi-tenant centers, commercial areas, and office parks) shall be designed as a single project no matter how many lots are created. All areas of the parent tract shall be shown as they are intended to be laid out and used.

(B) All lots shall be designed with a depth-to-width ratio not to exceed four to one.

(C) The minimum lot width of all lots shall be measured at the required front building setback line.

(D) All new residential lots shall have frontage on a public street.

[732] From current 20.07.100.

(E) The plan commission may modify lot and setback standards in order to create a common area development plat.[733] This approval is subject to the following standards:

i. A petitioner shall request a common area development designation with the primary plat;

ii. All individual units shall be placed on an individual lot;

iii. All units shall have individual utility service;

iv. Lot lines shall not extend more than 10 feet from any structure; and

v. All areas outside of individual lots shall be placed within common area.

(4) Zero Lot Line Developments

The plan commission may approve alternative setback standards in order to create a zero lot line development plat, subject to the following standards:

(A) The petitioner shall request a zero lot line development designation with the primary plat;

(B) All individual units shall be placed on an individual lot; and

(C) All units shall have individual utility service.

(f) Monuments and Markers[734]

(1) Installation of Monuments and Markers

All monument and marker improvements shall be installed per 865 IAC 1-12-18.

(2) Centerline Monuments

Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

(3) Reporting

Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit from the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

(g) Open Space

(1) Generally

(A) All residential developments shall have a percentage of the land set aside for open space.

(B) Subdivisions shall provide the minimum required open space per Table 5-5: Subdivision Development Standards.

(2) Site Features that Qualify as Open Space

The following features count toward the minimum open space requirements as described:

(A) Conservation Areas

Any required preservation/conservation area shall count toward open space requirements.

(B) Man-made Water Features

Any man-made water feature (including retention facilities) shall count toward minimum open space if it supports aquatic life and provides native habitat as follows:

i. Surface Area

A surface area at normal pool elevation of at least 32,670 square feet (0.75 acres); and

[733] Replaced "waive" with "modify."
[734] From current 20.07.110.

ii. **Perimeter Access**

1. A buffer area around the full circumference of the water feature of at least 50 feet from the top of bank shall be available as open space.
2. This open space shall be planted and maintained as wildlife habitat. This includes use of native (no more than 20 percent lawn grass) species including prairie grasses and/or tree planting.

(C) Dry Detention Facilities

Man-made stormwater detention facilities (dry) shall count toward the minimum open space if they meet the following standards:

i. **Area**

The facility shall have at least 10,890 square feet of flat bottom (0.25 acres).

ii. **Depth**

The man-made depth of the detention facility shall not exceed four feet from top of bank.

iii. **Slope**

The man-made slopes within the detention facility shall not exceed a four is to one ratio.

iv. **Perimeter Access**

1. A buffer area around the full circumference of the facility of at least 25 feet from the top of bank shall be available as open space.
2. This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.

(D) Regulated Floodplain

The regulated floodplain of any stream, regulated drain, or river shall count toward the open space requirements.

(E) Other

Other common areas set aside to meet open space requirements.

(h) Storm Water

(1) Applicability

All proposed subdivisions submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.

(2) Drainage Plan

All subdivision requests shall include the submittal of a drainage plan to the city utilities department. The drainage plan shall include, but not be limited to, the following items:

(A) Complete grading plan showing all proposed detention and retention facilities, swales, and drainage structures.

(B) All proposed piping including size and location of proposed stormwater lines, as well as plan and profile drawings for all proposed improvements.

(C) Complete and accurate stormwater calculations justifying methodology of the drainage plan in compliance with city utilities department standards.

(3) Stormwater Mitigation Requirements

Drainage facilities shall be provided to control runoff from all upstream drainage areas and from all areas within the proposed subdivision to a location adequate to receive such runoff. Furthermore, drainage facilities shall:

(A) Be designed and constructed in accordance with city utilities department standards.

(B) Be durable, easily maintained, retard sedimentation, and retard erosion. Facilities shall not endanger the public health and safety, or cause significant damage to property.

(C) Be sufficient to accept runoff from the site after development and the present water runoff from all areas upstream to achieve discharge rates meeting city utilities department standards.

(D) Provide stormwater runoff quality mitigation in compliance with city utilities department standards.

(4) Common Area

Engineered and built drainage improvements, including but not limited to detention and retention facilities, for subdivisions shall be contained within common areas. Such improvements shall be constructed and maintained according to city utilities department standards, and a facilities plan shall be required pursuant to Section 20.07.090, FC-01 (Facilities plan standards). [735]

(5) Easements

Features and improvements shall be located within easements where required, in accordance with Section 20.07.090, FC-01 (Facilities plan standards). [736]

(i) Streets and Right-of-Ways[737]

(1) Applicability

All developments submitted for subdivision approval shall allocate adequate areas for new streets in conformity with this UDO and Transportation Plan.

(2) Private Streets

Unless approved by the plan commission and the board of public works, private streets are not permitted. All proposed streets shall have right-of-way dedicated as indicated on the Transportation Plan.

(3) Dedication of Right-of-Way

In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established in the Transportation Plan, the petitioner shall dedicate additional width along either one or both sides of such streets in order to bring them up to standards.

(4) Construction and Installation Standards for Streets

All street improvements are to be designed, constructed and installed per the city planning and transportation department Standards.

(5) Street Design

(A) General Street Layout

Streets shall be laid out on the parent tract:

i. In an orderly and logical manner;

ii. To provide connectivity to adjacent parcels;

iii. To provide pedestrian and vehicular safety; and

iv. To provide reasonably direct access to the primary circulation system.

(B) Topographical Consideration

Streets shall be adjusted to the contour of the land so as to minimize cutting and filling activity on natural terrain.

(C) Design Speed

The maximum design speed for streets shall be in accordance with AASHTO and city planning and transportation department requirements.

[735] Content from Section 20.07.090 will be moved to an administrative manual and that than manual be referenced here.
[736] Content from Section 20.07.090 will be moved to an administrative manual and that than manual be referenced here.
[737] From current 20.07.160.

(D) Connectivity

All developments shall provide stub streets to connect to adjacent properties.

i. Where the development abuts undeveloped land, the final number and location of stub streets shall be determined by the plan commission.

ii. Where the development abuts land that has established stub streets, built or platted, the petitioner shall design the street system to connect to those stub streets.

(E) Stub Streets

Stub streets shall be constructed at the same time the other streets are built within the development.

i. Temporary turnaround areas, which can be surfaced with asphalt, concrete, permeable pavers or crushed stone, may be required to provide safe turnaround for emergency vehicles. Such areas shall be located within dedicated street rights-of-way and shall be removed when stub streets are further extended.

ii. A permanent public sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

(F) Gated Entrances

Gated entrances are not permitted.

(G) Boulevard Entrances

All developments of more than 20 acres shall have a boulevard entrance extending at least 50 feet from the perimeter street's right-of-way. The width of the median shall be a minimum of 10 feet.

(H) Intersections

All intersections of two streets shall be within 15 degrees of perpendicular as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted. Neighborhood street intersections with center line offsets of less than 125 feet shall not be permitted.

(I) Right-of-way Width

i. The minimum right-of-way width shall be as indicated on the Transportation Plan unless specified otherwise in this UDO.

ii. The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the city engineer and fire chief if:[738]

1. The reduction will mitigate environmental impacts; or
2. The reduction will result in alignment with adjacent streets.

(J) Street Width

i. The minimum street pavement width shall be as indicated on the Transportation Plan. Street width shall be determined by measuring from back of curb to back of curb unless specified otherwise in this UDO.

ii. The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the city engineer and fire chief if:[739]

1. The reduction will mitigate environmental impacts; or
2. The reduction will result in alignment with adjacent streets.

(K) Curb Type

i. Residential subdivisions (attached and detached units) may use rolled or straight curbs.

ii. Nonresidential subdivisions are required to use straight curbs.

(L) Cul-de-sac Length

The maximum cul-de-sac length shall be as indicated in Table 5-5: Subdivision Development Standards.

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[738] From current 20.06.020; 20.06.040; 20.06.060; and 20.06.080. Did not carry forward minor variations of language from each section. Currently the
[739] From current 20.06.020; 20.06.040; 20.06.060; and 20.06.080. Did not carry forward minor variations of language from each section. Currently the

(M) Cul-de-sac Terminus

The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the city.

(N) Permanent Dead-end Streets

Dead-end streets are prohibited. Dead-end streets do not include cul-de-sacs or stub streets.

(O) Eyebrows

Eyebrow street designs shall be permitted for residential subdivisions only and constructed for one-way traffic with an island in the middle that contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network. No parking is allowed within eyebrow areas.

(P) Block Length

The maximum block length shall be as indicated in Table 5-5: Subdivision Development Standards.

(Q) Pavement Thickness

The minimum street pavement thickness shall be determined by the board of public works based on the street's classification in the Transportation Plan.

(6) Alleys[740]

Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of traditional neighborhood subdivisions. In other types of subdivisions, alleys may be utilized where they are compatible with surrounding residential development patterns.

(A) Alleys shall be public with a minimum of 25 of right-of-way.

(B) Alleys shall have a minimum of 14 feet of pavement width.

(C) Alleys are not required to have a curb.

(D) Alley intersections with public streets shall not exceed 20 degrees from perpendicular to said streets.

(E) The minimum corner radius at any alley intersection with a public street shall be 10 feet.

(F) All alleys are to be constructed per standards of the city planning and transportation department.

(7) Arterial Frontages

(A) Residential[741]

All residential subdivisions shall be designed so that no residential lot directly borders an arterial level street unless those lots use alley access, an access street, or provide a buffer to screen the visual impacts of homes along arterial level streets.

i. Alley Access[742]

Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may directly front arterial level streets if rear alleys are used for all lots fronting the arterial street.

1. Front setbacks for these lots shall be increased to a minimum of 40 feet from the proposed right-of-way indicated on the Transportation Plan.
2. Alleys shall be constructed to standards of Section 20.05.050(i)(6).

ii. Access Street[743]

Individual single-family (attached and detached), duplex, triplex, or fourplex residential lots may front arterial level streets if an access street is used.

1. This access street must be separated from the proposed right-of-way indicated on the Transportation Plan by a grass strip of at least 20 feet in width.

[740] From current 20.07.040.
[741] From current 20.07.050.
[742] Added duplex, triplex, and fourplex.
[743] Added duplex, triplex, and fourplex.

2. (An access street shall be designed to accommodate two-way traffic.
3. An access street shall be designed to generally run parallel to the arterial level street.
4. Access streets shall be placed within additional right-of-way or an access easement.
5. Access streets shall be paved to a minimum width of 25 for two-way traffic, or 28 feet if parking is permitted on one side.
6. In addition to the required pedestrian facility along the arterial level street, access streets shall install a sidewalk five feet in width on the interior side of the street.
7. Access streets must provide two points of ingress/egress to the arterial street if they give access to 10 or more residential lots or if they exceed 500 feet in length.
8. No more than two ingress/egress points are permitted for an access street.

iii. Buffer

Through lots may be used with the rear of the lots facing the arterial level street if a buffer is established between the residential lots and the arterial level street and such buffer is maintained as common area.

1. The buffer shall be a minimum of 30 feet in width measured from the proposed right-of-way indicated on the Transportation Plan.
2. The buffer shall include one of the following features:
   [a] A solid wall or combination of walls a minimum of three feet in height, combined with landscaping sufficient to achieve a nonlineal, dense buffer of evergreen and deciduous trees, that together equal to at least 75 percent of the subdivision's lineal frontage along an arterial street.
   [b] A landscaped berm a minimum of three feet in height and ten feet in width installed in a nonlineal manner. Landscaping within the buffer area shall be equal to one canopy tree, two ornamental trees, two evergreen trees and 10 large shrubs for every 50 feet of arterial frontage.
3. No feature may interfere with sight requirements for safe ingress and egress.

(B) Mixed-Use/Nonresidential[744]

Shared access along arterial level streets for mixed-use or nonresidential subdivisions shall be used to the maximum extent possible.

i. Ingress/Egress

1. Developments with 15 acres or less shall have a maximum of one ingress/egress point onto an arterial level street if a secondary access street is present and two ingress/egress points onto an arterial level street if no secondary access street is present.
2. Developments with more than 15 acres shall have a maximum of three ingress/egress points onto a public street.
3. Ingress/egress points onto arterial streets shall be separated by a minimum of 200 feet from any intersection or another ingress/egress point.

ii. Traffic Lanes

Shared access streets shall be designed to accommodate two-way traffic.

iii. Right-of-way or Easement

Shared access streets shall be placed within additional right-of-way or permanent access easement.

iv. Pavement Width

Access streets shall be a minimum of 20 feet in width.

v. Sidewalks

Access streets shall have sidewalks on the interior side of the street and be integrated into the overall pedestrian network.

[744] From current 20.07.060. Added "mixed-use" to reflect the new naming conventions of the districts.

(8) Street Names[745]

(A) Proposed Street Name

The petitioner shall propose a unique name for each street within the development at the time of primary plat petition.

(B) Street Name Standards

Within the jurisdiction of this ordinance, the following standards shall apply:

i. Streets that are continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on a validly recorded plat, shall bear the names of such existing streets.

ii. The root street name (e.g., "Maple") shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.

iii. Deviations in suffix names (e.g., "Street," "Court," or "Avenue") shall not constitute a unique name. Therefore, if "Maple Street" exists, the name "Maple Court" shall not be permissible.

iv. Street address numbers for all lots shall be assigned by the city planning and transportation department and shall be identified on the secondary plat.

v. Approved street names shall be identified on the secondary plat.

(C) Authority to Rename a Proposed Street

The plan commission, the board of public works, the planning and transportation director, or E-911 coordinator shall have the authority to require a new name to be chosen for any street. If a new name is not proposed by the petitioner, the board of public works shall have the right to rename the street prior to secondary plat approval.

(9) Street Signs[746]

(A) Applicability

Every street shall have the minimum number of public signs necessary to:

i. Provide a safe environment for drivers and pedestrians; and

ii. Provide an information system for visitors to efficiently find a certain street, address, or development amenity.

(B) City's Responsibilities

The city shall be responsible for disseminating specifications for the installation of all public safety related street signs for streets, including, but not limited to: speed limit signs, stop signs, yield signs and street name signs. The city's engineering policies and nationally recognized engineering standards shall be used to determine the type, size, height and location of each of these public signs required for any development.

(C) Petitioner's Responsibilities

i. The petitioner shall be required to install public signs prior to any street being opened to public. These public signs shall be installed in the location and to the height determined by the city planning and transportation department.

ii. The petitioner shall install a minimum of one street name public sign at each street intersection within the subdivision and on all perimeter intersections. At least one public sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).

iii. The petitioner shall install temporary street name public signs for any streets open to the public during construction. Such public signs shall meet the location requirements specified for street name public

[745] From current 20.07.180.
[746] From current 20.07.190.

signs in (ii) above. Temporary street name public signs shall be removed when permanent street name public signs are installed.

(10) Street Lighting[747]

(A) Street Lighting Plan

All subdivisions shall be required to have a street lighting plan submitted to the city board of public works as a component of the secondary plat proposal. The street lighting plan shall be certified by the local public electric company.

(B) Street Lighting Plan Approval[748]

All certified street lighting plans shall be accepted by the city board of public works prior to secondary plat signing. Street lighting plans shall include, but not be limited to, spacing of the fixtures, fixture type, fixture color, easements, light shielding, and the manufacturer. Full cutoff fixtures shall be used. The developer shall be responsible for installing all street lights in accordance with the approved street lighting plan.

(C) Alternative Street Lighting Plans

Requests, including but not limited to the provision of specialized fixtures or use of privately owned lights, may be considered by the city board of public works as an alternative to conventional street lighting plans.

(D) Street Lighting Plans in the MD District[749]

All certified street lighting plans proposed for the MD district shall be consistent with the design recommendations of the city of Bloomington downtown vision and infill strategy plan and shall comply with the following:

i. Generally

1. Pedestrian scaled street lighting shall be provided as approved by the board of public works.
2. Pedestrian scaled street lighting shall not exceed 15 feet in height.

ii. Lighting Fixture Styles

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

(j) Utilities

(1) Sanitary Sewer Standards

(A) Applicability

All subdivisions proposed to the plan commission for approval under the provisions of this UDO shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be tied into the community-wide system as per city utilities department standards and constructed within street rights-of-way or within dedicated sewer easements.

[747] From current 20.07.170.
[748] Did not carry forward graphic from 20.07.170(b).
[749] From current 20.07.170(d) and several sections in current 20.03 regulating lighting in the downtown overlay districts.

(B) Location

Septic systems shall not be permitted unless adequate sewer system service is not available and such unavailability is verified by the city utilities department.

(2) Water Service Standards

(A) Applicability

All proposed plats submitted to the plan commission for approval, under the provisions of this chapter, shall provide for the installation of a complete potable water and fire protection distribution system.

(B) Private/Semipublic Systems

Private or semipublic water supplies and distribution systems shall not be allowed.

(C) Extension of Public Water Supplies

The extension of public water supplies and distribution systems shall be made at the sole expense of the petitioner. The construction plans shall be approved by the city utilities department and shall be on file with the city utilities department prior to the issuance of secondary plat approval.

(3) Coordination of Sewer/Waterline Installation

It shall be the petitioner's responsibility to coordinate the installation of the sewer and water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed. If such damage occurs, the work shall be stopped and damages repaired before allowing the work to continue.

(4) Fire Hydrants

Fire hydrants shall be installed along all public streets, and shall have a maximum distance between hydrants of 600 feet.

(5) Construction Standards for Utilities

All public utility improvements shall be designed and installed as per city utilities department standards.

Chapter 20.06: Administration and Procedures

20.06.010 General

(a) Purpose[750]

This Chapter 20.06: identifies the types of permits, approvals, and processes which are required as part of this UDO.

(b) Enforcement[751]

Failure to comply with any provision of this Chapter 20.06:, including but not limited to failure to comply with the terms and conditions of any permit or other approval obtained hereunder, shall be a violation of this UDO and shall be subject to the penalties and remedies in Chapter 20.10, (Enforcement and Penalties).

20.06.020 Review and Decision-Making Bodies[752]

(a) Purpose[753]

This 20.06.020 describes the organization, powers, and duties of the offices responsible for the administration of this UDO.

(b) Common Council

(1) Jurisdiction and Authority

The common council shall have the following jurisdiction and authority subject to the provisions of this UDO and the applicable provisions of the Indiana Code:

(A) To initiate, adopt, or reject any amendment to the official zoning map, and to initiate, adopt, amend, or reject any amendment to the text of this UDO in accordance with Indiana Code 36-7-4-600 Series: Zoning Ordinance;

(B) To adopt, impose reasonable conditions, condition the issuance of a certificate of zoning compliance on the providing of certain assurances, and allow or require the property owner to make written commitments; or reject a planned unit development (PUD) district ordinance in accordance with Indiana Code 36-7-4-1500 Series: Planned Unit Development.

(C) To initiate, approve, amend, or reject proposed amendments to the city's comprehensive plan and its components, including but not limited to the Transportation Plan and the subarea plans;

(D) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Conflicts[754]

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the common council may not participate in a hearing or decision of the common council concerning a zoning matter in which he or she has a direct or indirect financial interest. The common council shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a comprehensive plan.

(B) A member of the plan commission or the common council may not directly or personally represent another person in a hearing before the plan commission or common council concerning a zoning matter.

[750] From current 20.09.010.
[751] From current 20.09.020.
[752] From current 20.01.350 through 20.01.410.
[753] Replaces current 20.01.350 Reworded for simplicity.
[754] Portion of current 20.01.370 applicable to common council inserted in this section.

(c) Plan Commission[755]

(1) Jurisdiction and Authority

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

(A) To initiate, hear, review, and certify recommendations to the common council on replacement or amendment of the comprehensive plan and this UDO, including the official zoning map;

(B) To hear, review, and make recommendations to the common council on the PUD district ordinance and preliminary plan for a proposed planned unit development. When stipulated by the plan commission at the time of preliminary approval, to review and approve the final plan for a planned unit development;

(C) To authorize a hearing officer pursuant to Indiana Code 36-7-4-923, and to establish rules prescribing and limiting the authority and procedures therefore pursuant to Indiana Code 36-7-4-923 and Indiana Code 36-7-4-924;

(D) To hear, review, and make recommendations to the board of zoning appeals on use variance petitions involving multifamily or nonresidential uses;

(E) To review and approve or disapprove site plans and amendments to site plans, as required pursuant to Section 20.06.050(a) (Site Plan Review);

(F) which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurances for public improvements;

(G) To aid and assist the common council and the mayor in implementing the city's adopted comprehensive plan and in planning, developing, and completing specific projects;

(H) To review and report on any matters referred to it by the common council or the mayor;

(I) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the city to aid them in the performance of their respective duties relating to the planning and development of the city;

(J) To delegate responsibilities relating to ordinance administration and enforcement to the staff and to other appropriate executive departments and personnel;

(K) To review and approve or disapprove plats and replats of subdivisions;

(L) To supervise and make rules for the administration of the affairs of the plan commission, including but not limited to adopting and maintaining a schedule of uniform fees for permits, processes and official actions of the common council and the planning and transportation department;

(M) To prescribe uniform rules pertaining to investigations and hearings;

(N) To keep a complete record of all proceedings;

(O) To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the plan commission;

(P) To prepare, publish and distribute reports, ordinances and other materials relating to the activities authorized under this Chapter 20.06:;

(Q) To adopt a seal;

(R) To certify to all official acts;

(S) To make recommendations to the common council or other bodies concerning any other matter within the jurisdiction of the plan commission, as authorized by the advisory planning law (Indiana Code 36-7-4: Local Planning and Zoning);

(T) To approve or delegate the assignment of street numbers to lots and structures and the naming of streets, including renumbering or renaming;

[755] From current 20.01.370. Did not carry forward 20.01.370(c), (d), (e), or (f); these standards have been relocated to a separate manual outside of the UDO.

(U) To authorize a plat committee pursuant to Indiana Code 36-7-4-701(e);

(V) To permit, require, modify and terminate commitments,;

(W) To hear appeals from final plan decisions by staff; as authorized elsewhere in Indiana Code Title 36; and

(X) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term, and Organization

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

(3) Conflicts

(A) Pursuant to Indiana Code § 36-7-4-223, a member of the plan commission council may not participate in a hearing or decision of the plan commission concerning a zoning matter in which he or she has a direct or indirect financial interest. The plan commission shall enter in its records the fact that its member has such a disqualification. As used in this section, "zoning matter" does not include the preparation or adoption of a comprehensive plan.

(B) A member of the plan commission or the common council may not directly or personally represent another person in a hearing before the plan commission or common council concerning a zoning matter.

(d) Board of Zoning Appeals[756]

(1) Jurisdiction and Authority

The board of zoning appeals shall have the following jurisdiction and authority subject to the provisions of this UDO:

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

(B) To hear and decide upon petitions for use variances from this UDO;

(C) To hear and decide upon petitions for conditional use permits;

(D) To establish or extend time limitations placed upon variances and conditional uses;

(E) To permit or require commitments under Indiana Code § 36-7-4-921 as a condition of approval of a variance or conditional use;

(F) To hear and determine appeals from:

i. Any order, requirement, decision, or determination made by an administrative office, hearing officer, or staff member under this UDO;

ii. Any order, requirement, decision, or determination made by an administrative board or other body except the plan commission in relation to the enforcement of this UDO;

iii. Any order, requirement, decision, or determination made by an administrative board or other body except the plan commission in relation to the enforcement of this UDO requiring the procurement of a certificate of zoning compliance or certificate of occupancy.

(G) Upon reasonable written request, to make its special knowledge and expertise available to any official, department, board, or commission of the city, to aid them in the performance of their respective duties relating to this UDO and its administration; and

(H) To exercise such other powers and perform such other duties as are allowed by Indiana law in connection with this UDO.

(2) Membership, Term and Organization

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

[756] From current 20.01.380. Did not carry forward 20.01.380(c), (e), and all but the last sentence of (f); these standards have been relocated to a separate manual outside of the UDO.

(3) Meetings and Procedures

(A) Meetings of the board of zoning appeals shall be conducted in accordance with the rules established by the board of zoning appeals;

(B) The board of zoning appeals shall adopt rules of procedure, which may not conflict with this UDO, concerning the:

i. Filing of appeals;

ii. Petition for use variances, development standards variances, and conditional uses;

iii. Giving of notice;

iv. Conduct of hearings; and

v. Determination of whether a variance petition is for a use variance or development standards variance.

(C) The board of zoning appeals may also adopt rules of procedure:

i. Governing the creation, form, recording, modification, enforcement and termination of commitments.

ii. Designating those specially affected persons and classes of specially affected persons who are entitled to enforce commitments.

(D) Rules adopted by the board of zoning appeals shall be printed and be made available to all petitioners and other interested persons.

(4) Decisions

The board of zoning appeals shall, in all cases heard by it, make written findings of fact.

(5) Conflicts

(A) A person shall not communicate with any member of the board of zoning appeals before hearings with intent to influence the member's action on a matter pending before the board of zoning appeals. A member who feels his or her impartiality has been compromised in this manner is allowed to disqualify himself or herself. The staff may, however, file with the board of zoning appeals a written statement setting forth any facts or opinions relating to the matter no less than five days before the hearing.

(B) A member of the board of zoning appeals shall not participate in a hearing or decision of the board of zoning appeals concerning a zoning matter in which he or she has a direct or indirect financial interest. The board of zoning appeals shall enter in its records the fact that a member has such a disqualification and the name of the alternate member, if such an alternate member is appointed under Section 2.15.030: (Terms of the BMC), who participates in the hearing or decision in place of the regular member.

(e) Planning and Transportation Department[757]

(1) Authority[758]

Pursuant to Chapter 2.14: (Planning and Transportation Department) of the Bloomington Municipal Code, the planning and transportation director or his or her designee,(sometimes referred to in this UDO as "staff," unless the staff of another department or agency is clearly indicated) shall be charged with the administration of this UDO and, in particular, shall have the jurisdiction, authority and duties described in this Chapter 20.06:;

(A) To meet with and counsel those persons maintaining an interest in this UDO, other questions of land use, and related city ordinances, plans and policies;

(B) To conduct zoning compliance reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands, buildings or structures, and to issue or refuse to issue certificates of zoning compliance;

(C) To approve temporary uses requiring administrative approval;

[757] From current 20.01.390.
[758] Reference to “staff” clarified.

(D) To review any site plan submitted for such review pursuant to Section 20.06.050(a) (Site Plan Review), which shall include the power to approve with conditions, to permit or require commitments, and to require bonding or other financial assurance for public improvements, and to make decisions or recommendations to the plan commission, as appropriate and as authorized in Section 20.06.050(a)(1)(A);

(E) To make written interpretations of permitted use and other specific provisions of this UDO pursuant to the provisions of Section 20.06.080(c) (Administrative Interpretation);

(F) To approve, or forward to the plan commission, petitions for approval of planned unit development final development plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this UDO;

(G) If authorized by the plan commission, to approve secondary plats of subdivisions pursuant to this UDO; and

(H) To exercise such other powers and perform such other duties as are allowed by Indiana law.

(2) Staff Assistance to the Board of Zoning Appeals and Plan Commission

The planning and transportation department shall make staff and consulting assistance available to the board of zoning appeals and the plan commission, and to any hearing officer or plat committee as may be authorized by the plan commission in its rules, and shall in that capacity:

(A) Attend the meetings of each such body;

(B) Inform each such body of all facts and information at the planning and transportation department's disposal with respect to any matter brought before each such body;

(C) Assist each such body by performing research and making recommendations on matters brought before each such body; and

(D) Perform such other duties as may be assigned to the staff by this UDO.

(3) Records

(A) The staff shall maintain permanent and current records of this UDO, including all maps, amendments, conditional use, site plan, variance and planned unit development approvals and denials, interpretations, and decisions rendered respectively by the board of zoning appeals, the hearing officer, the plan commission, the plat committee, and the staff, together with relevant background files and materials. The records shall be maintained for public inspection in the planning and transportation department.

(B) The city shall maintain a current geographic information system (GIS). All petitioners shall have the affirmative duty to inform the planning and transportation department in writing of any errors in the GIS maps they receive or have access to as part of the petition process.

(4) Zoning Text and Map

The staff shall prepare and have available for examination in the planning and transportation department:

(A) The compiled text of this UDO, including all amendments thereto; and

(B) The official zoning map of this UDO, showing the zoning districts, divisions and classifications, including all amendments thereto.

(5) Receipt, Processing, and Referral of Petitions

The staff shall receive all petitions for any petition, permit or process required to be filed pursuant to this UDO. Upon receipt of any such petition, the staff shall see to its processing, which may include its prompt referral to and retrieval from each official, department, board or commission of the city or any other governmental unit or agency with any interest or duty with respect to such petition.

(6) Investigation of Petition

Whenever the plan commission, the board of zoning appeals, or the common council shall so request, by general rule or specific direction, the staff may conduct or cause to be conducted such surveys, investigations, and field studies and may prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be necessary and appropriate to the processing of any petition filed pursuant to this UDO.

(7) Inspection and Enforcement

To ensure enforcement of this UDO, the staff may initiate investigations and inspections as warranted, and may take all actions necessary and appropriate to abate and redress such violations, pursuant to the provisions of Section 20.06.0100 (Enforcement and Penalties).

(8) New Technologies

The planning and transportation department shall be responsible for investigating and evaluating the feasibility of adopting new technologies, such as three-dimensional architectural computer modeling, that will enable it, other city departments, the plan commission, board of zoning appeals, and common council to make better, more informed decisions about the visual impact that proposed developments will have on surrounding structures.

(f) Hearing Officer[759]

(1) Authority

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

(A) Development standards variance from this UDO in accordance with Indiana Code 36-7-4-918.5; and

(B) Conditional use under the terms of this UDO in accordance with Indiana Code 36-7-4-918.2;

(C) Use variance from this UDO in accordance with Indiana Code 36-7-4-918.4. The hearing officer may consider use variances under the authority of this subdivision only if the use variance would allow all of the following:

i. The expansion of a use currently existing on the property; and

ii. A use that is consistent with the comprehensive plan.

(2) Procedures

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

(3) Appeals

Any interested person may appeal a decision by the hearing officer to the board of zoning appeals within five days after the decision is made.

(g) Plat Committee[760]

(1) Authority

The plat committee, as may be authorized in the plan commission rules of procedure, shall have authority to act upon those matters, if any, delegated to it by the plan commission pursuant to Indiana Code 36-7-4-701(e), which may include approval or denial of:

(A) Primary plats;

(B) Secondary plats;

(C) Requests for vacation of plats or parts of plats.[761]

(2) Procedures

The plat committee shall review and hear petitions pursuant to procedures adopted by the plan commission by rule.

[759] From current 20.01.400.
[760] From current 20.01.410.
[761] The Consolidated Draft may need to reconcile this with the plan commission rules and procedures Article II (G)(4).

20.06.030 Summary Table of Review Procedures[762]

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

Table 6-1: Summary Table of Review Procedures

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

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Grading Permit	20.06.050(d)							D						
Certificate of Zoning Compliance	20.06.050(e)							D						
Certificate of Occupancy	20.06.050(f)							D						
Certificate of Final Acceptance	20.06.050(g)							D						
Certificate of Nonconforming Use	20.06.050(h)							D						
Sign Permit	20.06.050(i)							D						
Temporary Use Permit	20.06.050(j)							D						
Easements	20.06.050(k)	See 20.06.050(k) (Easements)												
Subdivision Procedures														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	A	D*				
Secondary Plat	20.06.060(c)					✓		R	A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*					
Plat Waivers and Modifications[763]	20.06.060(e)	✓	✓	✓	✓	✓		R	D*					
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓	✓	✓				R	R*			D*		

[762] This new table consolidates and summarizes all of Bloomington's review, noticing, and appeal procedures into one table. For simplicity, this table does not reflect the current "bump-up" procedures established in 20.06.040(d) which allows the planning and transportation director to refer a decision from the plat committee or staff to the plan commission; or the hearing officer to the board of zoning appeals.

[763] Discussion Item: Clarion recommends that this procedure be eliminated and that any waivers or modifications be approved through the minor modification or the variance procedure. Please refer to the plat waivers and modifications section for more commentary.

Table 6-1: Summary Table of Review Procedures

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

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Rezoning to Planned Unit Development (PUD)[764]	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Zoning Text Amendment	20.06.070(d)	✓	✓	✓	✓			R	R*			D*		
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓		✓				R			D*			

[764] PUD Preliminary plan requires on-site posting.

20.06.040 Common Review Procedures

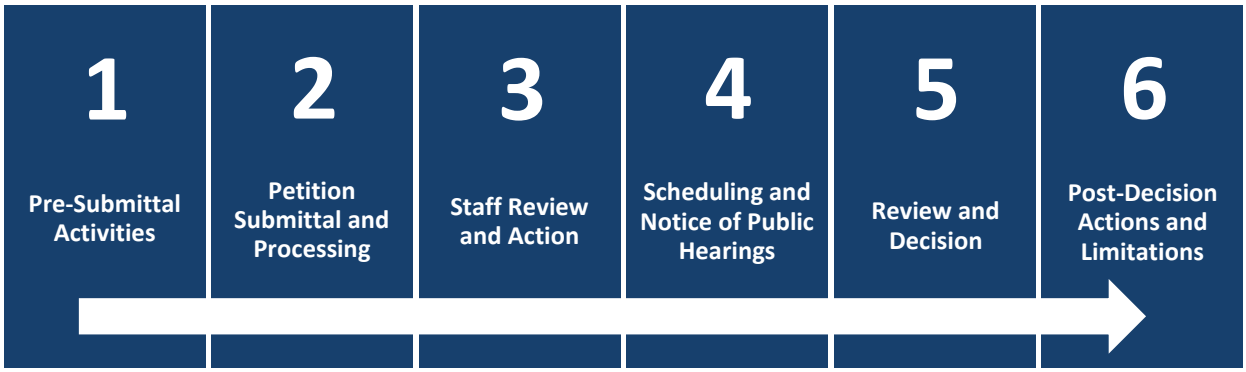
Commentary:
This section consolidates all common review procedures and is new to Bloomington. Although the current UDO has a good organizational framework for procedures, a lot of the information is repeated for each petition procedure. Per the UDO Diagnosis and Outline, these common review procedures consolidate general steps that are applicable to multiple development petition types. The petition-specific procedures in the following sections 20.06.050 through 20.06.080 refer back to these common review procedures and note any modifications or additions.

(a) General

(1) The common review procedures in this Section 20.06.040 provide the foundation for specific review and approval procedures identified in Section 20.06.050 through Section 20.06.080. The common review procedures are illustrated in Figure 6.04-1. Tailored versions of this illustration appear in each of the specific petition types.

(2) Not all common review procedures apply to every development petition type. Sections 20.06.050 through Section 20.06.080 identify how these common review procedures are applied to specific petition types, and identify additional procedures and requirements beyond the common review procedures.

Figure 6.04-1: Summary of General Order of Review Steps if Public Hearing Required



(b) Pre-Submittal Activities[765]

(1) Pre-Submittal Meeting

(A) Purpose[766]

The pre-submittal meeting is intended to provide an opportunity for the petitioner to meet with city staff to review the zoning classification of the site, the regulatory ordinances and materials, the procedures, and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary. This meeting shall take place prior to the meeting deadline as listed on the schedule of meeting dates.

(B) Applicability[767]

A pre-submittal meeting shall be required as indicated in Table 6-1: Summary Table of Review Procedures.

[765] From current 20.09.070. Renamed from "pre-application requirements."
[766] From current 20.09.070. Reworded for clarity.
[767] Replaces introductory paragraph from current 20.09070. Current standard requires a pre-submittal meeting whenever a public hearing is required by the city or state.

(C) Procedure[768]

The petitioner shall submit a request for a pre-submittal meeting to planning and transportation department staff.

(D) Effect[769]

Any information or discussions held at the pre-submittal meeting shall not be binding on the city or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(2) Development Review Committee (DRC) Meeting

(A) Purpose[770]

The development review committee (DRC) meeting is intended to provide an opportunity for the petitioner to meet with city staff from several departments to discuss details and potential impacts of the proposed project and to establish points of contact. The staff shall aid and advise the petitioner in preparing the petition and supporting documents as necessary.

(B) Applicability

A DRC meeting shall be required as indicated in Table 6-1: Summary Table of Review Procedures.

(C) Procedure

i. The petitioner shall refer to the schedule of meeting dates in the Administrative Manual to determine the filing deadline for any given meeting of the DRC. Incomplete submittal information may result in the petition being postponed from the DRC agenda to allow the petitioner sufficient time to complete the submittal.

ii. The staff shall inform the petitioner of the time, date, and place of the DRC meeting.

(D) Effect

Any information or discussions held at the DRC meeting shall not be binding on the city or the petitioner. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(3) Pre-Submittal Neighborhood Meeting[771]

(A) Purpose[772]

The purpose of the pre-submittal neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the petitioners before significant funds have been spent on project design and engineering.

(B) Applicability

A pre-submittal neighborhood meeting shall be required as indicated in Table 6-1: Summary Table of Review Procedures.

(C) Notification[773]

i. The petitioner shall send a written notification of the required pre-submittal neighborhood meeting to the planning and transportation department and neighborhood associations on record with the

[768] New.
[769] New.
[770] New.
[771] Renamed from "neighborhood meeting" to clarify this is a pre-submittal activity.
[772] New.
[773] From current 20.09.070(c). Reworded for clarity and to indicate that the petitioner is the party sending this notice.

city that have boundaries within a 500 foot radius of the boundaries of the proposed project site, at least seven days prior to the meeting date.

ii. If the parties receiving notice do not respond, and as a result a pre-submittal meeting cannot be scheduled, the petitioner may file the petition and the city may conduct the review procedures established in this UDO.[774]

(D) Meeting Specifics[775]

i. City staff may attend the pre-submittal neighborhood meeting, but are not required to attend nor facilitate the meeting.

ii. The petitioner shall present information about the proposed land uses, dimensional standards, location of buildings, and overall site layout and design. Detailed engineering is not required. The material presented shall be adequate to describe the project features without the need for the petitioner to have retained architects, engineers, or consultants before this meeting.

iii. If a pre-submittal neighborhood meeting is required, and subsequent petition submittals show that the proposed development is larger, taller, or contains significantly different land uses than those presented at the neighborhood meeting, the planning and transportation director may require that an additional neighborhood meeting be held before the petition is accepted.[776]

(E) Requirements for Petition Submittal[777]

i. Details of the pre-submittal meeting, including proof of notification, a meeting summary, and a list of meeting attendees, as well as copies of any exhibits used at the meeting, shall be provided to the planning and transportation department along with the project petition.

ii. Any petition, permit, or process included in this Chapter 20.06: (Administration and Procedures) shall be filed with the planning and transportation department within 180 days after any pre-submittal meeting has been held. If no petition is filed during that period, the planning and transportation director may require that another pre-submittal meeting be held before the petition will be accepted.[778]

(c) Petition Submittal and Processing[779]

(1) Authority to Submit a Petition

(A) No petition shall be submitted prior to completing required pre-submittal requirements as indicated in Table 6-1: Summary Table of Review Procedures.

(B) Unless expressly stated otherwise in this UDO, petitions, permits, or processes under this UDO shall be submitted by:

i. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed within the city or its zoning jurisdiction; or[780]

ii. A person authorized to submit the petition on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person.[781]

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[774] New provision to reflect current practice.
[775] New. Standards are intended to provide more clarity and predictability for what constitutes a neighborhood meeting.
[776] Replaces the last sentence of current 20.09.070(c). Reworded to provide more clarity for when an additional neighborhood meeting might be required.
[777] New. This is intended to provide city staff with proof and supplemental information about the neighborhood meeting at the time of permit petition.
[778] New.
[779] From current 20.09.030. Revised as footnoted below.
[780] From current 20.09.030(a)(1). Revised to include "contract purchaser." Replaced "lessee of property" with "any other person having a recognized property interest in the land on which development is proposed."
[781] New.

iii. The owner of at least 50 percent of the land involved may initiate a zoning map amendment for that land.

(C) Petitions will not be accepted from property owners/petitioners who:[782]

i. Are In violation of, or not in compliance with, either this UDO, the Bloomington Municipal Code, or Indiana Code, unless, through the petition and permitting process, the owner/petitioner attempts to resolve any and all violations or compliance issues or is part of a plan of action, accepted by the planning and transportation director, to do so; or

ii. Have been determined by the city to owe delinquent taxes or any other delinquent fees payable to the city pursuant to this UDO or Bloomington Municipal Code, unless the owner/petitioner has entered into a written payment agreement approved by the city relating to payment of any and all outstanding obligations and is current in making any and all payments under the terms of such an agreement.

(D) Notwithstanding subsections (A) through (C) above, the plan commission and/or common council may initiate any action permitted by Indiana Code and other applicable laws.

(2) Petition Submittal Requirements

(A) Each petition shall include all forms and information required by the city for that type of petition as indicated below:

i. Required petition materials as provided in the city's Administrative Manual, as those lists may be updated by the planning and transportation department from time to time.[783]

ii. If the proposal is for a project to be developed in phases the petition shall be for all permits and approvals required for that phase of the project.[784]

(B) The planning and transportation director may waive certain submittal requirements in order to reduce the burden on the petitioner and to tailor the requirements to the information necessary to review a particular petition. The planning and transportation director may waive such requirements upon finding that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. Any such waivers shall be authorized in writing and retained in the project file. [785]

(3) Payment of Fees[786]

(A) City staff shall maintain an official fee schedule for any petition, permit, or process included in this Chapter 20.06: (Administration and Procedures). Such fees shall be approved by the plan commission and, where applicable, the common council. The official fee schedule shall be available to the public in the planning and transportation department.

(B) Fees shall be paid at the planning and transportation department at the time of petition submittal. When the planning and transportation department has received a complete submittal, the staff shall calculate the total of the application fee and any other applicable fees. All payments shall be made to the City of Bloomington.

(C) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any petition, subdivision request, or permit.

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[782] Discussion item: Staff is still discussing whether to include this new provision.

[783] Replaces current 20.09.(a)(2). Specific petition submittal requirements have been relocated to an Administrative Manual that can be updated without requiring a code amendment. Most cities want flexibility in what types of materials are required to be submitted to respond to evolving technologies and administrative processes.

[784] New.

[785] Replaces 20.09.120(c)(2) allowing the director to limit the scope of the submittal requirements. This standard is currently in the site plan review section but has been expanded to allow this flexibility city-wide for all types of petitions.

[786] From current 20.09.080. Paragraphs (D) through (F) are from current plan commission rules and procedures Article III(A)(3)(l) through (n).

(D) No application fees shall be required for any petition by not-for-profit community service organization.

(E) The plan commission may waive the application fee for any proposal that is actively being promoted by a unit of local government or quasi-public organization or that involves a local subsidy.

(F) No refunds shall be permitted after a plan commission or plat committee hearing on the petition has been held, regardless of whether or not the plan commission or plat committee has taken action on the petition.

(4) Completeness of Petition[787]

(A) On receiving a petition, the planning and transportation director shall determine whether the petition is complete. A complete petition is one that contains all information and materials required by the Administrative Manual and this UDO for submittal of the particular petition, and that has sufficient detail and readability to evaluate the petition for compliance with applicable review standards of this UDO.

(B) No petition shall be considered complete until all pre-submittal requirements of Section 20.06.040(b) have been satisfied and all required fees have been paid.

(C) Upon determining that the petition is incomplete, the planning and transportation director shall notify the petitioner of the submittal deficiencies. The petitioner may correct the deficiencies and resubmit the petition for a determination of completeness until the planning and transportation director determines the petition is complete.

(D) No development petition shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

(E) Upon determining that the petition is complete, the planning and transportation director shall accept the petition for review in accordance with the procedures and standards of this Chapter 20.06: Administration and Procedures.[788]

(5) Minor Petition Revisions[789]

(A) A petitioner may revise a petition after receiving notice of compliance deficiencies following staff review according to 20.06.040(d), or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the petition.

(B) Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the petition, as determined by the planning and transportation director.

(C) All other petition revisions shall be processed as a new petition.

(6) Abandoned Petitions[790]

If a petition has not been resubmitted to address staff-noted deficiencies within 90 days after notification of those deficiencies, the petition shall be deemed abandoned and all fees forfeited. The petitioner may request an additional 90 days to address staff-noted deficiencies. Restarting an abandoned petition shall require a new pre-submittal meeting and may be subject to additional fees.

[787] Replaces current 20.09.030(b). New language clarifies petition completeness. Did not carry forward current 20.09.030(g) (Complete Submittal) or 20.09.030(f) (Filing Deadline); we recommend this content be relocated to an Administrative Manual.
[788] New.
[789] New.
[790] New.

(7) Petition Withdrawal[791]

(A) After a petition has been accepted, the petitioner may withdraw the petition by submitting a notarized letter to the planning and transportation director before the city takes action by a vote of the decision-making body or by rendering an administrative decision.

(B) A petitioner is not entitled to a refund of application fees for withdrawn petitions. However, the planning and transportation director may refund fees not expended during the first round of staff review if the petition is withdrawn prior to preparation of any official written comments.

(8) Simultaneous Review and Approval[792]

(A) Whenever a petition requires review under the provisions of more than one permit, approval, or process, the staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent practicable.

(B) Some forms of approval depend on the petitioner having previously received another form of approval, or require the petitioner to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this UDO intends to accommodate simultaneous processing, petitioners should note that each of the permits and approvals set forth in this UDO has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval.[793]

(9) Authorization of Site Inspection

By submitting a petition, the petitioner is authorizing city staff to inspect the subject property being considered for development at any reasonable time to obtain the information required for review of compliance with this UDO.

(10) Examination of Petition and Other Documents[794]

Upon reasonable request, and during normal business hours, any person may examine a petition and materials submitted in support of, or in opposition to, a petition in the offices of the planning and transportation department.

(d) Staff Review and Action[795]

(1) Referral to Staff and Review Agencies

The planning and transportation director shall distribute the complete petition to appropriate staff and appropriate review agencies, per the Administrative Manual.

(2) Petition Routing[796]

(A) Referral to Plan Commission

i. If Table 6-1: Summary Table of Review Procedures authorizes staff or the plat committee to make a decision, and the planning and transportation director determines that the application is unusually complex or raises potentially unique or serious impacts on the city or the surrounding

[791] New standards to formalize an petition withdrawal process. This standard reflects current practice outlined in the rules and procedures for the Planning Commission and Board of Zoning Appeals prohibiting a petitioner from withdrawing a petition after a vote has been ordered. New language also prohibits a petitioner from withdrawing a petition if a formal administrative decision has been made (not just by a voting body). We also recommend that the formal withdrawal letter be notarized to ensure the request is from petitioner.
[792] From current 20.09.030(c). Renamed from "joint submission of petitions." Standard revised from possible to practicable
[793] New.
[794] From current 20.09.060(b).
[795] Replaces current 20.09.030(d). Generally, these new standards are intended to simplify and consolidate the staff review procedures that appear throughout the current UDO. All of the content under this heading is new, unless otherwise footnoted.
[796] New. Replaces general language in 20.09.120(e)(1)(A)(vi) allowing the planning and transportation director to forward review to the planning commission. There are several instances in which the same type of petition might be sent to one of two different decision-making bodies could differ for the same type of application. These new standards formalize current practice and are intended to clarify when a petition will be referred to or "bumped up" to be considered by the plan commission or board of zoning appeals.

neighborhoods, the planning and transportation director may, refer the decision to the plan commission for decision pursuant to the same criteria that the staff or the plat committee would have been required to apply to that decision.

ii. In cases where the planning and transportation director refers the decision to the plan commission, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(B) Referral to Board of Zoning Appeals[797]

i. If Table 6-1: Summary Table of Review Procedures authorizes the hearing officer to make a decision, and the hearing officer determines that the application is unusually complex or raises potentially unique or serious impacts on the city or the surrounding neighborhoods, the hearing officer may refer the decision to the board of zoning appeals for decision pursuant to the same criteria that the hearing officer would have been required to apply to that decision.

ii. In cases where the hearing officer refers the decision to the board of zoning appeals, all applicable noticing requirements per Section 20.06.040(e) (Scheduling and Notice of Public Hearings) shall apply.

(3) Staff Review and Petition Revisions

Staff shall review the petition and shall consult with applicable city departments and participating reviewing agencies with jurisdiction over public health and safety or required public services.[798] Staff shall submit recommendations and comments to the petitioner in a form established by the planning and transportation director. The petitioner shall attend a meeting with the appropriate staff as determined by the planning and transportation director to discuss staff and/or DRC recommendations and comments. The petition will not move forward for further review until the planning and transportation director determines that the petitioner has adequately responded to the city's recommendations and comments, or the petitioner requests that the petition move forward without responding to the city's recommendations and comments.

(4) Petitions Subject to Staff Recommendation

(A) Staff Report

If a petition is subject to staff review and recommendation to another review and decision-making body as indicated in Table 6-1: Summary Table of Review Procedures, staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

(B) Distribution and Availability of Petition and Staff Report

The planning and transportation director shall submit a copy of the staff report to the petitioner and the advisory and/or decision-making body, and shall make the staff report and related materials available for public review prior to the public meeting or public hearing at which the petition is scheduled to be heard.

(5) Petitions Subject to Staff Decision

(A) If a petition is subject to staff review and a final decision by the planning and transportation director, the planning and transportation director shall make a decision based on the review standards applicable to the petition type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval, or commitments.

(B) Any appeal of an administrative decision shall be made pursuant to Section 20.06.080(d) (Administrative Appeal).

[797] From current plan commission rules and procedures Article II(H)(5). Reworded for clarity and consistency.
[798] Reference to service providers added.

(6) Approval Criteria[799]

(A) Applicability

i. When Sections 20.06.050 through 20.06.080 cross-reference this Section 20.06.040(d)(6), city review and decision-making bodies shall review all petitions submitted pursuant to this UDO for compliance with the general review criteria stated below.

ii. The petition may also be subject to additional review criteria specific to the type of petition, as set forth in Sections 20.06.050 through Section 20.06.080.

iii. If there is a conflict between the general review criteria in this section and the specific review criteria in Sections 20.06.050 through Section 20.06.080, the applicable review criteria in Sections 20.06.050 through Section 20.06.080 shall control.

(B) General Compliance Criteria

All petitions shall be subject to review pursuant to the following criteria, and shall only be approved if they comply with these criteria.

i. Compliance with This UDO

The proposed use and development shall comply with all applicable standards in this UDO, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

ii. Compliance with Other Applicable Regulations[800]

The proposed use and development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property. This includes, but is not limited to, floodplain, water quality, erosion control, and wastewater regulations.

iii. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed use and development shall comply with federal, state, county, service district, city, and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

iv. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans[801]

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the comprehensive plan and any other applicable adopted plans and policies.

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[799] Content in this section is from several sections of the current UDO and is intended to shorten the UDO and eliminate redundancy by clearly stating the most common approval criteria once, so that they do not have to be repeated in whole or in part for the various specific types of development petitions. These standards are new, unless otherwise footnoted. We did not carry forward sign provisions in current 20.05.023(b)(8) because it is vague. We recommend that petitioners be subject to the sign standards section of the UDO. Language clarified to apply to both land uses and development.

[800] Wording revised for clarity.

[801] From current 20.05.023(b)(1). Reworded for clarity.

ii. Provides Adequate Public Services and Facilities[802]

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

iii. Minimizes or Mitigates Adverse Impacts[803]

1. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.[804]
2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.[805]
3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.[806]
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

(D) Additional Criteria Applicable to Primary Plats and Zoning Map Amendments (Including PUDs)[807]

i. Consistency with Comprehensive Plan and Other Applicable Plans[808]

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the comprehensive plan and any other adopted plans and policies.

ii. Consistent with Intergovernmental Agreements

The proposed use and development shall be consistent with any adopted intergovernmental agreements, and shall comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this UDO.

iii. Minimization or Mitigation of Adverse Impacts

1. The proposed use and development shall be designed to minimize negative environmental impacts, and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.
2. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.[809]

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[802] Replaces current 20.05.023(b)(4).
[803] Did not carry forward current 20.05.023(b)(3).
[804] From current 20.05.023(b)(6).
[805] From current 20.05.023(b)(2).
[806] From current 20.05.023(b)(7).
[807] Text revised slightly to clarify applicability to land uses and developments.
[808] From current 20.05.023(b)(1). Reworded for clarity.
[809] From current 20.05.023(b)(6).

3. The proposed use and development shall not result in significant adverse fiscal impacts on the city.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

iv. **Adequacy of Road Systems**

1. Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use and development shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.
2. The proposed use and development shall neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.[810]

v. **Provides Adequate Public Services and Facilities[811]**

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

vi. **Rational Phasing Plan**

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

(7) Conditions of Approval[812]

(A) Where this UDO authorizes a review body to approve or deny a petition subject to applicable criteria, the review body may approve the petition with conditions necessary to bring the proposed development into compliance with this UDO or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.

(B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the city. Such conditions may include those necessary to carry out the purpose and intent of the comprehensive plan, other adopted city plans, and this UDO.

(C) No conditions of approval shall be less restrictive than the requirements of this UDO, except where the UDO expressly allows deviations.

(D) Any condition of approval that requires a petitioner to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of petitioners shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(E) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential

[810] From current 20.05.023(b)(5).
[811] Replaces current 20.05.023(b)(4).
[812] This new language enables the decision-making body to impose conditions; however, rather than attempting to list specific elements of a project that can be conditioned, this language provides more flexibility and is more general in nature.

conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.[813]

(F) Unless otherwise provided in this UDO, any representations of the petitioner in submittal materials or during public hearings shall be binding as conditions of approval.

(G) Any conditions shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this UDO.

(8) Commitments[814]

(A) Authority[815]

The final review body of the petition types listed below may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the comprehensive plan or this UDO:

i. Site plan review, minor;
ii. Site plan review, major;
iii. Conditional use permit;
iv. Zoning map amendment;
v. Rezoning to planned unit development (PUD); and
vi. Variance.

(B) Approval Procedure[816]

The procedure by which the final review body allows or requires a written commitment shall be the same as the procedure set forth in this UDO for the underlying development or ordinance proposal, but no additional notice or hearing shall be required for the consideration or approval of a commitment.

(C) Recording

A commitment established under this UDO shall be recorded in the county recorder's office upon approval of the proposal and prior to issuance of any certificates of zoning compliance for the area involved in the proposal. The petitioner shall deliver one copy of the recorded commitment instrument to the planning and transportation department within 10 business days after recording.

(D) Effect of Commitments

A commitment made under this UDO takes effect upon approval of the proposal (i.e., adoption of an ordinance changing the zoning map or designating a planned unit development zoning district, or approval of a final plan) in connection with which the commitment is made. An unrecorded commitment is binding upon the owner of the parcel, but is only binding upon a subsequent owner or other person acquiring an interest in the parcel if that person has actual notice of the commitment. A recorded commitment is binding upon any subsequent owner and any person acquiring an interest in the parcel.

(E) Right to Enforce Commitments

i. The city may enforce any commitment allowed or required by the decision-making body[817] as if the commitment were a standard of the UDO.

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[813] New. We include this provision in development codes to protect local governments based on recent case law, specifically *Koontz vs. St. John's River Water Management District.* The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.

[814] This section consolidates current sections 20.09.090; 20.09.100; and 20.09.110. Petition-specific content has been relocated to the respective petition procedure section. Did not carry forward current 20.09.090(c); that content has been relocated to an Administrative Manual outside of the UDO.

[815] Replaces current 20.09.090(a); 20.09.100(a); and 20.09.110(a). Revised language specifies which petitions types may be subject to commitments.

[816] Replaces current 20.09.090(b). The current language references the Plan Commission Rules and Procedures; however, that document does not contain procedures for commitments. We recommend consolidating all of the procedures for commitments in this section, and that they be applicable to all final review bodies authorized to make such commitments.

[817] Reworded "plan commission or staff" with "decision-making body" to make standards generally apply to all commitments.

ii. A written commitment shall be enforceable by any property owner adjacent to the parcel of real estate that was the subject of the underlying petition in connection with which the commitment was made, or other interested party as defined by the applicable rules of procedure.

(F) Modification or Termination

i. The plan commission shall not delegate the authority to modify or terminate a commitment to another entity.

ii. The hearing officer may not modify or terminate any commitment, whether made by the hearing officer or under Indiana Code section 36-7-4-1015, as amended. Commitments made by the hearing officer may be only modified by the Board of Zoning Appeals.[818]

iii. When a commitment has been allowed or required in conjunction with a petition under this UDO, either the petitioner, a subsequent owner of the parcel, or a person who acquires an interest in the parcel may apply to the plan commission for modification or termination of the commitment.

iv. The plan commission may approve modification or termination after notice and public hearing in any case where the modification or termination will further the goals of the comprehensive plan or this UDO.

v. The petitioner shall record the modification or termination instrument in the county recorder's office. The petitioner shall deliver one copy of the recorded modification or termination instrument to the planning and transportation department within 10 business days after recording. No certificate of zoning compliance for the area involved in the proposal may be issued until the modification or termination instrument has been recorded.[819]

(e) Scheduling and Notice of Public Hearings[820]

Commentary:
These standards consolidate, simplify, and relocate all of the current public notice requirements found in the UDO, the Plan Commission Rules and Procedures, and the Board of Zoning Appeals Rules and Procedures into this section. Clarion recommends that the complex noticing proof and verification procedures be relocated to an Administrative Manual. In addition, this draft assumes that the city will be responsible for issuing all notices (at the petitioner's expense) to ensure accuracy and consistency.

There are currently three different types of noticing, one for petitions where 100 percent of the owners submit a petition, one where less than 100 percent of owners submit a petition, and one where the plan commission or hearing officer submits a petition. For ease of administration, consistency, and predictability, these new standards introduce one uniform noticing procedure for all hearings required by the UDO.

This draft establishes two different noticing periods, a petition requiring plan commission or board of zoning appeal action (typically "major" requests) require a 21 day notice, and a petition requiring staff, plat committee, or hearing officer action (typically "minor" requests) require a 10 day notice.

(1) Scheduling

(A) When the staff determines that a petition is complete and that a public hearing is required as indicated in Table 6-1: Summary Table of Review Procedures, the staff shall place the item on the next agenda with space available pursuant to the rules of procedure of the appropriate decision-making body.[821]

(B) The public hearing shall be scheduled to allow sufficient time to prepare a staff report per 20.06.040(d).[822]

[818] From current plan commission rules and procedures Article II(H)(9).
[819] Wording revised for clarity.
[820] From current 20.09.050.
[821] Replaces current 20.09.060(a).
[822] New.

(2) Public Hearing Notice

(A) General Notice Requirements[823]

All public hearings required by this UDO shall be preceded by the notices identified in Table 6-1: Summary Table of Review Procedures and in accordance with Indiana Code Section 5-3-1-2 and Indiana Code Section 36-7-4-604, as amended. Persons with specific issues or concerns regarding a proposed petition are encouraged to contact the planning and transportation department in writing, by phone, or in person prior to the hearing.

(B) Responsibility for Notice[824]

The city shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing. The petitioner shall be responsible for maintaining posted notices after they have been posted on the site by the city.

(C) Notice Content[825]

All required notices shall state:

i. The time and place of the hearing;

ii. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies; or the geographic area that is the subject of the zone map change;

iii. A summary of the subject matter contained in the proposal; or a summary of the subject matter contained in the proposal that describes any new or changed provisions; or a description of the proposed change in the zone maps;

iv. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

v. The place where a copy of the proposal is on file for examination before the hearing;

vi. That written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;

vii. That oral comments concerning the proposal will be heard; and

viii. That the hearing may be continued from time to time as may be found necessary.

(D) Notice to Interested Parties

All public hearings required by this UDO or by state law shall be sent to interested parties in accordance with the following:

i. "Interested parties" shall include the following: [826]

1. All persons owning land adjacent and contiguous to the property included in the petition or proposal.

   [a] Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.

   [b] Where any adjacent or contiguous parcel is owned by a petitioner, the property included in the petition shall be deemed to include said adjacent parcel or parcels owned by a petitioner.

   [c] Owners of property adjacent and contiguous to parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

2. All persons owning land abutting the aforementioned immediately-adjacent property owners in paragraph (1) above (i.e, "two properties deep").

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[823] New.
[824] New.
[825] From Indiana Code 36-7-4-604(b).
[826] From current plan commission rules and procedures Article IV(A)(3) and Article IV(B)(4). Revised to reconcile minor differences in language among the two referenced sections.

3. All persons owning land within 300 linear feet from the subject parcel(s) for which a petition or proposal is being requested. Where property included in the petition abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, shall be interested parties.

ii. In order to determine the names and addresses of property owners to whom notice shall be sent, staff shall consult either the current Plat Book and computerized ownership records located in the Office of the Auditor of Monroe County, Indiana or the Monroe County, Indiana Geographic Information System to determine the name of each adjacent property owner and address.[827]

iii. A good faith effort shall be made to investigate and resolve any discrepancies or omissions in or among such records in order to determine name and address of the current owner of record.

(E) Notice to Adjacent Governmental Entities[828]

In a proceeding involving a petition for property that abuts unincorporated areas of the county, copies of the notice of public hearing shall be transmitted by the city to the planning agency of the governmental unit abutting such land.

(3) Notice Format and Timeframes

(A) Published Notice

Published notice shall be distributed in a newspaper in accordance with Indiana Code § 5-3-1: Publication Procedures, at least 21 days prior to the initial scheduled public hearing before the plan commission or board of zoning appeals and at least 10 days prior to the scheduled public hearing before the plat committee or hearing officer.

(B) Mailed Notice[829]

Mailed notices shall be postmarked and sent via [certified or first class mail] to all interested parties at least 21 days before the date of the initial scheduled public hearing before the plan commission or board of zoning appeals and at least 10 days before the date of the initial scheduled public hearing before the plat committee or hearing officer.

i. Proof of Notice

The planning and transportation department shall retain proof of notice within the petition file pursuant the Administrative Manual.

ii. Verification of Proper Notice

City staff shall verify proper noticing pursuant to the Administrative Manual and shall advise the decision-making body at its initial public hearing of any omissions or deficiencies in the proof of notice.

iii. Inadequate Notice

If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making body, such petition may be continued to a later date to allow proper notice to all interested parties.

(C) Posted Notice

i. Required posted notice shall include at least one sign per street frontage on the subject property at least 21 days prior to the scheduled public hearing before the plan commission or board of zoning

[827] From current plan commission rules and procedures Article IV(A)(4) and Article IV(B)(5).
[828] New.
[829] Discussion Item. Staff is considering what type of mailed notice shall be required. Clarion recommend that all required mail notices be sent via first class mail. Current plan commission rules and procedures require _____. Text revised for consistency with new provision that city is responsible for providing notice.

appeals and at least 10 days prior to the scheduled public hearing before the plat committee or hearing officer.

ii. The required sign(s) shall be clearly visible from adjacent streets or public rights-of-way and shall remain on the property until after the hearing.

(4) Minor Defects in Notice Shall Not Invalidate Proceedings[830]

(A) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

(B) Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.

(C) In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.

(f) Appearance Waives Defects

Appearance at any hearing on a petition or proposal, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.[831]

(g) Review and Decision[832]

(1) Hearing, Review, and Decision

(A) The petition shall be subject to review, hearings, recommendations, and decisions as indicated in Table 6-1: Summary Table of Review Procedures.

(B) If the petition is subject to a public hearing, the applicable review or decision-making body shall hold a public hearing in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).

(C) The applicable review or decision-making body shall consider the following:[833]

i. The written statement and supportive material submitted by the petitioner;

ii. Any commitments or conditions of approval attendant to prior approvals;

iii. The testimony of the petitioner;

iv. The testimony of the public during the public hearing, when applicable;

v. Any requirements of the members of the development review committee;

vi. The planning and transportation department report; and

vii. Such other additional information as may be required by the review or decision-making body to evaluate the petition.

(D) The applicable review or decision-making body shall approve, approve with conditions, or deny the petition based on the applicable approval criteria listed in the petition-specific procedures in Sections 20.06.050 through 20.06.080. The review or decision-making body may also continue the hearing in accordance with the review or decision-making body's adopted rules and procedures..

(E) If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.

(F) The review or decision-making body may incorporate or require, as part of a condition of approval or commitment, a written agreement between the petitioner and the city that enforces the conditions or

[830] New, unless otherwise noted.
[831] From current plan commission rules and procedures Article IV(B)(6)(e) and Article IV(C)(6).
[832] New, unless otherwise noted.
[833] Assembled from various parts of the UDO.

commitments. All conditions and commitments shall comply with the limitations in Section 20.06.040(d)(7) (Conditions of Approval) and 20.06.040(d)(8) (Commitments), as applicable.

(G) The applicable review or decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

(2) Public Hearing Procedures[834]

Whenever a public hearing is required by this UDO or by state law, the following public hearing procedures shall apply:

(A) Attendance

The petitioner is required to be present at the public hearing to address and discuss comments and concerns posed by the review or decision-making body. Failure to appear shall result in the petition's being dealt with as outlined in the review or decision-making body's rules of procedure.

(B) Actions by Review or Decision-Making Bodies and Officers

All decisions shall include a brief summary of the matter being acted upon, and a clear statement of approval, approval with conditions, or disapproval. Conditions of approval and commitments shall be clearly stated and enumerated.

i. Action by Board of Zoning Appeals

Action by the board of zoning appeals shall be final.

ii. Action by Plan Commission

In the instance where the plan commission has final authority, action by the plan commission shall be final. When the plan commission action is advisory to the common council, the planning and transportation director shall certify the plan commission recommendation to the common council pursuant to Indiana Code § 36-7-4: Local Planning and Zoning. When the plan commission action is advisory to any other body or agency, the staff shall forward such recommendation to that body or agency.

iii. Action by Common Council

The common council shall act on any petition forwarded by the plan commission within the time period specified and in the manner set forth in Indiana Code § 36-7-4: Local Planning and Zoning. Additionally, the mayor may exercise his or her authority to veto an action of the common council pursuant to Section 2.04.350 (Veto Procedure) of the Bloomington Municipal Code. The common council may override a mayoral veto pursuant to Section 2.04.350(d) of the Bloomington Municipal Code.

(h) Post-Decision Actions and Limitations[835]

(1) Expiration and Revocation of Approval

(A) Expiration of Approval

i. A petition approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in this UDO.

ii. A change in ownership of the land shall not affect the established expiration time period of an approval.

iii. The original decision-making body may grant extensions of the expiration time period for up to one year, following a written request that explains reasonable cause for such extension, prior to the expiration date. The final approval authority shall determine whether or not there is reasonable

[834] From current 20.09.060. Did not carry forward 20.09.060(d); this content has been relocated to an Administrative Body outside of the UDO.
[835] New.

cause for the requested extension. Further extensions shall be subject to the approval of the decision-making body for the original petition.

(2) Bound by Submissions[836]

A recipient of any permit or other approval under this UDO shall be bound by the representations and information submitted in the original petition and in any revision, amendment, or supplement to the original petition that is provided to the reviewing authority prior to issuance of the permit or other approval except with respect to any detail that is clearly neither regulated by a provision of this UDO or other applicable law or regulation, nor expressly required as a commitment or condition of approval by the reviewing authority.

(3) Modification or Amendment of Approval[837]

The following provisions apply to all proposed modifications or amendments of approvals previously granted by the city unless another provision of this UDO provides different standards, criteria, or procedures for modifications or amendments to specific types of approvals.

(A) Minor Changes Allowed

Development authorized by any approval under this UDO may incorporate minor changes from the approved plan, or permit, without the need for a new petition, provided that the planning and transportation director determines that the proposed changes:

i. Comply with the standards of this UDO;

ii. Are necessary to meet conditions of approval or commitments; and

iii. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as originally approved.

(B) Major Changes

Any modification of an approved plan or permit that the planning and transportation director determines does not meet the criteria in subsection (A) above shall require a new petition that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original petition.

(4) Limitation on Subsequent Similar Petitions

Following denial of a petition, the decision-making body shall not decide on petitions that are the same or substantially similar within one year of the previous denial, or in accordance with Indiana Code Section 36-7-4-609, as amended. This waiting period may be waived by the decision-making body provided that:

(A) There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous petition review; or

(B) The new petition is materially different from the previous petition.

(5) Appeals[838]

Unless a different procedure is provided in Section 20.06.080(d) (Administrative Appeal) or another provision of this UDO, the following provisions apply to appeals of decisions under this UDO.

(A) Staff or Hearing Officer Decision

A staff decision may be appealed to the board of zoning appeals pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the planning and transportation department within five days of staff's or the hearing officer's decision.[839]

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[836] From current 20.09.040(a).
[837] Replaces last sentence in current 20.09.040(a).
[838] New. The current UDO does not contain information related to appeal procedures for zoning decisions. These standards also include the appeal procedure as provided in IC 36-7-4-1016.
[839] From current plan commission rules and procedures Article II(H)(10).

(B) Plan Commission, Board of Zoning Appeals, or Common Council Decision

Any person that has standing to obtain judicial review of a zoning decision as established in Indiana Code 36-7-4-1603: Standing may appeal a zoning decision made by the plan commission according to the judicial review process established in Indiana Code 36-7-4-1600: Judicial Review. Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located, and shall be filed no later than 30 days after the date of the zoning decision.

(C) Plat Committee Decision

A plat committee decision may be appealed to the plan commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the planning and transportation department within 10 days of the plat committee's decision.

(D) Time of Expiration during Appeals[840]

If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under paragraphs (A) through (C).

[840] Provision expanded to apply to appeals of all decision-making bodies.

20.06.050 Development Permits and Procedures

Commentary:
This section is based generally on the existing development review procedures, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures. New thresholds are suggested to place more projects in the "minor" category, subject to staff approval.

(a) Site Plan Review[841]

(1) Purpose

The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:[842]

(A) Promote well-planned and well-designed use of property;

(B) Promote a high character of community development;

(C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;

(D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;

(E) Determine compliance with the standards of this UDO;

(F) Protect environmental quality; and

(G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) Applicability[843]

(A) Generally

Site plan review is required prior to the issuance of a building permit and construction of physical improvements. Site plan review is required for all development subject to this UDO, including signs, landscaping, site layout, and use associated with:

i. New building construction;

ii. Newly established uses of land;

iii. Petitions for a permit and/or certificate of zoning compliance for grading; and/or

iv. Expansions, alterations, or modifications of existing structures or sites for commercial, public, semi-public, and multifamily residential uses of property within the city that result in increased density or intensity of use; and

v. Creation or expansion of any vehicular parking area.

(B) Exemptions

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this UDO:

i. A change in use that does not involve or require site improvements (such as new or expanded buildings or additional parking);[844]

[841] From current 20.09.120.
[842] Introductory language is new.
[843] These standards replace the exemptions in current 20.09.120(b) and (c) to be more clear and objective. We did not carry forward site plan requirement for tree removal permits, as in most cases those are just petition forms for those types of approvals..
[844] Current 20.09.120(b) requires site plan review for the establishment of a use or change in use.

ii. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect other development standards (such as parking or landscaping requirements);

iii. Construction of a single-family detached, duplex, triplex, or fourplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings;[845]

iv. Construction or erection of accessory buildings, fences, hedges, or walls; and

v. Projects that fall below the thresholds for minor site plan as required in Section 20.06.050(a)(3).

(3) Thresholds for Site Plan Review[846]

(A) Major Site Plan Review[847]

Major site plan approval is required for any of the following developments, unless exempted from site plan approval under Section 20.06.050(a)(2)(B):

i. Development located within 500 feet, measured radially, from the centerline of State Road 37;

ii. New development or the expansion of existing development that contains more than 25,000 square feet of gross floor area;[848]

iii. New development or the expansion of existing development that contains more than 100 dwelling units; or[849]

iv. Any minor site plan determined by the planning and transportation director to require major site plan review due to unusual size or complexity or the creation of potential significant unanticipated impacts on the city or surrounding neighborhoods.[850]

(B) Minor Site Plan Review

i. Minor site plan approval is required for any development that is not exempt from the site plan process under Section 20.06.050(a)(2)(B) and that does not qualify for major site plan review under Section 20.06.050(a)(3)(A).

ii. Any project that qualifies for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.0110: (Incentives), shall be processed as a minor (rather than major) site plan review.[851]

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[845] List of exemptions revised to add triples, fourplex, and accessory dwelling units. Clarified that exemption only applies to structures on a single-lot; groups of these dwellings on individual lots are not exempt.

[846] From current 20.09.120(e)(1). We have divided the site plan review procedure into two categories (minor and major). A minor review would be conducted administratively by staff and would not require a planning commission hearing. Major site plan review requires plan commission review. The thresholds established here reflect current standards unless otherwise noted.

[847] Current standards in each downtown overlay district's "review process" requires planning commission review for projects in the MD district if: 1) they are adjacent to a residentially zoned district or residential use and 2) if the proposal does not comply with the development or architectural standards of character area. We have eliminated both of these standards because every projects should comply with all of the development standards and architectural standards established in the respective character area, and requiring planning commission review for every proposal adjacent to a residentially zoned district or residential use is unusually burdensome on petitioners. The planning commission will still review those projects that satisfy the "major site plan review" criteria. Did not carry forward current 20.09.120(e)(1)(A)(v) requiring planning commission review for site plans proposing new street construction, because the building of new streets would require dedication of land to the city by way of a plat or plat amendment procedure.

[848] From current 20.09.120(e)(1)(A)(iv). Current language only refers to "nonresidential." Revised to also include mixed-use.

[849] From current 20.09.120(e)(1)(A)(iii).

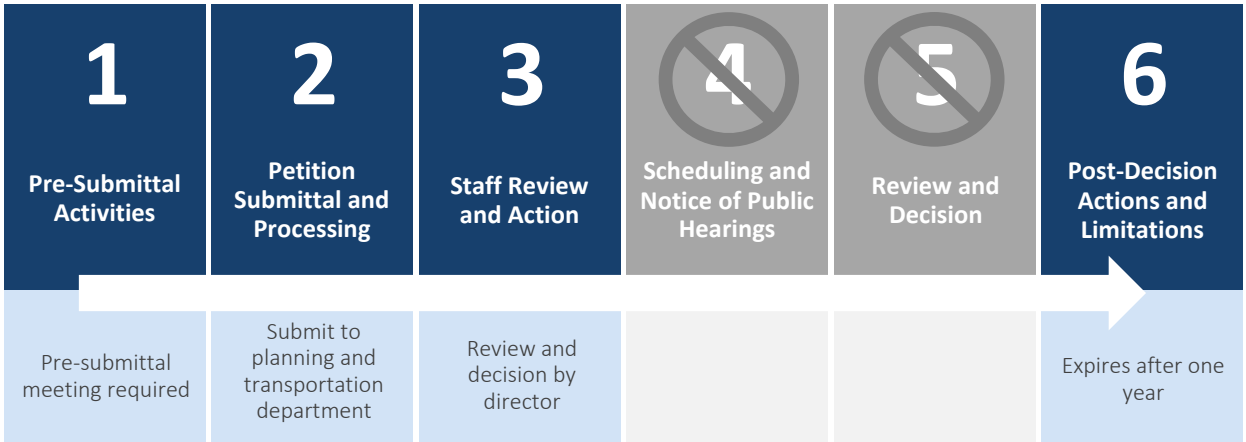
[850] New. This allows the planning and transportation director to send site plans (even if they meet the threshold for a minor site plan) that are particularly challenging or complex, or may require a higher level of scrutiny and public input based on uses, dimensions, or other issues to the plan commission for review and final approval.

[851] This new standard authorizes a streamlined review procedure for projects that incorporate affordable and sustainable elements as described in Chapter 20.04. Right now, this standard allows all sustainable/affordable projects that are permitted by-right (regardless of size or location) to be reviewed using the minor site plan review process. Any sustainable/affordable project that requires an approval other than site plan (i.e., rezone, plat, conditional use, etc.) will still be subject to the review procedures for the respective petition type.

(4) Minor Site Plan Review Process

Figure 6.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-1: Summary of Minor Site Plan Review Procedure



(A) Pre-Submittal Activities

A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing[852]

The minor site plan petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action[853]

i. Generally

1. The planning and transportation director shall review the minor site plan petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).[854]
2. Alternatively, the planning and transportation director may refer the petition to the plan commission pursuant to Section 20.06.040(d)(2) (Petition Routing).

ii. Commitments[855]

The planning and transportation director may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain

Any projects that are determined by the planning and transportation department to be located within an identified floodway, floodway fringe, or within the floodplain shall also meet the criteria in Section 20.04.040(c)(9)(E) (Site Plans).

[852] Did not carry forward petition submittal requirements in 20.09.120(d); that content has been relocated to an Administrative Manual outside the UDO.
[853] Did not carry forward 20.09.120(e)(9), these general review criteria have been moved to the common review procedures for all petitions. Did not carry forward current 20.09.120(e)(2), city staff is responsible for sending petitions to a different review body.
[854] Replaces current 20.09.120(e)(1).
[855] From current 20.09.100.

(D) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Notification of Findings

The planning and transportation director shall make and sign written findings concerning each decision to approve or disapprove a minor site plan, and such written findings shall be made available to the petitioner.[856]

ii. Expiration of Approval

Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the planning and transportation director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration and Revocation of Approval).

iii. Modification or Amendment of Approval

An approved minor site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

iv. Appeal

Any person, other than the petitioner, aggrieved by a minor site plan decision by the planning and transportation director may appeal the decision to the plan commission. Such appeal shall be filed in the planning and transportation department within five days of the staff's decision. The appeal shall specify the grounds for the appeal and shall be filed in the form established by the plan commission rules of procedure. All appeals shall be accompanied by fees required by the plan commission rules of procedure.

(5) Major Site Plan Review Process

Figure 6.05-2 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to major site plan review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-2: Summary of Major Site Plan Review Procedure

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

[856] Last clause is new.

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

(B) Petition Submittal and Processing

The major site plan petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(D) Scheduling and Notice of Public Hearings

The major site plan petition shall be scheduled for a public hearing before the plan commission and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

i. Generally

The plan commission shall review the major site plan petition and approve, approve with conditions, or deny the or deny the petition in accordance with Section 0 (

Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. Commitments[857]

The plan commission may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain

Any projects that are determined by the planning and transportation department to be located within an identified floodway, floodway fringe, or within the floodplain shall also meet the criteria in Section 20.04.040(c)(9)(E) (Site Plans).

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Notification of Findings[858]

The plan commission shall make written findings concerning each decision to approve or disapprove a major site plan, and such findings shall be made available to the petitioner.[859]

ii. Expiration of Approval

Approval of a major site plan shall be effective for a maximum period of one year unless, upon petition by the developer, the plan commission grants an extension pursuant to Section 20.06.040(h)(1) (Expiration and Revocation of Approval).

iii. Modification or Amendment of Approval

An approved major site plan may be modified or amended in accordance with Section 20.06.040(h)(3) (Modification or Amendment of Approval).

[857] From current 20.09.100. Repetitive information about the form, recording, and effect of commitments was not carried forward.
[858] Clause requiring the director to sign the findings was deleted as unnecessary administrative detail.
[859] Last sentence is new.

(b) Conditional Use Permit[860]

(1) Purpose[861]

The conditional use permit procedure provides a mechanism for the city to evaluate proposed land uses in a particular zoning district and to establish certain conditions to address unique characteristics associated with the proposed land use. The use shall be permitted by the board of zoning appeals or hearing officer if it is determined that the listed conditions are met.

(2) Applicability[862]

No use classified as conditional in Table 3-1: Allowed Use Table, or any other standard in this UDO may be conducted without first obtaining a conditional use permit under this Section 20.06.050(b). No conditional use shall be conducted except in compliance with all applicable provisions of this UDO and with any conditions upon such conditional use approval.

(3) Conditional Use Permit Review Process

Figure 6.05-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to conditional use permit review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-3: Summary of Conditional Use Permit Procedure

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting or a pre-submittal neighborhood meeting.

iii. For petitions subject to review and decision by the zoning board of appeals, a development review committee meeting and pre-submittal neighborhood meeting may be required by the planning and transportation director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).[863]

(B) Petition Submittal and Processing

The conditional use permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

[860] From current 20.09.150.
[861] From current 20.09.150. Reworded for clarity.
[862] Replaces current 20.09.150(c)(1). Reworded for clarity.
[863] From current 20.09.070(b)(1).

(C) Staff Review and Action[864]

The planning and transportation director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

The conditional use permit petition shall be scheduled for a public hearing before the board of zoning appeals or hearing officer and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

i. Generally[865]

The hearing officer or board of zoning appeals shall review the conditional use permit petition and approve, approve, approve with conditions, or deny the petition in accordance with Section 0 (

Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria), and the following specific approval criteria:

ii. Floodway and Floodway Fringe Development[866]

1. No conditional use shall be approved until a permit citing the 100 year flood elevation and the recommended flood protection grade, or a letter stating that no permit is required, has been obtained from the Indiana Department of Natural Resources (DNR) and all conditions and specifications of that permit and other applicable DNR regulations are met.
2. Development shall not increase the elevation of the regulatory flood beyond the limits allowed by state and federal regulations.
3. On-site waste disposal systems such as sewage treatment plants shall be located so as to avoid their impairment and to avoid contamination during the occurrence of the regulatory flood. No septic systems shall be installed within either floodway or floodway fringe areas.
4. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted provided that all manholes or other above ground openings are located at or above the flood protection grade, or those which are located below the flood protection grade are watertight.

iii. Historic Adaptive Re-Use[867]

The following shall apply to any adaptive use, protection, or restoration of a historic resource for a land use not specifically permitted in the zoning district pursuant to Table 3-1: Allowed Use Table.[868]

1. The property shall have been designated historic at the local level, or have had a petition filed for such designation, at the time of petition for conditional use approval.
2. The proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said historic district.
3. The proposed use shall enhance the ability to restore and/or preserve the property.
4. The granting of the conditional use approval shall be contingent upon any required certificate of appropriateness and upon the granting of a local historic designation or the presence of such designation being in place.

iv. Quarry Adaptive Re-Use[869]

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[864] From current 20.05.023. Did not carry forward last two sentences of 20.05.023(a) as these standards are covered in the common review procedures.

[865] The specific conditional use standards from current 20.05.026 bed and breakfast establishment; 20.05.027 communication facility; 20.05.028 retail low intensity and restaurant limited service; 20.05.029 adult day care; 20.05.030 child day care center; 20.05.031 kennel; 20.05.032 jail/prison/juvenile detention facility; 20.05.0331 standardized business; 20.03.0332 pocket neighborhood; and 20.05.0333 accessory dwelling units have been relocated to the use-specific standards in Chapter 20.03: Use Regulations.

[866] From current 20.05.024. Discussion Item: These standards may be applied to a broader range of petition types (not just Conditional Uses) and may be moved into the Section 20.04.050 (Drainage and Floodplain).

[867] From current 20.05.025.

[868] Introductory sentence taken from the definition for "historic adaptive reuse," revised to reference the Allowed Use Table.

1. The petitioner shall provide documentation that limestone or other stone processing operations are no longer feasible due to environmental and/or physical site characteristics. Market economic conditions may be considered, but the purpose is to protect these natural resources from encroachment of other land uses that may inhibit or prevent quarry or stone processing activities.
2. The proposed adaptive re-use shall retain, to the greatest extent possible, the existing quarry features to preserve the region's quarry heritage.
3. Land use decisions shall be made in consideration of the dominant land use patterns that surround each site.[870]
4. The proposed adaptive re-use shall be a less intense land use than quarry uses in regard to environmental regulatory standards and general nuisance in regard to noise, vibration, and dust.
5. An environmental mitigation plan shall be submitted with the conditional use petition. The environmental mitigation plan shall include, but not be limited to cleanup measures, water quality protection, and long-term monitoring standards. All environmental mitigation plans shall meet the standards of the city utilities department, as well as any applicable state and federal requirements.

v. Commitments[871]

1. The zoning board of appeals or hearing officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a conditional use permit in accordance with Section 20.06.040(d)(8) (Commitments).
2. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the board of zoning appeals.

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Approval of a Conditional Use

The granting of a conditional use authorizes the use and establishes the terms of use. Conditional uses are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits and approvals shall be obtained before any grading, construction, or use commences.

ii. Duration[872]

A conditional use permit granted by the board of zoning appeals or the hearing officer shall expire:

1. Two years after the date granted by the board of zoning appeals or hearing officer, unless:
   [a] A building permit has been obtained and construction of the structure or structures has commenced; or
   [b] An occupancy permit has been obtained and the use has commenced; or
2. At the date of termination established by the board of zoning appeals or hearing officer as a condition or commitment if different from (1) above.

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[869] From current 20.05.033.
[870] Replaced “should” with “shall.”
[871] Replaces current 20.09.100.
[872] Taken from the current Board of Zoning Appeals Rules and Procedure document and replaces current 20.09.150(g). The BZA Rules and Procedures were last revised on January 18, 2018 so we have used this language to replace conflicting language in the UDO.

iii. Modification or Amendment of Approval

1. Any modification or intensification of a conditional use that alters the essential character or operation of the use in a way not intended by the board of zoning appeals or hearing officer at the time the conditional use was granted shall require a new conditional use approval.
2. The planning and transportation director shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the planning and transportation director with all the necessary information to render this determination.
3. In the case where the planning and transportation director determines a new conditional use permit is required, an petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) and this Section 20.06.050(b) (Conditional Use Permit).
4. The hearing officer may hear requests for amendments to a conditional use, if authorized by the plan commission.

(c) Demolition Delay Permit[873]

(1) Purpose[874]

The demolition delay permit procedure is intended to ensure that no certificate of zoning compliance authorizing release of a permit allowing the demolition or partial demolition of a structure that is listed as "Outstanding," "Notable" or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures, or any accessory structure of the same era of construction as the principal structure that is so listed, shall be issued prior to review pursuant to this Subsection C.

(2) Applicability[875]

This Section 20.06.050(c) shall not apply to any structure that is within a property or group of properties locally designated as a historic district or a conservation district pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(3) Demolition Delay Permit Review Process

Figure 6.05-4 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to demolition delay permit review. Additions or modifications to the common review procedures are noted below.

[873] From current 20.09.230. Did not carry forward language related to the “demolition” permit. This permit is issued at the counter and is typically associated with other petition requests. That content will be relocated to an Administrative Manual.
[874] New.
[875] Did not carry forward current 20.09.230(a). The landscaping requirements for demolition sites are already included in Section 20.04.080(l) (Vacant Lot Landscaping).

Figure 6.05-4: Summary of Demolition Delay Permit Procedure

(A) Pre-Submittal Activities

A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing

i. The demolition delay permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

ii. If a petition for demolition or partial demolition that is subject to the demolition delay procedures of this UDO is withdrawn by the petitioner, the demolition delay period shall be terminated and no certificate of zoning compliance for the withdrawn petition shall be issued.

(C) Staff Review and Action

i. Notice to Property Owner and Housing and Neighborhood Development Director

1. Upon receiving a petition for a demolition or partial demolition covered by this Section 20.06.050(c), the planning and transportation director shall give notice to the housing and neighborhood development director and to the property owner, or his/her representative. Such notice shall advise the property owner that the permit petition may need to be amended to include materials required by Section 20.06.050(a)(Site Plan Review) and the rules and regulations of the historic preservation commission, in order for the petition to be considered complete.
2. Not later than 30 days after such notice is given by the planning and transportation director, the housing and neighborhood development director shall give notice to the chairperson of the historic preservation commission and to the property owner, if the 120 day waiting period is to be imposed pursuant to section 20.06.050(c)(3)(C)ii.

ii. Waiting Period

1. **Determination of Waiting Period**

   The 90 day period shall apply in all cases unless the housing and neighborhood development director, or his/her designee, finds that an additional 30 day delay period is needed in order for the historic preservation commission to responsibly consider and determine whether to recommend designation of the property. The housing and neighborhood development director shall make such finding only where:

   [a] There are multiple demolition permits and/or historic designation proposals pending or expected to come before the historic preservation commission during the 90 day period; or,

   [b] The demolition request presents unusually complex public policy issues due to the location or survey classification of the structure; or

[c] The structure is located within an area that contains multiple surveyed properties, it is located within an area designated on the National Register of Historic Places, or the survey classification of the structure proposed for demolition or partial demolition is "Notable" or "Outstanding."

2. **Early Termination of Waiting Period**[876]

The remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued if within the 90 or 120 day period one of the following occurs and all other requirements of this UDO are satisfied:

[a] The historic preservation commission votes affirmatively not to recommend local historic designation to the common council; or

[b] The historic preservation commission votes on a motion to recommend local designation and the motion fails; or

[c] Staff for the historic preservation commission decides not to recommend local historic designation to the historic preservation commission and common council based on the same review criteria used by the historic preservation commission when determining if a property should be recommended for local historic designation; or

[d] The common council disapproves a recommended local historic designation of the subject property.

3. **Waiting Period Limited to Once per Year**

[a] No structure that has been subjected to the waiting period under this section shall be subject to a second waiting period until one year has passed from the date of expiration of the first waiting period.

[b] During this one-year period, no action of the historic preservation commission or the common council may prevent issuance or effect revocation of a certificate of zoning compliance or demolition permit that is otherwise properly issued or petition that meets all requirements of the Bloomington Municipal Code and this UDO.

[c] This provision shall not apply except to the extent that the work covered by the certificate of zoning compliance or demolition or partial demolition permit, or petition for such a certificate or permit, is substantially identical to the work shown in the submission that occasioned the first waiting period.

[d] For purposes of this Section 20.06.050(c)(3)(C)ii:

i. "Work" includes the proposed demolition, partial demolition and any proposed construction, reconstruction, or alteration associated therewith;

ii. "Substantially identical" means without significant deviation in any detail of any elevation or in the type, design, or location of materials that will be subject to public view; and

iii. "Submission" shall mean the submission that is authorized to receive approval pursuant to 20.06.040(c) (Petition Submittal and Processing) of this Chapter 20.06:.

4. **Emergency Waiver of Waiting Period**

The waiting period may be waived upon a written determination by the city's housing and neighborhood development department that there is an emergency condition dangerous to life, health, or property that requires demolition prior to the expiration of the waiting period.

(D) Scheduling and Notice of Hearings

i. Discretionary Hearing

[876] Reworded for clarity and consistency.

The historic preservation commission may conduct a hearing, at its sole discretion, during the waiting period, to determine if any structure described below should be recommended for local designation by the common council:

1. A "Contributing" structure located in any of multifamily or nonresidential zoning district.
2. A "Contributing" structure located in any single family district if the staff for the HPC determines that a review of the petition necessitates full HPC review.
3. A "Notable" structure located in any zoning district of the city.
4. An "Outstanding" structure located in any zoning district of the city.

ii. **Posted Notice Required**

1. **Generally**

[a] Within three business days of receiving notice by the planning and transportation director that his/her property is subject to the waiting period provisions of this section, the owner shall place upon the property where the structure is located, in plain public view, a notice to the public of the proposed demolition or partial demolition of the structure.

[b] The notice shall be in such form as approved by the staff and shall remain in place until termination of the waiting period.

[c] Noncompliance with this provision shall result in the delay period being extended by an amount of time equal to the amount of time, as reasonably determined or estimated by the planning and transportation director, during which the notice was not properly in place.

2. **Exemption to Posted Notice**

[a] This section shall not apply to a petition for partial demolition of a property classified as "Contributing" in a single family district if staff for the historic preservation commission reviews and releases the petition.

i. Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the historic preservation commission as outlined in Section 2.16.010(c) of the Bloomington Municipal Code.

ii. If within seven business days of the receipt of a petition the staff has not forwarded the matter to the historic preservation commission for further review, the petition shall be released automatically and the provisions of Section 20.06.050(c) shall apply.

iii. Staff's decision shall be based on the same criteria used by the historic preservation commission when it renders a determination about whether or not a property should be recommended for local historic designation.

[b] If staff for the historic preservation commission determines that full historic preservation commission review of a petition for a partial demolition of a property classified as "Contributing" in a single family district is necessary then the owner shall post the notice described in subsection ii.1 above on the property.

(E) Review and Decision

i. After expiration of the waiting period, which shall include early termination of the waiting period, a certificate of zoning compliance authorizing demolition shall be issued if the property owner has submitted a complete petition and all other requirements of the Bloomington Municipal Code and this UDO are met.

ii. For any structure that is exempt from the waiting period of this section, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the planning and transportation department of a complete petition, provided all other requirements of the Bloomington Municipal Code and this UDO are met.

iii. If within the 90 or 120 day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08, (Historic Districts and

Standards) of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:

1. Upon termination of interim protection without historic or conservation district designation being placed upon the property; or,
2. Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code.

(F) Post-Decision Actions and Limitations[877]

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. The recipient of a permit or other approval subject to this section shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission and may not deviate from such depiction, except as modified and approved at one or more public meetings of the historic preservation commission, without applying for a new certificate of zoning compliance, petition for which shall commence a new waiting period.

ii. No action of the historic preservation commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period.

(d) Grading Permit[878]

(1) Purpose

The grading permit procedure is intended to mitigate the environmental impact of site development and to protect the water quality of the city of Bloomington, Monroe County, and surrounding areas, and to provide a mechanism to insure compliance with this UDO by providing a thorough permitting and inspection process for all grading activities.

(2) Applicability

No land-disturbing activity shall occur on platted or unplatted lands in any zoning district, unless a grading permit for such activity has been issued.

(A) Exemptions

i. Land-disturbing activity covering an area less than 1,000 square feet;

ii. Land-disturbing activity on an individual single-family lot.

(B) Additional Requirements

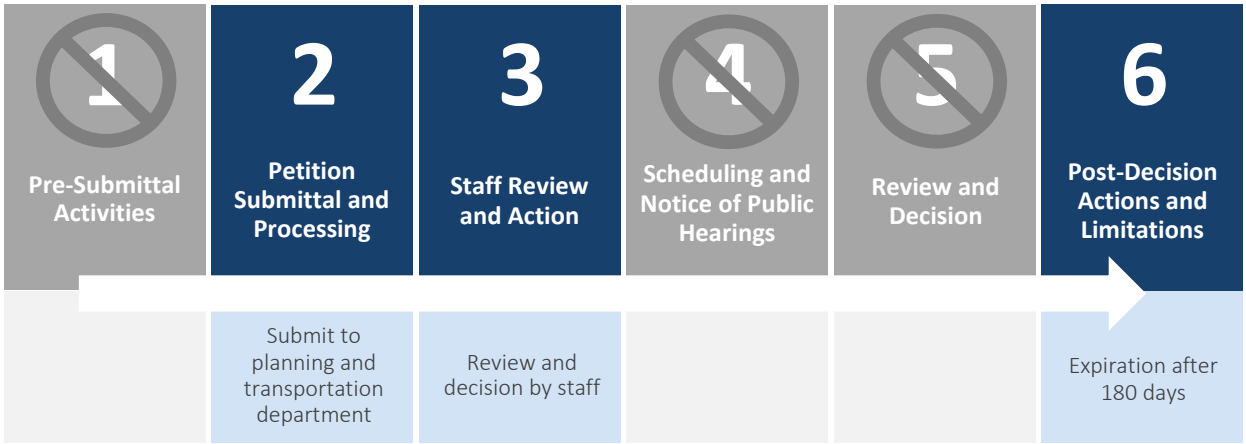
Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5, and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10 (Wastewater) of the Bloomington Municipal Code regarding stormwater runoff; and all applicable rules, regulations, standards and specifications of the city utilities department regarding stormwater management practices.

(3) Grading Permit Review Process

Figure 6.05-5 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to grading permit review. Additions or modifications to the common review procedures are noted below.

[877] Replaces current 20.09.040(b). Reworded for clarity and consistency.
[878] From current 20.09.240.

Figure 6.05-5: Summary of Grading Permit Procedure



(A) Petition Submittal and Processing

The grading permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:

i. Petition Submittal Requirements

The petition shall include, but not be limited to, the following documents:

1. Construction plan;
2. Engineered estimate of erosion control features/financial guarantee for erosion control measures;
3. Topography of the site - proposed and existing two-foot contours;
4. Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.

(B) Staff Review and Action

The planning and transportation staff shall review the grading permit petition and approve, approve with conditions, or deny the petition within 20 working days of the receipt of a complete petition and all supportive documents in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria.[879]

i. Construction Plan

As required by Title 10 (Wastewater), of the Bloomington Municipal Code, a construction plan including the stormwater pollution prevention plan for the site shall be approved by the appropriate local, state, and federal authorities prior to the issuance of a grading permit.

ii. Planned Unit Development Approval

An approved final plan shall be in place prior to the issuance of a grading permit.

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Duration

1. Grading permits shall be valid for a period of 180 days, or run concurrently with the building permit or other construction authorizations, whichever is longer.

[879] Replaces current 20.09.120(e)(1).

2. At the written request of the petitioner, the city may extend the period one or more times for up to a maximum of an additional 180 days. The city may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this UDO.

ii. **Changes or Amendments**[880]

1. The petitioner may submit revisions or amendments to an approved grading permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved grading permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.
2. Changes to the grading permit shall be approved in writing.

(e) Certificate of Zoning Compliance[881]

(1) Purpose[882]

The certificate of zoning compliance procedure is intended to provide a mechanism for city staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability

(A) Generally

i. A certificate of zoning compliance shall be required for any of the following activities:

1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure (including a sign), or mobile home;
2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change of Use);
3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;
4. Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.
5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section20.06.050(a) (Site Plan Review) and shall comply with the requirements of Section 20.04.030(h) (Tree and Forest Preservation).
6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of historic preservation commission or its staff.

ii. A single certificate of zoning compliance may be issued for a combination of such actions if they occur together. Any petition for a certificate of zoning compliance, permit, or other approval for an action described in subsection (A)(i.6) above shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit).

[880] Added “local” to the standard to clarify that city approval of the modification is required after the petitioner has obtained state and federal approval of the modifications.
[881] From current 20.09.220.
[882] Reworded for clarity.

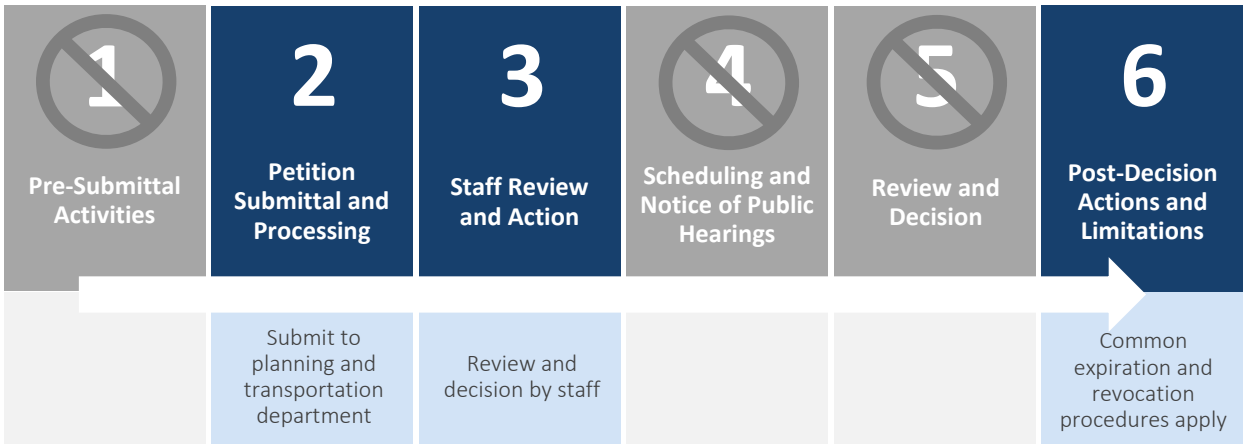
(B) Exemptions

Activities involving the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the planning and transportation department, are exempt from receiving a certificate of zoning compliance, unless such removal decreases the baseline canopy cover.

(3) Certificate of Zoning Compliance Review Process

Figure 6.05-6 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of zoning compliance review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-6: Summary of Certificate of Zoning Compliance Procedure



(A) Petition Submittal and Processing

The certificate of zoning compliance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) Staff Review and Action

The planning and transportation director shall review the certificate of zoning compliance petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).[883]

(C) Post-Decision Actions and Limitations[884]

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Expiration of Approval

Approval of a certificate of zoning compliance shall be effective for a maximum period of one year unless:

1. Construction under a valid grading permit or building permit has commenced and is ongoing; or
2. Upon petition, the planning and transportation director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration and Revocation of Approval).

[883] Replaces current 20.09.120(e)(1).
[884] New. The current UDO is silent on post approval procedures for a certificate of zoning compliance; these new standards reflect current practice.

(f) Certificate of Occupancy[885]

(1) Purpose[886]

The certificate of occupancy procedure is intended to provide a mechanism for city staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability

(A) Generally

A certificate of occupancy shall be obtained prior to a building or structure being occupied or used in each of the following situations:

i. Occupancy or use of any new building or structure;

ii. Re-use or re-occupancy of any existing building or structure that requires either a permit from the county building department or a certificate of zoning compliance from the planning and transportation department;

iii. Addition to any existing building or structure. Parts of the existing building or structure not included in the addition may continue to be occupied or used.

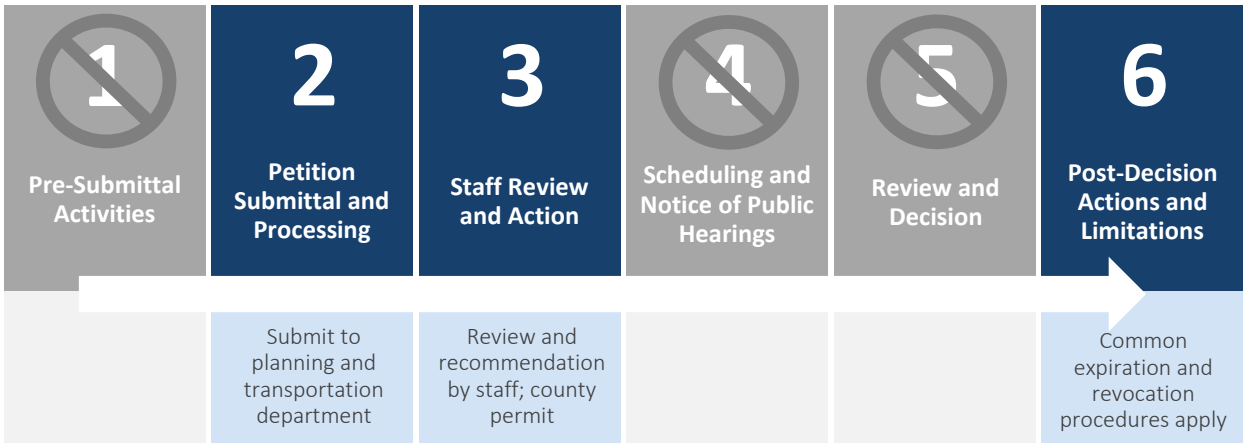
(B) Certificate of Occupancy Required[887]

If a certificate of occupancy is required pursuant to subsection (A) above, it is unlawful and a violation of this UDO for anyone to occupy or use a building or structure, or to cause, suffer or permit another to occupy or use a building or structure, until a temporary or final certificate of occupancy has been granted. Any violation of this provision shall be subject to a stop work order, mitigation, and/or fines and penalties as specified in Section 20.06.0100 (Enforcement and Penalties).

(3) Certificate of Occupancy Review Process

Figure 6.05-7 identifies the applicable steps from 20.06.040 (Common Review) that apply to certificate of occupancy review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-7: Summary of Certificate of Occupancy Procedure



(A) Petition Submittal and Processing

The certificate of occupancy petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

[885] From current 20.09.250.
[886] Reworded.
[887] Revised to clarify that occupancy is prohibited until a temporary or final certificate of occupancy has been granted. Provisions for both temporary and permanent certificate of occupancy reflect current practice.

(B) Staff Review and Action

i. Temporary Certificate of Occupancy:

1. For a temporary certificate of occupancy to be issued each of the following shall be successfully completed:
   [a] Passage of a final inspection by the county building department;
   [b] Passage of a final inspection by the city fire department;
   [c] Passage of a final inspection by the department of housing and neighborhood development for all rental properties.
   [d] Installation of required public sidewalk improvements;
   [e] Installation of required parking areas surfaced and striped; and
   [f] Safe ingress and egress from all principal buildings.
2. Due to weather or other circumstances, a temporary certificate of occupancy may be issued without the required site improvements provided the owner has documented in writing their promise to complete the unfinished work, and the letter is to the satisfaction of the planning and transportation director.
3. A temporary certificate of occupancy shall be valid for a period not to exceed six months.

ii. Final Certificate of Occupancy

For a final certificate of occupancy to be issued each of the following shall be successfully completed:

1. Issuance of a certificate of zoning compliance;
2. Passage of a final inspection by the staff;
3. Passage of a final inspection by the county building department;
4. Passage of a final inspection by the city fire department;
5. Passage of a final inspection by the department of housing and neighborhood development for all rental properties.

iii. A final certificate of occupancy shall be issued only after all requirements of the certificate of zoning compliance have been completed.

(C) Post-Decision Actions and Limitations[888]

Post-decision actions and limitations shall be pursuant to Monroe County standards and procedures.

(g) Certificate of Final Acceptance[889]

(1) Purpose[890]

The certificate of final acceptance procedure is intended to provide a mechanism for the city to ensure that public facility improvements and installations conform to the standards of this UDO.

(2) Applicability[891]

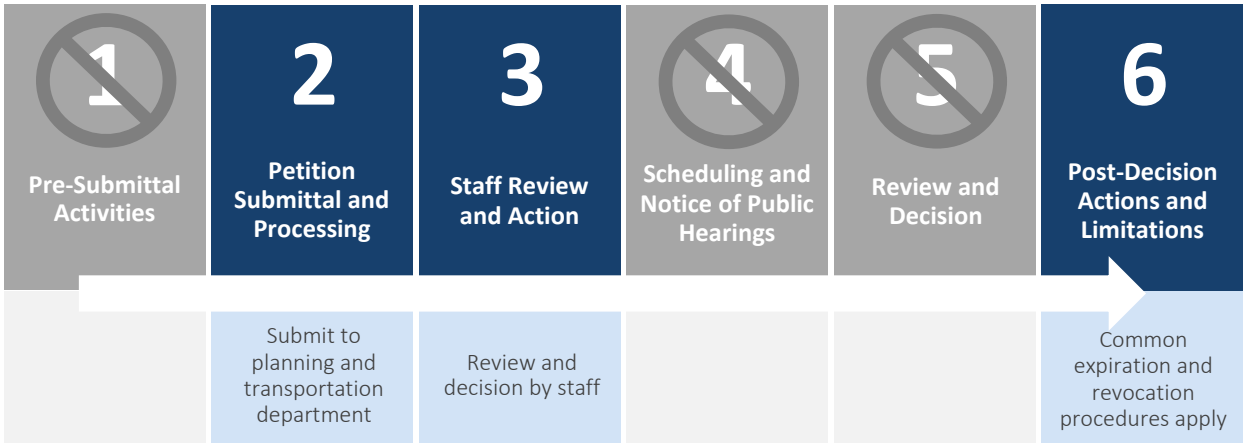
A certificate of final acceptance shall be required for any project for which a performance surety has been submitted and upon the completion of any required public facility improvements and installations.

(3) Certificate of Final Acceptance Review Process

Figure 6.05-8 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to certificate of final acceptance review. Additions or modifications to the common review procedures are noted below.

[888] The current UDO is silent on post approval procedures for a certificate of occupancy. Since Monroe County is the final approval authority for building permits Bloomington defers to its post-decision standards and procedures.
[889] From current 20.09.330.
[890] Reworded and simplified.
[891] Reworded and simplified.

Figure 6.05-8: Summary of Certificate of Final Acceptance Procedure



(A) Petition Submittal and Processing

The certificate of final acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) Staff Review and Action

i. Inspection

The planning and transportation department staff shall inspect the improvements for compliance with this UDO and any other applicable city planning and transportation department requirements.

ii. Recommendation

The city planning and transportation department shall recommend that the performance surety be released, extended, or declared in default based on the results of the inspection of improvements, and the planning and transportation director shall act on the recommended release, extension, or default of the performance surety.

iii. Improvements in the Extraterritorial Jurisdiction

Any public improvements installed pursuant to a Monroe County surety within the city's extraterritorial planning jurisdictional shall be inspected and accepted by Monroe County and the city planning and transportation department in accordance with their respective surety policies.

iv. Improvements within the City of Bloomington

The board of public works shall accept public improvements that meet the following conditions:

1. The completed public improvements shall comply with this UDO; have been constructed in accordance with city planning and transportation department requirements; and have been installed in accordance with the approved plans; and
2. All final inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the city planning and transportation department.

(C) Post-Decision Actions and Limitations

The city planning and transportation department shall maintain records of all petitions, plans, and permits filed for a certificate of final acceptance.

(h) Certificate of Nonconforming Use[892]

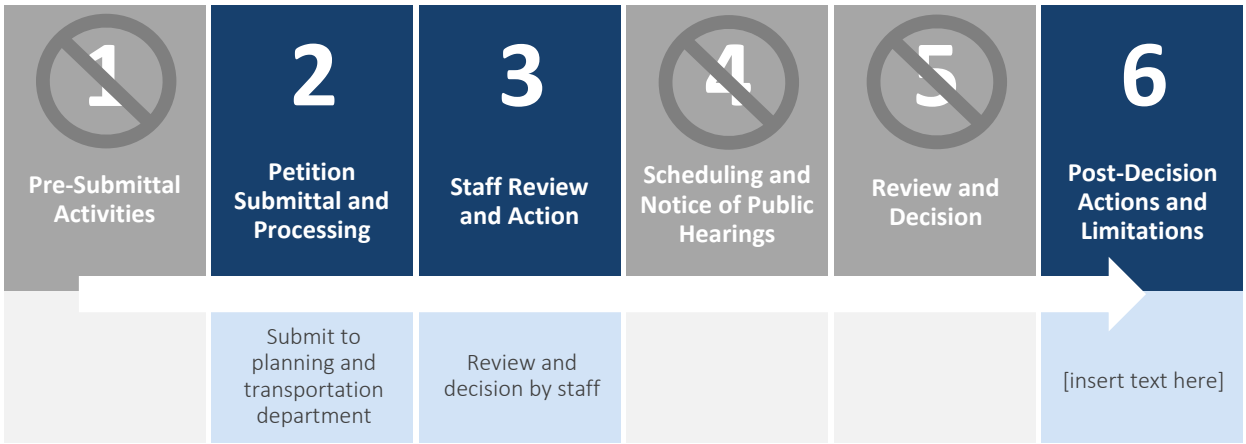
(1) Purpose and Applicability[893]

A person who owns or operates a nonconforming use that has not been deemed abandoned pursuant to Section 20.06.090(c)(3) (Abandonment of a Nonconforming Use), may request a certificate of nonconforming use to protect the lawful nonconforming status.

(2) Certificate of Nonconforming Use Review Process

Figure 6.05-10 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-9: Summary of Certificate of Nonconforming Use Review Procedure



(A) Petition Submittal and Processing

The certificate of nonconforming use petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) Staff Review and Action

The planning and transportation director shall review the certificate of nonconforming use petition and [pending further discussions with staff]

i. The petitioner shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

(C) Post-Decision Actions and Limitations[894]

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

1. [insert text here]

(i) Sign Permit[895]

(1) Purpose

The sign permit procedure is intended to provide a mechanism for enforcement of the sign regulations of this UDO in order to:

[892] New. The current UDO is silent on the review procedure for a certificate of nonconforming use. This section is intended to codify that procedure to provide more transparency and predictability. There are currently several placeholders in this section that will be completed after more discussion with staff. Revisions will be available for review in the Consolidated Draft.
[893] From current 20.08.040.
[894] New. The current UDO is silent on post approval procedures for a certificate of nonconforming use, these standards reflect current practice.
[895] From current 20.09.260.

(A) Establish for all signs located on any premises a reasonable and impartial means to permit adequate communication;

(B) Control confusing sign displays that present a hazard to pedestrians and motorists along streets;

(C) Ensure light, air, and open space;

(D) Protect the natural beauty and environment of the city;

(E) Safeguard and enhance property values;

(F) Protect public and private investment in buildings and open spaces;

(G) Protect the public health, safety, and general welfare; and

(H) Comply with all state and federal laws and case decisions of courts applicable to the city concerning freedom of expression.[896]

(2) Applicability

(A) Generally

i. Except as otherwise provided, no person shall erect any sign as defined in this UDO without first obtaining a sign permit from the planning and transportation department.

ii. The use requesting the sign permit shall be legally established on the property for which the signage is being requested.

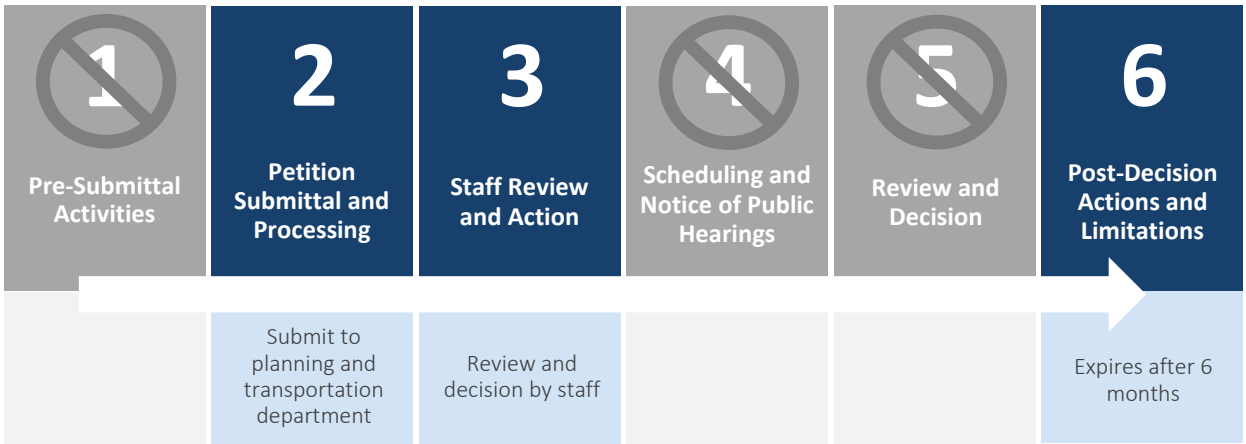
(B) Exemptions

Signs that are exempt from the sign permit requirement are specified in Section 20.04.0100 (Signs).

(3) Sign Permit Review Process

Figure 6.05-10 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to sign permit review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-10: Summary of Sign Permit Review Procedure



(A) Petition Submittal and Processing[897]

The sign permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

[896] Purpose (H) is new.
[897] Did not carry forward current 20.09.260(e); this content has been moved to an Administrative Manual outside the UDO.

(B) Staff Review and Action[898]

i. The planning and transportation staff shall review the sign permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

ii. A staff decision on the petition shall be made within 30 days of receipt of a complete petition.

iii. If a petition for a sign permit is denied, and the denial is appealed to the board of zoning appeals pursuant to Section 20.06.080(d) (Administrative Appeal), the board of zoning appeals shall make a decision on the appeal within 30 days.

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Duration

The sign authorized by a sign permit shall be completed and erected within six months of the date of issuance; otherwise, the sign permit shall lapse and become null and void, unless good cause for an extension of time for completion is approved by the planning and transportation director.

ii. Extension

One extension of up to six months may be authorized by the planning and transportation director for reason/cause. The petitioner shall submit the request for extension in writing to the planning and transportation director, and the planning and transportation director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the sign permit record.

iii. Changes or Amendments

When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the sign permit without prior approval of the planning and transportation director. When granted, a written record of such amendment shall be entered upon the original sign permit petition and maintained in the files of the planning and transportation department.

(j) Temporary Use Permit[899]

(1) Purpose

The temporary use procedure is intended to provide a mechanism for enforcement of the temporary use regulations of this UDO, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.

(2) Applicability

(A) Generally

A temporary use permit shall be required prior to the establishment of any temporary, unless otherwise exempted in paragraph (B) below.

(B) Exemptions

The following uses are permitted and shall not be regulated as Temporary Uses under this UDO.

i. Garage sales, religious tent meetings, nonprofit events and political rallies, provided they meet the following standards:

1. The event is allowed for a maximum of seven consecutive days;

[898] Subsections ii and iii are new and help ensure compliance with recent federal court cases regarding the timing of sign permits and appeals.
[899] From current 20.09.270.

2. No property shall hold more than three such events in a single calendar year; and
3. The hours of operation of such events shall be limited to between the hours of 7:00 a.m. and 11:00 p.m.

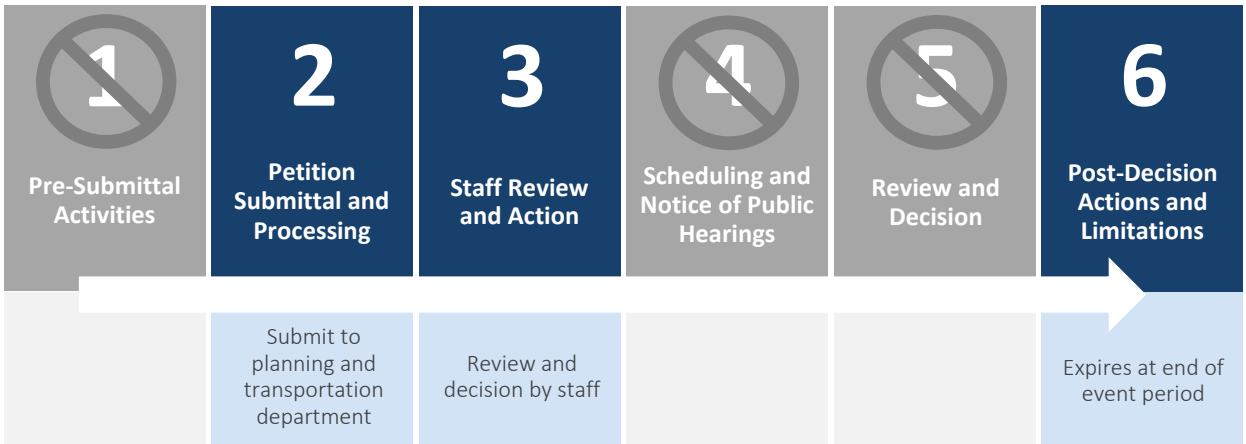
ii. Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of 90 days.

iii. Any business activity licensed by Title 4 (Business Licenses and Regulations), of the Bloomington Municipal Code.

(3) Temporary Use Permit Review Process

Figure 6.05-11 identifies the applicable steps from 20.06.040 (Summary Table of Review Procedures) that apply to temporary use permit review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-11: Summary of Temporary Use Permit Review Procedure



(A) Petition Submittal and Processing[900]

The temporary use permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) Staff Review and Action

The planning and transportation staff shall review the temporary use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B)i (Compliance with This UDO), and Section 20.03.030(h) (Temporary Uses).

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Temporary uses shall be terminated and removed at the end of the event period unless otherwise specified in Section 20.03.030(h) (Temporary Uses).

ii. A temporary use permit may be granted only one time per year on any individual zoning lot and is nonrenewable. For purposes of this standard, fireworks, Halloween pumpkin, and Christmas tree sales are considered separate uses.

[900] Did not carry forward current 20.09.270(e); this content has been relocated to an Administrative Manual outside the UDO.

(k) Easements[901]

(1) Purpose

The purpose of this section is to outline the procedures for obtaining and recording easements, modifying platted or unplatted easements, terminating unplatted easements, and vacating platted easements and to ensure that the statutory requirements of the Indiana Code are met.

(2) Applicability

This section 20.06.050(k) governs easements that are:

(A) Required and/or granted pursuant to a provision of this UDO;

(B) Permitted or required as a commitment;

(C) Permitted or required as a condition of approval; or

(D) Shown on a recorded plat.[902]

(3) Easement Review Process

Figure 6.05-12 identifies the applicable steps from 20.06.040 (Summary Table of Review Procedures) that apply to easement review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-12: Summary of Easement Review Procedure

(A) Petition Submittal and Processing

i. The easement petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

ii. Either the grantor or the grantee of an easement may apply to the approving body for modification of an easement.

iii. Persons who own or hold an interest in a lot or lots adjacent to a platted easement may petition the common council for vacation of the easement in the manner outlined in Indiana Code 36-7-3-12.

(B) Staff Review and Action [903]

i. Easements Not Required by Conditions or Commitments

The planning and transportation director shall review the easement petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), if the planning and transportation director determines that the proposed action complies

[901] Consolidated current 20.09.280; 20.09.290; 20.09.300; and 20.09.310.
[902] Discussion Item: Ongoing discussions with staff regarding the need for a private easement(s) shown on a plat that the city has no interest should be required to follow this procedure.
[903] Titles of subsections revised for accuracy.

with Section 20.06.040(d)(6)(B)iii (Compliance with Utility, Service, and Improvement Standards), and will not create significant adverse impacts on surrounding properties.

ii. **Easements Required by Conditions or Commitments**

If the easement to be vacated was established as a result of a permitted or required commitment or condition of approval by the plan commission or board of zoning appeals, the body that required the commitment or condition of approval shall approve both the easement vacation petition and the termination of the commitment or condition. The decision of that body shall be based on a determination as to whether the proposed action complies with Section 20.06.040(d)(6)(B)iii (Compliance with Utility, Service, and Improvement Standards), and will not create significant adverse impacts on surrounding properties.

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. **Form**

Easement instruments shall be prepared in a recordable form acceptable to the city legal department.

ii. **Recording**

Approved easement instruments shall be recorded in the county recorder's office. The original recorded easement shall be delivered to the grantee and a copy shall be delivered to the planning and transportation department.

iii. **Covenants, Conditions, and Restrictions**[904]

Inclusion of language defining easements in an instrument creating covenants, conditions, and restrictions shall not be sufficient to create modify, terminate, or vacate an easement. Easement instruments shall be independently recorded documents that may be modified, terminated, or vacated only as provided in this UDO.

iv. **Removal of Improvements**

When applicable, the petitioner shall remove any improvements associated with the use of the easement prior to the termination of the easement.

v. **Time Limitation**

If an easement modification or termination petition has been denied, the petitioner shall not file a new petition with the same or substantially similar request for a period of six months.

[904] Wording revised for clarity.

20.06.060 Subdivision Procedures[905]

(a) General Standards

(1) Purpose

The purpose of these subdivision procedures, and the related standards in Chapter 20.05: (Subdivision Standards) is to guide the development of the plan commission's jurisdictional to provide for the improvement of the health, safety, convenience, and general welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities; that the needs of public utilities and facilities be recognized in the future growth; and that residential areas provide healthy surroundings for family life and that the growth of the community is commensurate with the efficient and economical use of public funds.

(2) Applicability

(A) Generally

This Section 20.06.060 shall apply to all subdivisions of land in any zoning district located within the jurisdiction of the plan commission, except as stated in subsection (B) below. No land within that jurisdiction shall be subdivided until:

i. A plat conforming to these regulations has been approved and certified by the plan commission; and

ii. The approved secondary plat has been filed with the county recorder's office.

(B) Exemptions

The regulations of this Section 20.06.060 shall not apply to the following:

i. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

ii. A division of land into two or more tracts for an agricultural use of 10 or more acres, not involving any new street or access easement.

iii. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in state law.

v. Widening of existing streets to conform to the comprehensive plan.

vi. The acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan.

vii. The exchange of land between owners of adjacent property provided that such exchange does not serve to reduce lot area or other dimensions below required minimums.

viii. The platting of condominium units regulated by Indiana Code 32-25: Condominiums.

(C) Jurisdiction[906]

After the provisions of this Section 20.06.060 (Subdivision Procedures) and related provisions in Chapter 20.05: (Subdivision Standards) have been adopted, the plan commission shall have exclusive control over the approval of all plats and replats involving land covered by this UDO.

[905] From current 20.09.170. The "citation" section was deleted as unnecessary in an integrated ordinance.
[906] Wording revised for clarity and consistency. Provisions regarding amendments to this text deleted as unnecessary because generally covered by procedures for UDO text amendments.

(D) Subdivision Type

All subdivisions shall be designed according to one of the subdivision types specified in Chapter 20.05: Subdivision Standards. A single subdivision shall not incorporate more than one of the subdivision types unless specifically authorized by the plan commission.

(b) Primary Plat[907]

(1) Purpose[908]

The primary plat procedure provides a mechanism for the city to review an overall plan for a proposed subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability

A primary plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the plan commission.

(3) Primary Plat Review Process

Figure 6.06-1 identifies the applicable steps from 20.06.040 (Summary Table of Review Procedures) that apply to primary plat review. Additions or modifications to the common review procedures are noted below.

Figure 6.06-1: Summary of Primary Plat Procedure

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1)(Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D)(Development Review Committee (DRC) Meeting).

iii. For petitions subject to review and decision by the plan commission, pre-submittal neighborhood meeting may be required by the planning and transportation director, in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).[909]

(B) Petition Submittal and Processing[910]

The primary plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

[907] From current 20.09.180.
[908] Reworded and simplified.
[909] New.
[910] Did not carry forward current 20.09.180(d); that content has been relocated to an Administrative Manual outside the UDO.

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

Within 30 days after receipt of a complete petition, the primary plat petition shall be scheduled for a public hearing before the plan commission or plat committee and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision[911]

The plan commission or plat committee shall review the primary subdivision petition and approve, approve with approve with conditions, or deny the petition in accordance with Section 0 (

Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria).

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Approval

1. All decisions of the plan commission or plat committee approving, denying, or placing conditions upon a primary plat must be in writing and signed by the president of the plan commission, the chair of the plat committee, or the planning and transportation director.
2. The approval of a primary plat by the plan commission is strictly tentative, involving merely the general acceptability of the layout as submitted.

ii. Revisions to Primary Plat

Following plan commission approval, the petitioner shall submit revised copies of the plans that address the conditions required by the plan commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the planning and transportation department.

iii. Expiration of Primary Plat

1. A secondary plat petition shall be filed not later than 12 months after the date of approval of the primary plat, otherwise the primary plat approval shall be considered void, to the extent permitted by Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete).
2. One extension of up to six months may be authorized by the planning and transportation director for reason/cause. The petitioner shall submit the request for extension in writing to the planning and transportation director, and the planning and transportation director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the primary plat record.

(c) Secondary Plat[912]

(1) Purpose[913]

The secondary plat procedure provides a mechanism for the city to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

[911] Review criteria for primary plats in current 20.09.180(h) were not carried forward because they have been consolidated into very similar standards in Section 20.060.040(d)(6)(B) and (D).
[912] From current 20.09.190.
[913] Reworded and simplified.

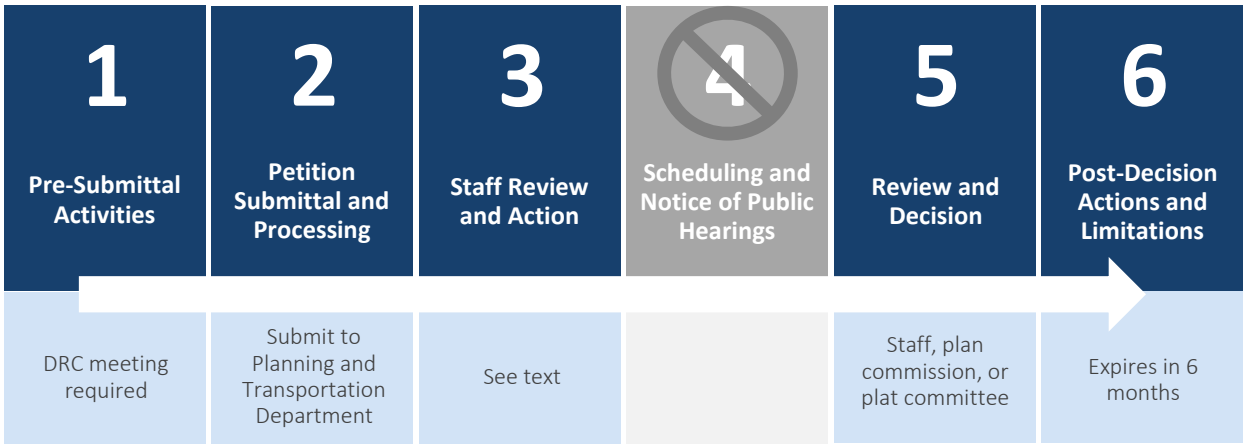
(2) Applicability

No secondary plat of a subdivision of land located within the jurisdiction of the plan commission shall be recorded in the county recorder's office until the plat has been approved by the plan commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the president of the plan commission, chair of the plat committee, or the planning and transportation director.

(3) Secondary Plat Review Process

Figure 6.06-2 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to secondary plat review. Additions or modifications to the common review procedures are noted below.

Figure 6.06-2: Summary of Secondary Plat Procedure



(A) Pre-Submittal Activities

A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

(B) Petition Submittal and Processing[914]

The secondary plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

Staff review and action standards in Section 20.06.040(d) shall apply with the following modifications:

i. Review and Decision by Staff

1. If Table 6-1: Summary Table of Review Procedures authorizes the plat committee or plan commission to make a decision on a secondary plat, and the plat committee or plan commission determines that the application is not unusually complex or does not raise potentially unique or serious impacts on the city or the surrounding neighborhoods, the plat committee or plan commission may, at their discretion, refer the decision to the staff for decision pursuant to the same criteria that the plat committee or plan commission would have been required to apply to that decision.[915]
2. Prior to approval of a secondary plat, the plan commission or plat committee shall have approved the primary plat; and the primary plat must not be expired.
3. The staff shall, based upon the facts presented for review, notify the petitioner in writing what revisions, changes, or further changes in the petition are needed for approval.

[914] Did not carry forward current 20.09.190(d); that content has been relocated to an Administrative Manual outside the UDO.
[915] Because current 20.09.190(e)(4) does not require a public hearing this requirement, and the related noticing requirements for public hearings, have not been carried forward regardless of whether staff or a decision-making body approves the secondary plat.

4. Following the petitioner's submittal of plans that incorporate the necessary revisions, the staff shall approve the secondary plat, or the planning and transportation director may forward the secondary plat to the plat committee for review; or forward the secondary plat to the plan commission for review.

ii. Review and Decision by the Plan Commission or Plat Committee

If the plan commission elects to review the secondary plat, or delegates to the plat committee authority to review the secondary plat, then the planning and transportation director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Review and Decision

The plan commission or plat committee shall review the secondary subdivision petition and approve, approve with approve with conditions, or deny the petition in accordance with Section 0 (

Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).

(E) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Approval

1. Upon approval of the secondary plat, the planning and transportation director shall sign and seal the plat at the appropriate locations.
2. The staff shall then notify the petitioner of the planning and transportation director's actions.
3. The petitioner shall then file the secondary plat for recording in the county recorder's office, as required by law.
4. Within 30 days after recording the secondary plat, the petitioner shall provide the city planning and transportation department with a copy of the recorded plat in a form acceptable to the city.[916]

ii. Expiration of Secondary Plat

1. If the secondary plat, or a phase thereof, has not been recorded within a maximum period of six months from the date of approval by the plan commission or plat committee, the secondary plat shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete).
2. For a secondary plat where an initial phase was recorded within six months of the date of approval by the plan commission or plat committee, successive phases shall be recorded within 18 months of the previous phase. If a successive phase fails to meet the 18-month requirement, the approval of the phases that have not been recorded shall be null and void and the secondary plat must again be submitted for approval, to the extent permitted by Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete).

iii. Financial Surety Required[917]

1. **Purpose**

In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this UDO and planning and transportation department requirements shall be completed.

[916] Removed the word “mylar” as the city may allow several other forms of submittal (e.g., electronic, paper).
[917] From current 20.09.320.

2. **Applicability**

[a] A performance agreement between the petitioner and the city, supported by a performance bond or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the city of Bloomington planning jurisdiction area shall be bonded in accordance with Monroe County bonding policy.

[b] The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.

[c] The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the city. The time period and amount of the performance guarantee shall be determined by the board of public works and shall comply with Indiana Code § 36-7-4-709(i).

3. **Review**

The city planning and transportation department shall review the estimate upon receipt of a complete petition and supportive documents. The city planning and transportation department shall verify that the performance bond or letter of credit shall:

[a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and city planning and transportation department requirements;

[b] Provide surety satisfactory to the city or to the county;

[c] Run to and be in favor of the city or the county;

[d] Specify the time for the completion of the improvements and installations (both on- and off-site);

[e] Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years. The performance surety will remain in effect during this two year period in the amount of five percent of the original performance surety, or $10,000.00, whichever is greater, or as determined by the transportation and traffic engineer; and

[f] Be in a form approved by the city legal department.

4. **Report**

The city planning and transportation department shall recommend approval or rejection of the performance surety to the board of public works.

5. **Record**

The city planning and transportation department shall maintain records of all petitions, plans, and permits filed for a performance surety.

6. **Time Limit**

The completion of public facility improvements and installations shall be within two years of the approval of the project.

7. **Extension of Completion Time**

Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the city planning and transportation department may approve the petitioner's written request for an extension of time for up to one additional year,

granted at six month intervals and conditioned in every case upon extension or renewal of the surety accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.

8. **Nonperformance**
Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the city planning and transportation department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

9. **Expiration**
The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the city planning and transportation department, and the maintenance surety has been accepted.

10. **Performance Surety Reductions**
[a] Annual partial releases of performance sureties held by the city shall be approved by the city planning and transportation department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the planning and transportation director or his or her designee, and the developer or his or her designee.
[b] The following standards shall apply to any request for a bond reduction:
i. No more than three reductions shall be permitted within any 24 month period.
ii. No performance surety shall be reduced beyond 75 percent of the original bond amount.
iii. Periodic partial releases shall not occur before completion of at least 30 percent of the improvements covered by the performance surety.

(d) Vacating Plat[918]

(1) Purpose[919]

The vacating plat procedure provides a mechanism for the city to review a petition for the vacation of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

(2) Applicability

(A) Secondary Plat

i. The owner of land in a secondary plat may file with the plan commission a petition to vacate all or part of the secondary plat pertaining to the land owned by the petitioner.
ii. In a case in which not all the owners of land in a secondary plat are in agreement regarding a proposed vacation, one or more owners of the land in the secondary plat may file with the plan commission a petition to vacate all of the secondary plat or only that part of the secondary plat that pertains to land owned by the petitioner or petitioners. A petition under this subsection shall:
1. State the reasons for and the circumstances prompting the request;
2. Specifically describe the property in the secondary plat proposed to be vacated; and
3. Give the name and address of every other owner of land in the secondary plat.

[918] From current 20.09.200.
[919] Reworded and simplified.

(B) Rights-of-way

This plat vacation procedure shall not be used to vacate rights-of-way, regardless of whether they are platted. Rights-of-way shall be vacated pursuant to Indiana Code 36-7-3-12.

(C) Covenants or Commitments

The plat vacation petition may include a request to vacate any recorded covenants or commitments filed as part of the secondary plat. The covenants or commitments are then also subject to vacation.

(D) Easements

i. This plat vacation procedure shall not be used to vacate platted easements. Platted easements shall be vacated pursuant to Section 20.06.050(k) (Easements).

ii. Per Indiana Code 36-7-3-16, platted easements are vacated by the common council (see Section 20.09.310, Easements—Vacation).

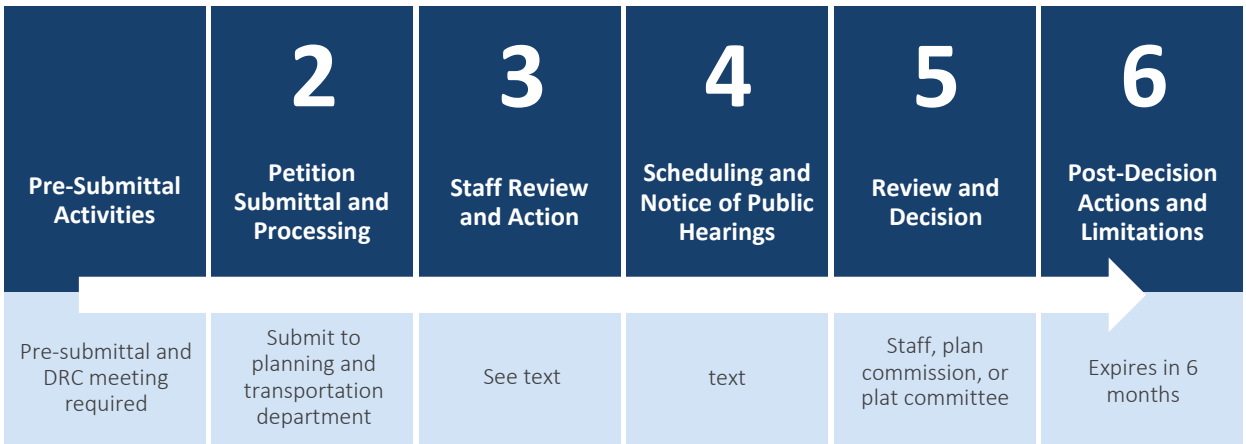
(E) Public Utilities

Notwithstanding the provisions of this Section 20.06.060(d), plat vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this section by filing its written consent in the plat vacation proceedings.

(3) Vacating Plat Review Process

Figure 6.06-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to the vacating plat review. Additions or modifications to the common review procedures are noted below.

Figure 6.06-3: Summary of Vacating Plat Procedure



(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1)(Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(1)(D)(Development Review Committee (DRC) Meeting).

(B) Petition Submittal and Processing

The vacating plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

The vacating plat petition shall be scheduled for a public hearing before the plan commission and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

The plan commission shall review the vacating plat petition and approve, approve with conditions, or deny the deny the petition in accordance with Section 0 (

Review and Decision), based on the following specific approval criteria:

i. Grounds for Remonstrances and Objections

All persons may comment at the public hearing in accordance with the procedural rules of the plan commission. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed plat vacation, but only on one or more of the following grounds:

1. The plat vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
2. The plat vacation would make access to the lands of the aggrieved person by means of a public way difficult or inconvenient;
3. The plat vacation would hinder the public's access to a church, school, or other public building or place; and/or
4. The plat vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

ii. Findings of Fact

The plan commission may approve the petition for plat vacation of all or part of a secondary plat only upon making written findings that:

1. Conditions in the platted area have changed so as to defeat the original purpose of the secondary plat;
2. It is in the public interest to vacate all or part of the secondary plat; and
3. The value of that part of the land in the secondary plat not owned by the petitioner will not be diminished by vacation.

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Effect of Decision

1. The findings of fact shall be signed by the president of the plan commission.
2. The plan commission shall furnish a copy of its decision to the county recorder's office for recording.
3. The plat vacation instrument shall be signed by the president of the plan commission and the owner of the vacated property.
4. The petitioner shall record the plat vacation instrument in the county recorder's office within 60 days of the approval of the plat vacation. Failure to record the vacation within that time period shall render the vacating plat null and void. The petitioner shall deliver a copy of the recorded plat vacation instrument to the city planning and transportation department. [920]

ii. Surety Requirement

In conjunction with the approval of a plat vacation, and unless determined to be unnecessary by the plan commission, the petitioner shall provide financial surety for all public improvements pursuant to Section 20.06.060(c)(3)(E)iii (Financial Surety Required).

[920] Second sentence was added to clarify the effect of failure to record the plat.

iii. **Time Limitation**

After the termination of a plat vacation proceeding under this section, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for three years.

(e) Plat Waivers and Modifications[921]

(1) Purpose

When the plan commission finds that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations and/or that the purposes of the subdivision regulations may be served to a greater extent by an alternative proposal, the plan commission may approve subdivision waivers to the subdivision regulations in Chapter 20.05: Subdivision Standards and/or cross-referenced or related standards in Chapter 20.04: Development Standards and Incentives applicable to subdivisions to avoid unnecessary hardship[922] and to secure the public interest, provided that such subdivision waivers shall not have the effect of nullifying the intent and purpose of the subdivision regulations.

(2) Applicability

(A) Primary Plat Only

The petitioner may only file a subdivision waiver petition in conjunction with a primary plat petition or with a primary plat amendment petition.

(B) Public Facilities

Where the subdivision waiver has an impact on design and construction of public facilities, all public agencies with an interest in the design, construction, or operation of those public facilities will be given ample time to comment in writing to the plan commission. [923]

(C) Jurisdiction[924]

It is within the jurisdiction of the plan commission to grant waivers under this Section 20.06.060(e) to the provisions of Chapter 20.05: Subdivision Standards, but the plan commission may not grant waivers under this Section 20.06.060(e) to those provisions of Chapter 20.04: Development Standards and Incentives applicable in the zone district within which the property to be platted (or replatted) is located..

(3) Review by Plan Commission

(A) Review of Petition

At their regularly scheduled meeting, the plan commission shall review:

i. The written statement and supportive material submitted by the petitioner;
ii. The primary plat;
iii. The subdivision waiver;
iv. The testimony of the petitioner;
v. The written and oral testimony of the public;
vi. The comprehensive plan;
vii. Any applicable subdivision standards in Chapter 20.06, Subdivision Regulations;
viii. Any applicable design standards in Chapter 20.07, Design Standards;

[921] From current 20.09.210. Discussion Item: Clarion suggests that this procedure is not necessary, since these types of adjustments are generally made during review and decision-making on a specific plat (not as a separate application outside the plat review process, and the new "minor modification process provides another way to review these types of adjustments.
[922] Replaced "Substantial Justices" with "unnecessary hardship." Substantial justice is an archaic standard very seldom seen in modern development codes.
[923] Wording revised for clarity.
[924] New provision to clarify jurisdiction.

ix. Any other applicable provisions of the Unified Development Ordinance;
x. Any requirements of the members of the development review committee;
xi. The planning and transportation department report; and
xii. Such other additional information as may be required by the plan commission to evaluate the petition.

(B) Findings of Fact

The plan commission may grant a subdivision waiver if, after a public hearing, it makes written findings of fact based upon the evidence presented to it in each specific case, that:

i. The granting of the subdivision waiver shall not be detrimental to the public safety, health, or general welfare, or injurious to other property; and
ii. The conditions upon which the request for a subdivision waiver is based are unique to the property for which the subdivision waiver is sought and are not applicable generally to other property; and
iii. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out (financial hardship shall not constitute grounds for a waiver); and
iv. The subdivision waiver shall not in any manner vary the provisions of the development standards, comprehensive plan, or thoroughfare plan.

(C) Exception

Due to the specialized nature of the following, the plan commission may permit modifications to the standards and procedures of this UDO as may be warranted; and such modifications need not comply with subsections (B)ii or (B)iii above.

i. Subdivisions not involving any new streets;
ii. Commercial or industrial subdivisions;
iii. Cemetery plats; and
iv. Condominium plats.

(D) Decision

The plan commission shall:

i. Approve the petition;
ii. Approve the petition with conditions and/or commitments;
iii. Deny the petition; or
iv. Continue the petition to a definite future meeting date.

(E) Signatures[925]

i. If the waiver or modification is approved or approved with conditions, the findings of fact shall be signed by the president of the plan commission.
ii. If the waiver or modification is denied, the findings of fact shall be signed by the president of the plan commission and the staff shall furnish the petitioner with a copy of the plan commission's decision.

(4) Duration[926]

(A) A secondary plat petition reflecting an approved waiver or modification shall be filed not later than 12 months after the date of approval of the primary plat, otherwise the subdivision waiver approval shall be considered void.

[925] Wording revised and reordered for clarity.
[926] Wording revised for clarity and internal consistency.

(B) One extension of up to six months may be authorized by the planning and transportation director for good cause shown. The petitioner shall submit the request for extension in writing to the planning and transportation director, and the planning and transportation director shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the subdivision waiver record.

20.06.070 Plan and Ordinance Amendments

(a) Comprehensive Plan Amendment[927]

The following procedure is established for review and amendment of the comprehensive plan.

(1) The plan commission may recommend and the common council may determine the appropriate interval for a review, but such review should be conducted once every four years.

(2) Amendments to the comprehensive plan shall proceed pursuant to Indiana Code § 36-7-4, Series 500.

(b) Zoning Map Amendment[928]

(1) Purpose[929]

The zoning map amendment procedure is intended to provide a mechanism for the city to consider a petition for the rezoning of real property within the jurisdictional area of the plan commission and to ensure that the statutory requirements established in the Indiana Code for the zoning of real property are met.

(2) Applicability

The zoning map amendment procedure applies to all proposals requesting to change the zoning district classification of a parcel of real property to a different zoning district classification. This procedure does not include changing the zoning classification of a parcel to a planned unit development, which is governed by Section 20.06.070(c) (Rezoning to Planned Unit Development).

(3) Zoning Map Amendment Review Process

Figure 6.07-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to zoning map amendment review. Additions or modifications to the common review procedures are noted below.

Figure 6.07-1: Summary of Zoning Map Amendment Procedure

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

[927] From current 20.01.420(c).
[928] From current 20.09.090 and 20.09.160.
[929] Reworded and simplified.

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).[930]

(B) Petition Submittal and Processing

The zoning map amendment petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

i. The zoning map amendment petition shall be scheduled for a public hearing before the plan commission and common council, and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

ii. Mailed notice shall not be required if the plan commission or common council initiate a petition to repeal and replace the zone maps for all or substantially all of the planning jurisdiction.[931]

(E) Review and Decision

i. Plan Commission Review and Recommendation

The plan commission shall review the zoning map amendment petition and shall forward its recommendation to recommendation to the common council in accordance with Section 0 (

1. Review and Decision), based on the approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the following specific approval criteria:
   [a] The recommendations of the comprehensive plan;
   [b] Current conditions and character of structures and uses in each zoning district;
   [c] The most desirable use for which the land in each zoning district is adapted;
   [d] The conservation of sensitive environmental features;
   [e] The conservation of property values throughout the jurisdiction; and
   [f] Responsible development and growth.
2. The plan commission shall forward the petition to the common council with:
   [a] A favorable recommendation;
   [b] A favorable recommendation with conditions and/or commitments;
   [c] A negative recommendation;
   [d] No recommendation; or
   [e] Continue the petition to a definite future meeting date.
3. If the petition has not been continued, the plan commission shall certify and forward the petition to the common council.

ii. Common Council Review and Decision

1. The common council shall act on the petition within 90 days of certification by the plan commission in accordance with Indiana Code 36-7-4-608.
2. Commitments may be allowed or required as part of a proposal to amend the zoning map under Indiana Code 36-7-4-608 and this UDO.

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

[930] New.
[931] From current plan commission rules and procedures Article IV(B)(2).

i. **Effect of Approval of the Amendment**

1. When an amendment of the official zoning map is approved, such amendment shall be incorporated into the official zoning map in the geographic information system maintained by the city.
2. For zoning map amendments located adjacent to public streets, all required right-of-way shall be dedicated in compliance with the transportation plan. Such dedication shall take place within 180 days of approval of the zoning map amendment. The 180 day time limit may be extended by the planning and transportation director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the city.

ii. **Automatic Termination of Commitments**

A commitment made in connection with a zoning map amendment approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(c) Rezoning to Planned Unit Development (PUD)[932]

(1) Purpose[933]

The rezoning to a planned unit development (PUD) procedure is established to achieve greater flexibility than allowed by the strict application of this UDO, while providing greater benefit to the city, and to ensure efficient provision of services and utilities and that the statutory requirements established in the Indiana Code 36-7-4-1500 et seq are met. The PUD procedure shall not be used when a conditional use permit, variance, minor modification, or rezoning to an existing base zoning district could achieve a similar result.

(2) Applicability

This procedure applies to new planned unit development (PUD) proposals, and to any proposed amendment to an existing planned unit development that would affect either the text of the PUD district ordinance or the general layout of any element of the preliminary plan.

(3) Rezoning to Planned Unit Development (PUD) Review Process

Figure 6.07-2 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to rezoning to planned development (PUD) review. Additions or modifications to the common review procedures are noted below.

Figure 6.07-2: Summary of Rezoning to Planned Unit Development (PUD) Procedure

[932] From current 20.04.080 and 20.04.090. We have consolidated the current PUD procedures into this section.
[933] Replaces current 20.04.080(a).

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

ii. A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

iii. A pre-submittal neighborhood meeting shall be held in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).[934]

(B) Petition Submittal and Processing

The rezoning to a planned unit development (PUD) petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. PUD Plan Required[935]

A petition for rezoning to a PUD shall include submittal requirements as specified by the Director, which shall include a PUD plan. Approval of the PD plan is required prior to approval of a development permit in a PUD district.

ii. PUD Plan Contents[936]

The submittal requirements and specifications for the PUD plan shall be established in the Administrative Manual.

iii. Petition[937]

A petition for a planned unit development shall not be considered complete until all information and documentation required by this subsection and the Administrative Manual has been submitted and all meetings required by 20.06.070(c)(3) have been completed.

(C) Staff Review and Action

i. PUD District Ordinance and Preliminary Plan

The planning and transportation director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

ii. Final Plan

1. The plan commission may, by rule, delegate to staff authority to review final plans. If authority is delegated to staff, the planning and transportation director shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section20.06.070(c)(4).
2. Staff may allow or require the owner to make a written commitment, and shall have all powers and duties of the plan commission under this section except the power to approve modification or termination of a commitment.
3. Minor Deviations from Preliminary Plan

   If the planning and transportation director finds the final plan proposes minor deviations from the approved preliminary plan that do not require a PUD district ordinance amendment or a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i, and that do not change the concept or intent of the development, he or she may review and approve or deny the final plan without public notice or a public hearing, as authorized by rule of the plan commission. The

[934] New.
[935] New.
[936] This new language replaces the detailed list of submittal requirements that have been moved to an administrative manual.
[937] Did not carry forward current 20.04.080(d) and 20.04.090(d); this content has been relocated to an Administrative Manual outside of the UDO.

planning and transportation director's decision is subject to appeal under Section 20.06.070(c)(3)(E)ii.4.

4. Determination that Amendment is Required

[a] If the planning and transportation director finds the final plan proposes changes to the approved PUD district ordinance, or deviations from the approved preliminary plan that require a preliminary plan amendment pursuant to Section 20.06.070(c)(3)(E)i, he or she shall not approve the final plan, but shall notify the petitioner that a PUD amendment is required pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

[b] If the petitioner disagrees with the planning and transportation director's determination, he or she may request that the plan commission review the final plan and determine whether such amendment is required. Such request shall be submitted in writing to the planning and transportation department not later than 14 days after the planning and transportation director's determination is made.

[c] The plan commission procedure upon such review shall be the same as for an appeal under Section 20.06.070(c)(3)(E)ii.4. If the plan commission determines that no amendment to the PUD district ordinance or preliminary plan is required, the plan commission shall review and act upon the final plan. In this case, the plan commission decision shall be final and appealable pursuant to Indiana Code 36-7-4-1016.

[d] If the plan commission determines that an amendment is required pursuant to under Section 20.06.070(c)(3)(E)ii.4, the plan commission shall review the proposal as a PUD amendment petition and shall forward a recommendation to the common council, pursuant to the procedures for approval of a new PUD district ordinance or preliminary plan.

iii. Scheduling and Notice of Public Hearings

1. PUD District Ordinance and Preliminary Plan

The rezoning to a planned unit development (PUD) petition shall be scheduled for a public hearing before the plan commission and common council, and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

2. Final Plan

The final plan petition shall be scheduled for a public hearing before the plan commission, and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings) when:

[a] The plan commission recommends denial of the PUD district ordinance and preliminary plan; or

[b] The plan commission provides no recommendation on the PUD district ordinance and preliminary plan and the common council approves the PUD district ordinance and preliminary plan.

(D) Review and Decision

i. PUD District Ordinance and Preliminary Plan

1. Plan Commission Review and Recommendation

The plan commission shall review the rezoning to a planned unit development (PUD) petition and shall forward its and shall forward its recommendation to the common council in accordance with Section 0 (

Review and Decision), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4) below.

[a] The plan commission shall forward the petition to the common council with:

i. A favorable recommendation;

ii. A favorable recommendation with conditions and/or commitments;

iii. A negative recommendation;

iv. No recommendation; or

v. Continue the petition to a definite future meeting date.

[b] If the petition has not been continued, the plan commission shall certify and forward the petition to the common council.

[c] Changes by Plan Commission

i. The plan commission may vote to favorably recommend a proposal with changes to the PUD district ordinance or to the preliminary plan if the petitioner agrees in writing to the changes. If the petitioner is unable to respond to the proposed changes prior to the vote, then such motion and vote shall be in the alternative: either for favorable recommendation, with the changes, contingent upon the petitioner's acceptance of the changes in writing within 10 days of the plan commission's approval, or, in the alternative, if the petitioner fails to accept the changes in writing within said specified time, the plan commission's motion and vote shall be to continue the petition to the next plan commission meeting.

ii. The plan commission shall permit the petitioner to comment upon changes to the PUD district ordinance or to the preliminary plan made by the plan commission after a motion to approve with changes is made but prior to the vote, and the plan commission may amend its motion accordingly.

[d] Revisions

Following plan commission approval, the petitioner shall submit revised copies of the PUD district ordinance and preliminary plan that address the comments, concerns, and conditions of approval of the plan commission. The petitioner shall refer to the petition form to determine the format and number of copies of the revised plans to deliver to the planning and transportation department.

2. **Common Council Review and Decision**

[a] The common council shall vote on the proposal within 90 days after the plan commission certifies the proposal in accordance with Indiana Code 36-7-4-608.

[b] If the plan commission has given the proposal a favorable recommendation and the common council fails to act on the proposal within 90 days, the ordinance codified in this chapter takes effect as if it had been adopted (as certified) 90 days after certification.

[c] If the plan commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the common council fails to act on the proposal within 90 days, the proposal is defeated.

[d] The common council may adopt or reject the proposal and may also exercise powers set forth under the Indiana Code 36-7-4-1500 Series and this section. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments under Indiana Code 36-7-4-608.

ii. **Final Plan**

When the plan commission is the final review authority for a final plan, the plan commission shall review the petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6) (Approval Criteria) and the specific approval criteria in Section 20.06.070(c)(4).

(E) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

i. Preliminary Plan

1. Effect of Approval

[a] When a PUD district ordinance and preliminary plan for a planned unit development have been approved by the common council, the PUD district ordinance and preliminary plan shall become effective and its location shall be shown on the official zoning map. The official zoning map shall be amended to designate the site as a PUD zoning district.

[b] For PUDs located adjacent to existing public streets, all required right-of-way for such public streets shall be dedicated in compliance with the transportation plan. Such dedication shall take place within 180 days of approval of the PUD district ordinance. The 180 day time limit may be extended by the planning and transportation director, but not unless the requirement is clearly specified in a recordable zoning commitment approved by the city.

[c] Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD district ordinance and preliminary plan, subject to approval of a final plan.

[d] No permit of any kind shall be issued until the final plan has been approved.

2. Duration

[a] Abandonment

The preliminary plan shall be considered abandoned if, three years after the approval of the preliminary plan by the common council, no final plan approval has been granted for any section of the planned unit development. In such cases, the plan commission shall determine if the preliminary plan should be extended for a period up to a maximum of 180 days. If no extension is sought for the planned unit development, and the three-year period since common council approval has elapsed, the plan commission may initiate a proposal to rezone the area designated as a planned unit development to an appropriate zoning district. Any such rezoning shall follow the process provided in Section 20.06.070(b) (Zoning Map Amendment). The owner or owners of any property proposed to be rezoned by the plan commission under the provisions of this subsection shall be notified at least twenty-one days in advance of the plan commission public hearing on the proposed rezoning.

[b] Review

If, 10 years after the approval of the preliminary plan by the common council, final plan approval has been granted for one or more sections of the planned unit development, but sections of the planned unit development remain without approved final plans, the plan commission may, on its own initiative, make a recommendation to the common council to rezone those portions of the planned unit development that do not have approved final plans to an appropriate zoning district.

3. Changes or Amendments

[a] PUD District Ordinance

Amendments to the PUD district ordinance shall follow the procedure for creating a new PUD district ordinance pursuant to this Section 20.06.070(c).

[b] Preliminary Plan

To the extent that a preliminary plan is a conceptual and general rendering of a proposed development conforming to the PUD district ordinance, a final plan may deviate from the approved preliminary plan in some respects without necessitating an amendment to the preliminary plan. However, any deviation from an approved preliminary plan that alters the concept or intent of the planned unit development shall be subject to the procedure for approval of a new preliminary plan. The plan commission may require that a petition for

preliminary plan amendment encompass the entire planned unit development. Deviations that require a preliminary plan amendment include, but are not limited to, the following:

i. Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;

ii. Increases in residential density;

iii. More than a 10 percent change to the proportion of housing types;

iv. Substantial increase in the cube of a building;

v. More than a one percent reduction of proposed open space;

vi. Changes in functional uses of open space, where such change constitutes an intensification of open space usage;

vii. Substantial change in the ratio of off-street parking spaces to use;

viii. Substantial changes in standards, continuity, or general location of roads, utilities, or stormwater management features; or

ix. Substantive changes in the covenants, conditions and restrictions, or other governing agreements, that affect any matter regulated by this UDO.

ii. Final Plan

1. Effect of Approval

[a] No permit of any kind shall be issued for any purpose within a planned unit development zoning district except in accordance with the approved final plan. Any material deviation from the final plan is subject to appropriate enforcement action.

[b] No permit of any kind shall be issued until the final plan has been approved.

2. Duration

[a] Abandonment

The final plan shall be considered abandoned if no grading permits or building permits have been obtained and are still valid for the area contained in the final plan within three years after final plan approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this UDO.

[b] Extension

An extension, not to exceed 12 months, may be granted by the plan commission for good cause shown. The plan commission may grant one 12-month extension.

3. Changes or Amendments

[a] Minor Changes

The planning and transportation director may approve minor changes to an approved final plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by rule of the plan commission. Such decisions shall be subject to appeal pursuant to Section 20.06.070(c)(3)(E)ii.4. This shall include the following:

i. Minor changes in the location and siting of buildings and structures;

ii. Changes in height of less than one story, but not over eight feet in any case;

iii. Minor changes to an approved landscape plan that do not alter the general concept or screening effectiveness of the landscaping;

iv. Minor changes to the internal street system and off-street parking areas; and

v. Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD district ordinance and preliminary plan in that general location.

vi. Changes of less than ten percent of the gross floor area of an approved building.

[b] Major Changes

The following changes shall require a new final plan, provided that this subsection [b] shall not be interpreted to allow any change that would otherwise require an amendment to the PUD district ordinance and/or the preliminary plan:

i. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;

ii. Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of Section 20.04.030 (Environmental), or other such development or design standards in the PUD district ordinance;

iii. Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways; and/or

iv. Any reduction in aesthetic treatment.

4. **Appeal to Plan Commission**

Interested parties, as defined in Section 20.06.040(e)(2)(D) (Notice to Interested Parties), affected by the decision of the planning and transportation director upon review of a final plan may within five days of such decision request that the plan commission review the planning and transportation director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the plan commission rules of procedure. The plan commission may affirm, reverse, or modify the planning and transportation director decision.

5. **Revisions**

Following final approval, the petitioner shall submit revised copies of the final plan that address the comments and concerns of the staff. The petitioner shall refer to the final plan petition form to determine the format and number of copies of the revised plans to deliver to the planning and transportation department.

iii. Automatic Termination of Commitments

A commitment made in connection with the adoption of a PUD district ordinance or PUD final plan approval terminates automatically if, after adoption of the petition, the zoning district applicable to the area involved in the proposal is changed.

(4) Approval Criteria for Rezoning to a Planned District (PUD)

In their consideration of a PUD district ordinance and preliminary plan, the plan commission and common council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific planned unit development proposal.

(A) The extent to which the proposed preliminary plan meets the requirements, standards, and stated purpose of Section 20.02.050 (Planned Unit Development Districts).

(B) The extent to which the proposed preliminary plan departs from the UDO provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.

(C) The extent to which the planned unit development meets the purposes of this UDO, the comprehensive plan, and any other adopted planning objectives of the city. Any specific benefits shall be specifically cited.

(D) The physical design of the planned unit development and the extent to which it:

i. Makes adequate provision for public services;

ii. Provides adequate control over vehicular traffic;

iii. Provides for and protects designated common open space; and

iv. Furthers the amenities of light and air, recreation and visual enjoyment.

(E) The relationship and compatibility of the proposed preliminary plan to the adjacent properties and neighborhood, and whether the proposed preliminary plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

(F) The desirability of the proposed preliminary plan to the city's physical development, tax base and economic well-being.

(G) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

(H) The proposal preserves significant ecological, natural, historical and architectural resources.

(I) The proposal will not be injurious to the public health, safety, and general welfare.

(J) The proposal is an effective and unified treatment of the development possibilities on the PUD site.

(d) Zoning Text Amendment[938]

(1) Purpose[939]

The zoning text amendment procedure is intended to provide a mechanism for the city to consider a petition for an amendment to the text of this UDO and to ensure that the statutory requirements established in the Indiana Code for amending the ordinance text are met.

(2) Applicability

The zoning text amendment procedure applies to all proposals requesting to change the text of this UDO.

(3) Zoning Text Amendment Review Process

Figure 6.07-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to zoning text amendment review. Additions or modifications to the common review procedures are noted below.

[938] From current 20.09.360.
[939] Reworded and simplified.

Figure 6.07-3: Summary of Zoning Text Amendment Procedure

(A) Pre-Submittal Activities

A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing

i. Only the members of the common council or the plan commission shall have standing to initiate a proposal to amend the text of this UDO.

ii. The staff shall prepare the proposal upon the direction of either the plan commission or the common council. The staff shall prepare the proposal so that it is consistent with Indiana Code § 36-7-4-601.

(C) Staff Review and Action[940]

The planning and transportation director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

Within 60 days of initiating a proposal to amend the text of this UDO or of receiving a proposal from the common council, the zoning text amendment petition shall be scheduled for a public hearing before the plan commission and common council, and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

i. Plan Commission Review and Recommendation

The plan commission shall review the zoning text amendment petition and shall forward its recommendation to recommendation to the common council in accordance with Section 0 (

1. Review and Decision), based on the specific approval criteria in Section 20.06.070(d)(4).
2. The plan commission shall certify and forward the proposal to the common council with:
   - [a] A favorable recommendation;
   - [b] A negative recommendation;
   - [c] No recommendation; or
   - [d] Continue the proposal to a definite future meeting date.

[940] Did not carry forward current 20.09.360(d); this content has been relocated to an Administrative Manual outside the UDO.

ii. **Common Council Review and Decision**

The common council shall vote on the proposal within 90 days of certification by the plan commission in accordance with Indiana Code § 36-7-4-607, which governs whether the proposal is adopted or defeated.

(F) Post-Decision Actions and Limitations

If the proposal is adopted by the common council pursuant to Indiana Code § 36-7-4-607, the plan commission shall arrange for the inclusion of the amended text in this UDO printed by the city.

(4) Approval Criteria for Zoning Text Amendment

In reviewing the proposal, the plan commission and common council shall pay reasonable regard to:

(A) The comprehensive plan;

(B) Current conditions and the character of current structures and uses in each zoning district;

(C) The most desirable use of land in each zoning district;

(D) The conservation of sensitive environmental features;

(E) The conservation of property values throughout the jurisdiction; and

(F) Responsible development and growth.

20.06.080 Flexibility and Relief Procedures

(a) Minor Modification[941]

Commentary

As recommended in the Diagnosis and Outline, this new procedure provides staff with flexibility to approve minor deviations from certain dimensional or other numeric standards. In addition, it is intended to replace the existing "plat waivers and modifications" procedure; the intent is that this new Minor Modification tool can serve the same purpose, without requiring a separate public hearing as is required now.

The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right. Many communities use such a procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable adjustments to indicate which standards may be adjusted, and to what extent. These numbers are for discussion purposes only and reflect common trends across the country; however, they can be tailored to meet Bloomington's needs.

The section also authorizes the use of modifications to make reasonable accommodations under the Fair Housing Act and for RLUIPA.

This tool does not reference the common procedures; instead, the procedure is proposed to "piggy-back" on a concurrently submitted petition (and using the same decision-maker).

(1) Purpose

The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this UDO where strict application of the UDO would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the UDO. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this UDO and shall not be used to circumvent the variance procedure.

(2) Applicability

(A) Other Incentives are Prerequisite

All available incentives and allowances in this UDO shall be used before a minor modification may be considered, including but not limited to the exceptions in Section 20.04.020 (Dimensional Standards). (For example, a petitioner shall apply all available alternate standards for increased height before applying for a minor modification for increased height.)

(B) Table of Allowable Minor Modifications

A petition for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 6-2: Allowable Minor Modifications.

Table 6-2: Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards[942]	
Parent tract size, minimum	10

[941] New.
[942] Discussion Item: Staff is still discussing whether this minor modifications procedure should apply to for subdivision standards, (which would further reduce the need for a separate plat waiver/modification process).

Table 6-2: Allowable Minor Modifications

Open space required, minimum	5
Block length, minimum or maximum	10
Site Standards	
Lot area, minimum	10
Lot coverage, maximum	10
Lot Dimensional Standards	
Front building setback, minimum	25
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building façade at build-to range, minimum	25
Side building setback, minimum	25
Rear building setback, minimum	25
Encroachment into setback pursuant to Table 4-5	10
Impervious surface coverage, maximum	5
Building Standards	
Density, maximum	5
Primary structure height, maximum	10
Primary structure height, minimum	10
Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 4-6	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaping requirements, minimum	10
Fence or wall height, maximum	15

(C) Reasonable Accommodations Under the FFHA

i. In response to a written petition identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the planning and transportation director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:

1. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than ten percent; or
2. Reduce any off-street parking requirement by no more than one space.

ii. The planning and transportation director may approve a type of reasonable accommodation different from that requested by the petitioner if the planning and transportation director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the planning and transportation director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

(D) Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

The planning and transportation director may grant minor modifications in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the planning and transportation director approve a modification that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this UDO prohibits such use or accessory use, structure, or activity.

(3) Limitations on Minor Modifications

(A) Except when requested as a reasonable accommodation for Fair Housing Act or Religious Land Use and Institutionalized Persons Act purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Chapter 20.04: Development Standards and Incentives.

(B) The minor modification procedure shall not apply to any proposed modification or deviation that results in:

i. A change in permitted uses or mix of uses;

ii. A deviation from building or fire codes;

iii. A deviation from engineering standards;

iv. Requirements for public roadways, utilities, or other public infrastructure or facilities; or

v. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(4) Minor Modification Review Process

(A) Petition Submittal and Handling

A petition for a minor modification shall only be submitted and reviewed concurrently with a petition for a conditional use permit, temporary use permit, site plan review (minor or major), or plat approval (primary or secondary). Each UDO standard in Table 6-2 shall be considered a separate minor modification request as it relates to the approval criteria in Section 20.06.080(a)(5), but multiple modifications may be considered in one minor modification petition.

(B) Review and Decision

i. Where the concurrently reviewed petition requires review and approval by the planning and transportation staff, the planning and transportation director shall review the petition and shall approve, approve with conditions, or deny the modification based on the criteria in Section 20.06.080(a)(5).

ii. Where the concurrently reviewed petition requires review and approval by the plan commission or common council, the commission or council, as applicable, shall review and decide the minor modification petition based on the criteria in Section 20.06.080(a)(5).

(C) Effect of Approval

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

(D) Expiration of Minor Modification

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

(5) Minor Modification Approval Criteria

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

(A) Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;

(B) Is not necessitated by the petitioner's actions; and

(C) Is of a technical nature and is required to compensate for an unusual site condition or to protect a sensitive resource, natural feature, or community asset.

(b) Variance[943]

Commentary
We have consolidated the development standards variance and the use variance procedure and renamed it "variance" because they are both currently evaluated using the same process. We have called out specific review criteria for each type of variance within this unified procedure. The Diagnosis and Outline suggested taking a closer look at whether the use variance procedures should be carried forward or removed as part of this UDO update. Clarion recommends that the use variance procedure be removed because they are generally not needed in light of current approaches to conditional uses, development standard variances, minor modifications, and nonconformities.

(1) Purpose[944]

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

(2) Applicability

(A) The board of zoning appeals or hearing officer, in accordance with the procedures established in this UDO, may grant variances from the development standards and use regulations applicable to the zoning district in which the subject property is located.

(B) It is not within the jurisdiction of the board of zoning appeals or hearing officer to grant development standards variances of Chapter 20.05: Subdivision Standards.

(3) Variance Review Process

Figure 6.05-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to variance review. Additions or modifications to the common review procedures are noted below.

Figure 6.08-1: Summary of Variance Procedure

(A) Pre-Submittal Activities

i. A pre-submittal meeting shall be held in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

[943] From current 20.09.130 and 20.09.140.
[944] Reworded and simplified. Replaced "substantial justice" with "avoid unnecessary hardship."

ii. Petitions subject to review and decision by the hearing officer shall not require a development review committee meeting.

iii. For petitions subject to review and decision by the zoning board of appeals, a development review committee meeting may be required at the discretion of the planning and transportation director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).

(B) Petition Submittal and Processing

The variance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action[945]

The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).

(D) Scheduling and Notice of Public Hearings

The variance petition shall be scheduled for a public hearing before the board of zoning appeals or hearing officer and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

(E) Review and Decision

The hearing officer or board of zoning appeals shall review the variance petition and approve, approve with with conditions or commitments, or deny the petition in accordance with Section 0 (
Review and Decision), based on the following approval criteria.

i. Development Standards Variance

Pursuant to Indiana Code 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

1. **General Approval Criteria**

[a] The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and

[b] The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and

[c] The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.

2. **Determinate Sidewalk Variance Approval Criteria**

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

[a] That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or

[b] That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or

[c] The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or

[945] From current 20.05.023. Did not carry forward last two sentences of 20.05.023(a) as these standards are covered in the common review procedures.

[d] The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or

[e] Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

ii. Use Variance

Pursuant to Indiana Code 36-7-4-918.4, the board of zoning appeals or the hearing officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

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

iii. Commitments[946]

1. The zoning board of appeals or hearing officer may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).
2. Upon approval of a determinate sidewalk variance, the planning and transportation department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe County Recorder's Office before a certificate of zoning compliance is issued.
3. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the board of zoning appeals.

(F) Post-Decision Actions and Limitations

i. Effect of Approval

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

ii. Signature and Notice

1. The findings of fact shall be signed by the chair of the board of zoning appeals or the hearing officer.
2. The staff shall furnish the petitioner with a copy of the decision of the board of zoning appeals or hearing officer.

[946] Replaces current 20.09.100.

iii. Duration

Unless otherwise specified at the time of approval, any variance granted by the board of zoning appeals or hearing officer shall expire:

1. In cases where new construction or modifications to an existing structure are required, three years after the date that the variance was granted, unless a building permit has been obtained and construction of the structure or structures has commenced; or
2. In cases where new construction or modifications to an existing structure are not required, three years after the date that the variance was granted, unless a certificate of occupancy has been obtained and the use commenced; or
3. At the date of termination as established by the board of zoning appeals or hearing officer as a condition or commitment if different from (iii)(1) or (iii)(2) above.

(c) Administrative Interpretation[947]

Commentary
This procedure is based on current Section 20.09.340 (Administration Interpretation) and has been substantially updated to allow interpretations of this UDO beyond just the interpretation of uses. This expanded range of interpretations includes: UDO text, zoning map boundaries, and use determinations. This revised procedure also allows the traffic and transportation engineer to make determinations regarding the elements of the UDO that are most relevant to their expertise. These revisions are intended to be more clear, objective, and predictable.

(1) Purpose

The administrative interpretation procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this UDO.

(2) Authority

Responsibility for making interpretations of provisions of this UDO is assigned as follows:

(A) The planning and transportation director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this UDO, including, but not limited to: interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDO and other provisions of the Bloomington Municipal Code; interpretations of compliance with a condition of approval; and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district. The planning and transportation director shall also be responsible for interpretations of the zoning district boundaries on the Official Zoning Map.

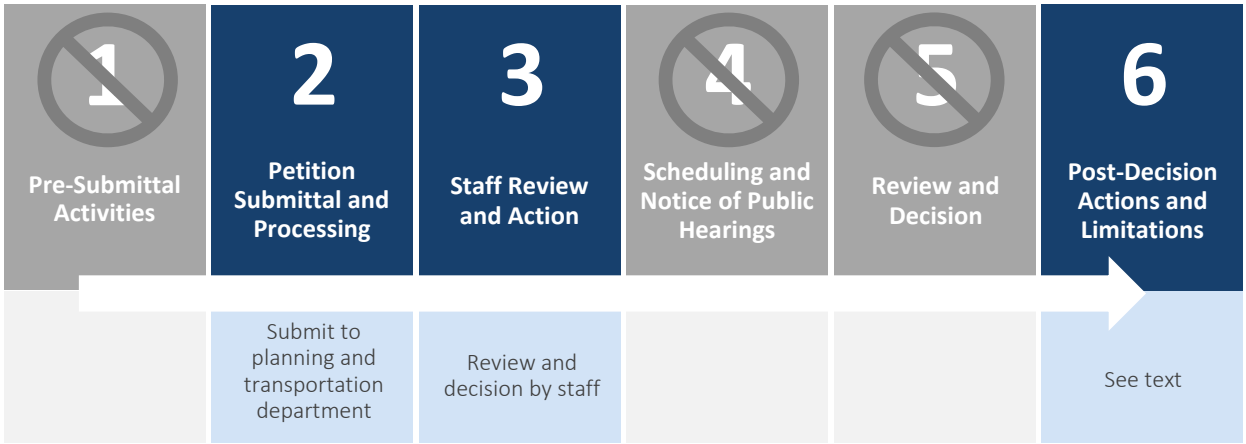
(B) The city engineer shall be responsible for all interpretations of the floodplain and engineering provisions in the text of this UDO.

(3) Interpretation Procedure

Figure 6.08-2 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to administrative interpretation review. Additions or modifications to the common review procedures are noted below.

[947] Replaces current 20.09.340.

Figure 6.08-2: Summary of Administrative Interpretation Review Procedure



(A) Petition Submittal and Processing

i. A request for administrative interpretation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

ii. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

(B) Staff Review and Action[948]

The planning and transportation staff or traffic and transportation engineer (as applicable) shall review the request for interpretation, shall consult with the city attorney and affected city officials, and shall render a decision based on the following specific approval criteria:

i. General Interpretation[949]

The interpretation shall be consistent with:

1. The purposes of this UDO; and
2. The purposes of the zone district (and overlay district(s), if applicable) in which the property is located; and
3. If the interpretation is based on the meaning of specific words that are not defined in this UDO, adopted city regulations, or the Indiana Code, with common use of words in the English language; and
4. Prior interpretations of the UDO on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria 1 through 3 above.

ii. Use Interpretation

1. The planning and transportation director shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.
2. When determining the level of permission or associated use-specific standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.

[948] Did not carry forward 20.09.120(e)(9). Specific approval criteria have been divided into two categories (1) general interpretations and (2) use interpretations. The Use interpretation criteria from Chapter 20.03 Use Regulations have been relocated to this section.
[949] New.

3. The planning and transportation director shall consult with the city attorney and affected city officials before rendering the interpretation.

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations), shall apply, with the following modifications:

i. Notice

1. The planning and transportation director shall inform the petitioner in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.
2. The decision shall be in the form of a written interpretation and shall be made available to the public.

ii. Effect of Approval

1. The interpretation shall be binding on subsequent decisions by the planning and transportation director, traffic or transportation engineer, or other city administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the board of zoning appeals or a court of law.[950]
2. No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the city.[951]
3. A land use determination finding a particular use to be permitted, or allowed as a conditional use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.

iii. Official Record of Interpretations

The planning and transportation department shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

iv. Board of Zoning Appeals

The board of zoning appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the planning and transportation director or traffic and transportation engineer acting pursuant to his or her authority and duties under this UDO.

(4) Criteria for Interpretations

(A) Text Provisions

Interpretation of text provisions and their petition shall be based on the standards in Section 20.04.020 (Dimensional Standards), and the following considerations:

i. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Chapter 20.07: Definitions, and by the common and accepted usage of the term;

ii. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;

[950] Revised to include "traffic or transportation engineer." Revised to allow exceptions when the decision-making body makes a different interpretation, or the UDO is amended.
[951] Did not carry forward specific list of petition types.

iii. The general purposes served by this UDO, as set forth in Section 20.01.020 (Purpose); and

iv. Consistency with the comprehensive plan.

(B) Zoning Map Boundaries

Interpretation of zoning district boundaries on the official zoning map shall be in accordance with the standards in Section 20.02.010 (Zoning Districts Established), and consistent with the comprehensive plan.

(C) Use Regulations

Interpretations of land use determinations shall be based on the following considerations:

i. Any listed use defined in Chapter 20.07: Definitions, shall be interpreted as defined in that section;

ii. No land use determination shall authorize any use in any zoning district unless evidence is presented demonstrating that it will comply with the general zoning regulations established for that particular zoning district;

iii. No land use determination shall authorize any use in a particular zoning district unless such use is substantially similar to other uses specifically listed as permitted or conditional in such zoning district and is more similar to such uses than to other uses listed as permitted or conditional in another zoning district;

iv. If the proposed use is most similar to a use allowed only as a conditional use in the zoning district, then any land use determination authorizing such use shall be subject to conditional use approval pursuant to Section 20.06.050(b) (Conditional Use Permit); and

v. No land use determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question, unless such use meets the standard of either (iii) or (iv) above.

(d) Administrative Appeal[952]

(1) Purpose

The administrative appeal procedure is employed by the city in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, hearing officer, staff member, administrative board or other body, except the plan commission, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing of any part of this UDO.

(2) Applicability

(A) An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, hearing officer, staff member, administrative board or other body, except the plan commission, charged with the administration or enforcement of any part of this UDO.

(B) This administrative appeals section shall not apply to fines levied under the authority of Section 20.06.0100 (Enforcement and Penalties). Such fines may be appealed under the procedures specified in Section 20.06.0100 (Enforcement and Penalties).

(3) Administrative Appeal Review Process

Figure 6.08-3 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to administrative appeal review. Additions or modifications to the common review procedures are noted below.

[952] From current 20.09.350.

Figure 6.08-3: Summary of Administrative Appeal Procedure

(A) Petition

An appeal petition shall be submitted and accepted, and may be revised or withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing), with the following modifications:

i. Burden of Proof on Petitioner[953]

The petitioner has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of petition.

ii. Time Limit

An administrative appeal shall be filed with the planning and transportation department within five days of the order, requirement, decision, or determination that is being appealed.

iii. Stay of Proceedings[954]

An appeal stays all proceedings from further action unless the planning and transportation director determines that a stay would create adverse impacts to the health, safety, or welfare of the city or neighborhood.

iv. Stop Work Order

When an appeal from the decision of an administrative official or body has been filed, the planning and transportation director may issue a stop work order on the premises affected.

(B) Staff Review and Action[955]

The planning and transportation staff shall review the petition and prepare a staff report in accordance with Section 20.06.040(d) (Staff Review and Action) with the following modifications:

i. Staff review shall only confirm that the petition is complete and that the appeal is heard by the appropriate authority.

ii. The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/petitioner.

(C) Scheduling and Notice of Public Hearings

The appeal shall be scheduled for a public hearing before the board of zoning appeals and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

[953] New.
[954] New.
[955] New.

(D) Review and Decision

i. The appropriate decision-making body shall affirm, reverse, or amend a decision or interpretation made by another decision-making body in accordance with the approval criteria in Section 20.06.080(d)(3)(F).

ii. The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.

iii. The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

(E) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

(F) Appeals Approval Criteria

In considering an appeal, the board of zoning appeals shall consider the approval criteria applicable to all petitions in Section 20.06.040(d) (Staff Review and Action), the specific approval criteria in Section 20.06.050 through Section 20.06.080, and shall consider the following:

i. The written statement and supportive material submitted by the appellant;

ii. The record of action supplied by the administrative official or body from which the appeal is taken;

iii. The written and oral testimony of the public;

iv. The testimony of the appellant;

v. The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed; and[956]

vi. The testimony of the administrative official or body from which the appeal is taken.

[956] New.

20.06.090 Nonconformities[957]

Commentary
The content in this section is taken from current Chapter 20.08: Nonconforming Lots, Sites, Structures, and Uses. We have reorganized this content into a more logical and user-friendly structure, beginning with general standard applicable to all nonconformities, then addressing specific standards applicable to nonconforming uses, structures, site features, and signs. Additional revisions are footnoted throughout this section.

(a) Purpose[958]

This Section 20.06.09020.06.090(d), is intended to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this UDO, but that no longer conform to the requirements of this UDO. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this UDO and the goals of the city.

(b) Regulations Applicable to All Nonconformities

(1) Generally

Any lot, site, structure, or land use which does not conform with one or more provisions of this UDO, but which lawfully existed upon the effective date of the provisions of this UDO with which the lot, structure or use does not conform, shall be a lawful nonconforming lot, site, use, or structure within the meaning of this section.

(2) Authority to Continue

A lawful nonconforming lot, site, use, or structure may continue except as provided in this section and in Section 20.01.050(a)(2) (Uses Rendered Nonconforming), and Section 20.01.050(a)(3) (Buildings, Structures, and Lots Rendered Nonconforming).

(3) Determination of Nonconformity Status[959]

The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity.

(4) Certificate of Nonconforming Use[960]

In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a certificate of nonconforming use pursuant to Section 20.06.050(h) (Certificate of Nonconforming Use).

(5) Maintenance and Minor Repair[961]

(A) Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity and that they conform to the building code and other applicable regulations of this UDO. Minor repairs and maintenance include the following:

i. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this UDO;

ii. Maintenance of land to protect against and mitigate health and environmental hazards;

[957] From current Chapter 20.08, with changes as indicated.
[958] Replaces current 20.08.010. This new purpose statement provides more clarity on the intent of these regulations.
[959] New.
[960] From current 20.08.040. Some content has been relocated to the "certificate of nonconforming use" procedure section.
[961] New, unless otherwise noted.

iii. Repairs that are required to remedy unsafe conditions; and

iv. Repairs necessary to comply with current building code requirements.

(B) Normal maintenance and repair does not include the razing of walls to the foundation and rebuilding, nor does it include altering a structure which contains a lawful nonconforming use in any way which results in additional bedrooms or other habitable space. [962]

(6) Change in Ownership or Tenancy[963]

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section 20.06.090 (Nonconformities).

(7) Compliance to the Maximum Extent Practicable[964]

Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the petitioner shall comply with the requirements of this section to the maximum extent practicable, as determined by the planning and transportation director.

(8) Single-Family Detached, Duplex, Triplex, and Fourplexes[965]

(A) A lawful nonconforming use or site feature on a lot where the primary use is a single-family detached, duplex, triplex, or fourplex dwelling may continue except as provided below:

(B) Nonconforming site features shall be brought into compliance when any addition or modification occurs;

(C) Enlargement or modification of an existing driveway shall be subject to Section 20.04.050(c)(3)(C) (Surface Material); and

(D) Changes to nonconforming uses and structures containing nonconforming uses involving occupancy of unrelated adults are subject to Section 20.06.090(c)(4) (Residential Occupancy).

(c) Nonconforming Uses

Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses[966]

(A) A nonconforming use may be extended throughout the same building or structure, provided that:[967]

i. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;

ii. No additional dwelling units shall be permitted in the building;

iii. No additional nonresidential units and/or uses shall be permitted; and

iv. Such extension would not result in a violation of the parking standards pursuant to Section 20.04.060 (Parking and Loading).

(B) Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.

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[962] From current 20.08.130.
[963] New.
[964] New. This is intended to provide more flexibility with the petition of the nonconformity standards.
[965] From current 20.08.060(e). Added duplex, triplex, and fourplex to reflect revised menu of uses. Reworded and reorganized for consistency and clarity.
[966] New.
[967] Replaces current 20.08.050(a). Current standards prohibit any intensification, expansion, enlargement, extension, or relocation of any nonconforming use to another portion of the lot or another part of the structure. We recommend the city provide flexibility in allowing a nonconforming use to expand within the same building subject to specific criteria.

(C) No additional structure not conforming to the requirements of this UDO shall be erected in connection with the nonconforming use of land or structure.[968]

(D) Whenever a nonconforming use of land or a building has been discontinued for a period of one year, future use of land or building shall comply with this UDO.

(2) Change of Use[969]

(A) A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.

(B) A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this UDO.

(C) A lawful nonconforming use which has been abandoned, including a use involving occupancy by four or five adults which has been voluntarily waived and relinquished pursuant to Section 20.06.090(c)(4) (Residential Occupancy), shall not be resumed or replaced by another nonconforming use.[970]

(3) Abandonment of a Nonconforming Use[971]

A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six months, or when the furnishings have been removed and not replaced for a continuous period of six months.

(4) Residential Occupancy[972]

(A) Authority to Continue[973]

In the RE, R1, R2, R3, and R4[974] zoning districts, a nonconforming use involving occupancy of a dwelling unit by four or five adults who are not all related to each other, which was duly registered on or before October 1, 1985, in accordance with Ordinance 85-15; or was duly registered on or before November 1, 1995, in accordance with Ordinance No. 95-21, shall be deemed a lawful nonconforming use which may be continued under this UDO, without further registration, and shall be considered a lawful nonconforming use that may continue only as provided in this section.

(B) Transition from Prior Regulations

i. Where a lawfully existing dwelling unit was lawfully occupied by four or five adults who were not all related to each other on the effective date of this UDO, but becomes nonconforming under this UDO because of being so occupied, the property owner may register such property as a lawful nonconforming use, and if properly and timely registered, such use will be a lawful nonconforming use which may be continued under this UDO without further registration.

ii. Forms for such registration shall be available in the planning and transportation department and shall be completed by the property owner or agent and filed in the planning and transportation department within 180 days of the effective date of this UDO.

iii. For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this UDO, or the predominant lawful use for the preceding five years, whichever is greater.

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[968] From current 20.08.050(c).
[969] Replaces current 20.08.090 and 20.08.050.
[970] From current 20.08.090.
[971] From current 20.08.100(b).
[972] From current 20.08.030.
[973] Consolidated the introductory sentence of 20.08.030 and (a) and (b).
[974] Replaced "single-family zoning district" with references to the specific zoning districts where single-family dwelling are the intended primary use.

(C) Pending or Approved Building Permit[975]

i. When a complete building permit application has been filed with the Monroe County building department, where the proposed structure included a nonconforming use involving a dwelling unit intended for occupancy by four or five adults who are not all related to each other shall be considered a lawful nonconforming subject to the following:

1. The building permit application conforms to all applicable regulations in effect at the time of application;
2. The property owner's intention to accommodate said four or five adults is stated in writing;
3. The property was registered pursuant to this subsection within 180 days of the effective date of this UDO;
4. The property was lawfully eligible for occupancy by four or five adults not all related to each other prior to the effective date of this UDO;
5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete).

ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the city or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.050(b) (Effect of Change in the Law after Filing of Complete).

(D) Abandonment of Residential Occupancy[976]

Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to city staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

(d) Nonconforming Structures

(1) Authority to Continue

A lawfully nonconforming structure may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth in the following provisions. No increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(2) Nonconforming Structures in Regulated Floodplains

(A) Changes to Structures[977]

Any structure or use located in a regulated floodplain shall be governed by the general regulations of this Section 20.06.090 to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed only on a one-time basis and only where:

i. A permit is issued by the Department of Natural Resources for such modifications; and

ii. Such modifications may not increase the value of the structure, excluding the value of land, by more than 40 percent of its pre-improvement market value unless such structure is brought into compliance.

[975] From current 20.08.030(c)(2). Reworded and reorganized for clarity.
[976] Consolidated current 20.08.100(a) and the second sentence of the introduction to 20.08.030.
[977] From current 20.08.080.

(B) Replacement of Structures[978]

A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood elevation; all necessary permits must be obtained from the Department of Natural Resources and all other applicable requirements of state law are met; and that application for a building permit must be made within six months of the date of destruction or removal.

(3) Restoration and Repairs[979]

A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions of this Section 20.06.090 have been met regardless of other regulations in this UDO. Replacement, restoration, and repairs shall conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

(A) Structure Damaged or Destroyed[980]

i. A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the owner or agent makes application for a building permit within six months of the date of destruction or removal.

ii. The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this UDO, to the extent possible and to the extent permitted by building code or other applicable regulation.

(e) Nonconforming Lots[981]

A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (Nonconformities).

(1) All lots legally established and recorded prior to the effective date of this UDO or its subsequent amendments that do not meet the lot area and lot width standards of this UDO shall be deemed a substandard lot, otherwise known as a lawful nonconforming lot of record.

(2) A lawful nonconforming lot of record may be used and developed or redeveloped without compliance with the lot area and lot width standards of this UDO as long as all use restrictions and other development standards of this UDO are met.

(f) Nonconforming Site Features[982]

Commentary

This table below is new and replaces the current standards in 20.08.060(a), (b), (c), and (d). The current thresholds that trigger compliance with the UDO are overly complex and may be difficult to administer. This new approach relies on the thresholds established in the site plan review procedure for determining when nonconforming site features are required to be brought into compliance with this UDO. This table uses an “all or nothing” approach requiring compliance with either “all” or “none” of the respective development standard sections; however, if a more fine-tuned approach is desired, it is possible to include table notes identifying exceptions . For example, if a development requiring minor site plan review is required to comply with landscaping requirements, a table footnote may indicate specific exemptions from standards within the landscape section.

[978] From current 20.08.140.
[979] From current 20.08.110.
[980] From current 20.08.120.
[981] From current 20.08.150, renamed from “nonconforming lots of record.”
[982] From current 20.08.060 with changes as noted.

(1) Authority to Continue

(A) A lawfully nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth Table 6-3.

(B) No increase in the degree of nonconformity with any development standard is permitted except as expressly provided in this Section 20.06.090(f).

(2) Activities That Trigger Compliance

(A) Table 6-3 identifies activities that trigger compliance with specific development standards contained in Chapter 20.04: (Development Standards and Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 6-3 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations.

(B) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 6-3: Nonconforming Site Feature Upgrade Thresholds

✓ = Entire Site Blank cell = Disturbed Areas Only

UDO Standard	UDO Section	Change of Use	New Development	Redevelopment (minor site plan)	Redevelopment (major site plan)
Dimensional standards	20.04.020		✓		✓
Environmental	20.04.030		✓		✓
Drainage and Floodplain	20.04.040		✓		✓
Access and Connectivity	20.04.050		✓		✓
Parking and Loading	20.04.060	✓	✓	✓	✓
Site and Building Design	20.04.070		✓		✓
Landscape, Buffering, and Fences	20.04.080		✓	✓	✓
Outdoor lighting	20.04.090		✓		✓
Signs	20.04.0100	✓	✓	✓	✓

(g) Nonconforming Signs[983]

(1) Generally

(A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area, except as expressly provided in this Section 20.06.090(g).

(B) Ordinary maintenance is permitted, and shall include replacement of supports with different materials or design from the previous supports, but shall not include any increase in the dimensions or numbers of supports.

(C) A lawful nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening or other improvement to any public sidewalk, path, trail, street, road, alley, or other public way or facility, by the city. For purposes of this section, a sign cannot be left in its existing location where it would be within the new public right-of-way;

[983] From current 20.08.070.

or would physically obstruct the public improvements; or, where its location would pose a safety hazard, which shall include but not be limited to being within a redefined vision clearance triangle.

(D) In situations described in subsection (C) above, the sign may be relocated upon the same zoning lot as its original location, if the board or commission with authority to acquire right-of-way in the particular case declines to seek purchase of full sign rights for permanent removal of the sign.

(E) A sign that is relocated under this Section 20.06.090(g)(1) shall be brought into compliance with all development standards in its new location to the extent practicable, as determined by the staff, which may consider the factors listed in 20.06.090(g)(2), among others, in determining practicability.

(2) Practicability of Compliance with Development Standards

In determining the practicability of bringing lawful nonconforming signs into compliance with development standards pursuant to Section 20.06.090(f) (Nonconforming Site Features), the staff may consider the availability of public funds for any required compensation to any person, and/or whether or not waivers have been provided pursuant to Section 20.04.0100(i) (Waiver of Right to Damages).

(3) Repair[984]

Minor changes to a lawfully nonconforming sign shall be permitted only where necessary in order to keep the sign in good and safe repair and operating condition; such changes may include replacement of supports with different materials or design, but shall not include any enlargement to the dimensions of such supports or any increase in the number of such supports.

[984] From current 20.08.130.

20.06.0100 Enforcement and Penalties[985]

(a) Authority

All departments, officials, and public employees of the city that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this UDO of the Bloomington Municipal Code (BMC) and shall issue no permit for any use, building, activity or purpose which would be in conflict with the provisions of this UDO. Any permit issued in conflict with the provisions of this UDO shall be null and void. The planning and transportation director and his or her designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this UDO.

(b) Penalties and Remedies for Violations

(1) For the purposes of this UDO, a violation shall be defined as violation of or failure to comply with:

(A) Any provision or requirement of this UDO; or

(B) Any condition, requirement or commitment established with the approval of a variance, conditional use, site plan, planned unit development, subdivision, certificate of zoning compliance, or other development approval under this UDO; or

(C) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.

(2) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in Section 20.06.0100(e) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

(3) Any violation shall be subject to the penalties and remedies provided in this Section 20.06.0100, and the city shall have recourse to any remedy available in law or equity.

(4) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected. Correction includes, but is not limited to:

(A) Cessation of an unlawful practice;

(B) Removal of a building, structure, or other improvement;

(C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;

(D) Any other remedy specified in this UDO; and/or

(E) Other remedy acceptable to the city.

(5) The city legal department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this UDO or any condition, requirement, or commitment established in connection with this UDO or any development approval hereunder.

(6) In addition to all other penalties and remedies provided for herein, if a building or structure is demolished (which shall include partial demolition) in violation of Section 20.06.050(c) (Demolition Delay Permit), then, for a period of two years following such demolition, no new certificate of zoning compliance authorizing any use or any release of a building or demolition permit shall be issued for any activity upon the lot of record upon which the building or structure was located, or any adjoining lot of record under common ownership or control, except for an approved restoration or replacement of the demolished building or structure, or as otherwise agreed to by the city or ordered by the court in enforcement proceedings. The planning and

[985] From current Chapter 20.10. STAFF: We will revise the numbering system to read 20.06.100 in the Public Draft.

transportation director shall be authorized to execute and record in the county recorder's office a sworn statement containing these restrictions upon the properties affected thereby.

(7) In addition to all other penalties and remedies provided for herein, where the violation is removal of one or more trees contrary to Section 20.04.030(h) (Tree and Forest Preservation), the responsible party shall be required to meet the following requirements:

(A) Replace the removed trees with healthy trees of similar species.

i. The aggregate caliper of replacement trees shall equal the aggregate caliper of removed trees. Determination of total caliper to be replaced shall be made by the planning and transportation director.

ii. The size of replacement trees shall be the largest reasonably available which can either be planted or transplanted from another location.

iii. Replacement trees shall be planted in the same location where the existing trees were removed. If all of the replacement trees cannot be planted in the area where existing trees were removed without endangering their health, an alternative planting location shall be identified, subject to the approval of the planning and transportation director.

(B) Restore the area around the replacement trees, and the original disturbed area if applicable, by backfilling all holes and creating acceptable grade and covering.

(8) In addition to all other penalties and remedies provided for herein, where the violation is disturbance of other environmental constraints as outlined in Section 20.04.030 (Environmental), the responsible party shall be required to meet the following requirements, and no violation shall be deemed corrected for purposes of fining until all required steps are completed:

(A) Submit a remediation plan to the planning and transportation department indicating how the disturbed area shall be restored to its pre-disturbed condition. The planning and transportation director may require the utilization of native seed mixes and native plantings to restore areas to their pre-disturbed condition.

(B) Remediation plans shall be submitted by the responsible party within seven days of receiving notice from the planning and transportation department.

(C) An approved remediation plan must be fully carried out as soon as reasonably possible. A violation shall be deemed corrected as of the date of submission of a remediation plan if such plan is subsequently approved and if such plan is fully carried out as soon as reasonably possible. However, any unreasonable delay in implementation of the plan may result in each day of the period of delay being deemed an additional violation subject to the maximum fine provided for in this UDO.

(9) In addition to all other penalties and remedies provided for herein, the city may refuse to issue any certificate of zoning compliance, certificate of occupancy, or other permit or approval for any use, development, occupancy or other activity upon or concerning any lot or parcel created in violation of Chapter 20.05: Subdivision Standards and/or Section 20.06.060 (Subdivision Procedures) of this UDO. The city may further take legal action to restrain and enjoin further violations, including but not limited to sales or offers of sales of lots or parcels, in violation of Chapter 20.05: Subdivision Standards and/or Section 20.06.060 (Subdivision Procedures).

(10) The remedies provided for in this UDO shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(c) Administration[986]

The planning and transportation director or his or her designee shall maintain a record of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate on a regular basis with citizen complainants about the progress being made in investigating and resolving their

[986] Requirement to maintain a "tabulation" deleted as unnecessary.

complaints; and report to the plan commission on an as-needed basis as to the number and type of complaints and the outcome of each.

(d) Penalty

(1) Any violation of this UDO shall be subject to a civil penalty of not more than $2,500.00 for each such violation, and not more than $7,500.00 for the second and any subsequent violation, in addition to any and all other remedies available to the city, except where a lesser fine is specified herein.

(2) The following violations of this UDO shall be subject to the fines listed in Table 6-4: Summary of Fines for UDO Violations, for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision of this UDO within three years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in subsection (1) above. (For example, a violation that is subject to a $100.00 fine per Table 6-4: Summary of Fines for UDO Violations, will be subject to a $200.00 fine for the second offense, a $400.00 fine for the third offense, and so forth.) A responsible party will be deemed to have violated the same provision for purposes of this subsection where the violations fall under the same section of this UDO or under the same subject matter heading where such heading contains multiple sections.

Table 6-4: Summary of Fines for UDO Violations

UDO Violation	Fine (US Dollars)
Temporary signage without permit	100.00
Parking on unimproved surface	50.00
Temporary use without permit	500.00
Permanent signage without permit	250.00
Change in use without certificate of zoning compliance (CZC)	100.00
Illegal land use	2,500.00
Operation of home occupation without CZC	200.00
Failure to obtain CZC	500.00
Failure to comply with CZC	250.00
Failure to comply with development standards	100.00
Violation of environmental standards	2,500.00
Any other violation	Up to 2,500.00

(e) Enforcement Procedures—Notices of Violation

(1) If the planning and transportation director or his or her designee finds that any violation of this UDO, or has occurred, a notice of zoning violation (NOV) may be issued to the responsible party. Such notices of zoning violation may be further accompanied by additional warnings following the same procedures of this chapter. For purposes of issuing a notice of zoning violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:

(A) The property owner;

(B) Persons with any possessory interest in the property; and

(C) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

(2) The notice of zoning violation (NOV) shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of zoning violation shall state:

(A) The location of the violation;

(B) The nature of the violation;

(C) The date the violation began;

(D) The daily fine assessed for the violation;

(E) Additional remedies the city may seek for violation;

(F) That the fine is paid to the city of Bloomington;

(G) That the notice of violation may be appealed to the board of zoning appeals;

(H) That the fine may be contested in the Monroe County Circuit Courts.

(3) Each item of noncompliance enumerated on the notice of violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the zoning violation commenced.

(4) If the responsible party refuses inspection of the property, the planning and transportation director or his or her designee may obtain an inspection warrant from any court of record in the county in which the property is located.

(5) In addition to issuing a notice of violation (NOV), the planning and transportation director or his or her designee may utilize and/or seek through legal proceedings one or more of the following remedies:

(A) Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred; and/or

(B) Issue a stop work order; and/or

(C) Request the county building department to issue a stop work order and instruct the traffic and transportation engineer to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred;[987] and/or

(D) Draw on a performance or maintenance surety, as necessary, to effect any remedial actions required to abate the violations; and/or

(E) Revoke the permits, certificates and/or approvals that have been violated; and/or

(F) Any and all penalties and remedies listed in Section 20.10.020, Penalties and remedies for violations.

(f) Appeals

(1) Appeals of notices of violation shall be made to the board of zoning appeals as set forth in Section 20.06.080(d) (Administrative Appeal).

(2) Fines levied for zoning violations may be challenged in the Monroe County Circuit Court.

[987] Reference to traffic and transportation engineer is new.

Chapter 20.07: Definitions[988]

This Chapter 20.07: includes definitions for words and phrases used in this UDO. The general rules of interpretation for this UDO are in Section 20.01.040(a) (Rules of Interpretation). Any words or phrases not defined in this Chapter 20.07: shall be given their customary meanings, as determined by the director of planning and transportation.

20.07.010 Defined Words

The following terms shall have the following meanings:

AASHTO

American Association of State Highway and Transportation Officials

Accessory Dwelling Unit (ADU)

See "Dwelling, Accessory Unit."

ADA

The Americans with Disabilities Act.

Adjacent Property[989]

Any property that physically touches a given property. For the purposes of this UDO, properties across a public right-of-way are also considered adjacent.

Affordable Housing

Residential developments with a recorded restriction that requires the housing for a certain minimum number of years to be rented or owned by qualified very low and low-income households.

Agriculture

See "Crops and pasturage."

Amenity Center[990]

A building or facility owned or operated by a corporation, association, person, or persons for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency is required for participation.

Apartment

See "Dwelling, Multifamily."

Architectural Features

Ornamentation or decorative features attached to or protruding from an exterior wall.

Art Gallery, Museum, or Library[991]

A facility or area that is open to the public and is intended for the display, appraisal purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical or scientific value. Accessory uses can include meeting rooms or cafes.

Art, Public

A visual work of art that is permanently displayed in way that it is visible from a public place, street or way. The work of art may include but need not be limited to sculptures, murals, monuments, frescoes, fountains, stained glass, or ceramics.

[988] Definitions have been revised to reflect consolidation of allowed uses and addition of new uses in Table 3-1. Definitions from the existing UDO that are no longer used have been deleted. From current 20.11.020. Did not carry forward "prison," or "waiver, design standards."
[989] Did not carry forward graphic.
[990] New.
[991] Consolidated "art gallery," "museum," and "library."

Artist Studio or Workshop[992]

A facility that includes work or teaching space for one or more artists, artisans, or musicians.

Assisted Living Facility

A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. An "assisted living facility" does not contain equipment for surgical care or for treatment of disease or injury and does not include "nursing or convalescent home."

Awning

A roof-like cover that projects from the wall of a building.

Balcony

An architectural appurtenance located above the first floor that is either entirely unenclosed or covered only by a roof or railing.

Banner

A sign with characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Bar or Dance Club

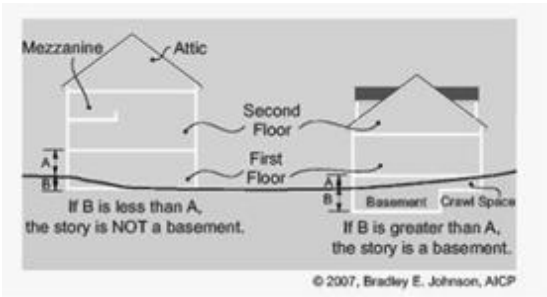
A facility open to the public and characterized by live or televised entertainment, dancing or the serving of alcoholic beverages. Food or packaged alcoholic beverages may be sold but are generally accessory to the primary use.

Base Flood Elevation

That elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every one hundred years, or that is subject to a one percent or greater chance of flooding in any given year.

Basement

That portion of a building that is partly or wholly below grade, as measured four feet from the exterior of the foundation wall, regardless of whether the interior space is finished or unfinished. A basement shall be counted as a story for determining building setbacks if the front exterior wall of the basement facing a street is not completely below grade and each side of the foundation wall facing the side yard is less than fifty percent covered by grade.



Bay Window

A large window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and Breakfast

Means an single-family detached dwelling where transient lodging and meals are provided for compensation, that does not meet the definition of a "hotel/motel," "residential rooming house," or "commercial rooming house."

[992] Renamed from "artist studio" and revised to include musicians.

Berm

A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Bicycle Parking Facility, Class I

Long-term parking facilities that provide a high level of security for long durations (day, overnight, or longer). Class I facilities can include individual lockers, racks in an enclosed, lockable room, or racks or lockers in an indoor area always visible to employees.

Bicycle Parking Facility, Class II

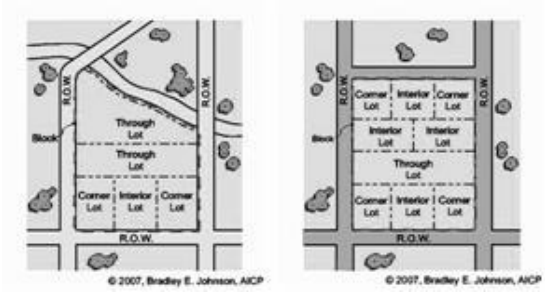
Short-term parking facilities that provide medium level security for relatively short durations (usually two hours or less). These facilities often include stands or racks and allow a user to secure a bicycle frame and one or both wheels to the facility with a lock.

Bike Lane

A portion of the street that has been designated and designed for the exclusive use of bicycles with distinct signage and pavement markings.

Block

Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



Block face

That portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another.

Board of zoning appeals (BZA)

The city of Bloomington advisory board of zoning appeals or any division or designee thereof.

Book Buyback[993]

A use or business that purchases used higher education books.

Bottled Gas Storage or Distribution

A facility that engages in the holding and transportation of bottled gas products.

Brewpub[994]

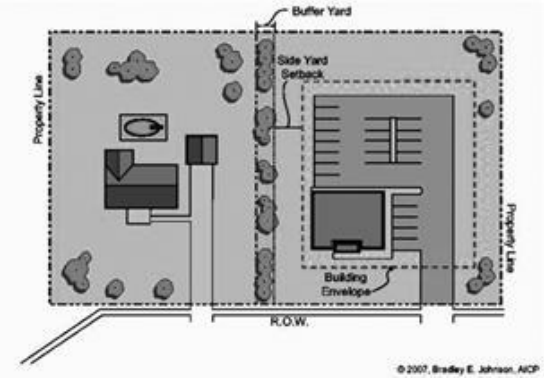
A commercial use that brews ales, beers, meads, and/or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use.

Buffer Yard

An area adjacent to side and rear property lines, measured perpendicularly from adjacent property lines, intended to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each

[993] New.
[994] New.

other. Buffer yards also help to maintain existing vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) rear or side setbacks.



Building[995]

Any structure having a roof supported by columns, walls or air pressure.

Building Base

The street level portion of a building facade. The building base is typically one or two stories tall in height and contains such features as display windows, kick plates, pedestrian entrances and a sign band.

Building Cap

The uppermost portion of a building facade. The building cap is typically located above the uppermost windows and contains a cornice that is integrated with the roof form and downspouts/gutters for stormwater diversion.

Building Code

The Indiana Building Code, which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Middle

The area of the facade of a building between the base and the cap. This area includes evenly spaced and similarly sized windows, as well as balconies and other architectural features.

Building or Structure, Accessory

Means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and that is customarily incidental to the primary building or structure or to the primary use of the land.

Building or Structure, Attached

A building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Building or Structure, Detached

A building or structure that has no structural connection with the primary building or structure or any other building or structure.

Building or Structure, Enclosed

A building or structure that is fully enclosed on all sides by solid walls and a roof that are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

[995] Did not carry forward graphic.

Building or Structure, Lawful Nonconforming

Any building or structure that does not comply with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the building or structure does not comply.

Building or Structure, Primary

A building or structure in which is conducted the primary use of the lot on which it is located.

Building or Structure, Temporary

Any building or structure that is easily moved, without any foundation or footing, or intended to be used for a limited period of time. Temporary buildings or structures include, but are not limited to, tents, trailers, and other temporary structures that are not, and are not legally required to be, erected under the state, city, and county permit processes for permanent buildings.

Building permit

An official document or certification that is issued by the Monroe County building department, after issuance of a certificate of zoning compliance, and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

Building Supply Store

A business establishment that provides materials for sale that is commonly used for building construction purposes.

Build-to line

An alignment establishing a certain distance from the front property line where a building must be constructed.

Business School

See "School, Trade or Business."

Caliper

A trunk diameter measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and measured at 12 inches above the ground for larger sizes.

Canopy

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and serving to provide shelter from the weather or trees.

Carport

A roofed accessory structure not more than fifty percent enclosed by walls for the purpose of providing shelter for one or more motor vehicles.

Cement Production

See "Gravel/sand/cement production."

Cementitious Siding

An exterior building finish that has the shape and appearance of horizontal lap wood siding and is made of a combination of cement, sand, cellulose (wood) fiber, and sometimes clay.

Cemetery or Mausoleum

Property used for interment of deceased persons. Cemeteries may include associated mausoleums, columbaria and chapels. The term does not include "mortuary" or "crematory," except where separately permitted, and does not include a pet cemetery.

Center Line

The midpoint in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic centerline for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one

side of a right-of-way, the original centerline prior to such acquisition shall be considered the centerline for the purposes of this UDO.

Certificate of Appropriateness
A permit issued by the Historic Preservation Commission granting a petitioner approval for the alteration, change, demolition, relocation, excavation, or new construction of a structure within a local historic or conservation district.

Certificate of Occupancy
A certificate issued by the Monroe County building department stating that the occupancy and use of a building or structure complies with the provisions of all applicable Monroe County and city of Bloomington codes and ordinances.

Certificate of Zoning Compliance (CZC)
Improvement location permits as authorized by the Indiana Code § 36-7-4-800 Series. A certificate issued under this UDO prior to permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any lot, building, structure or sign within its jurisdiction, or permitting a person to change the condition of the land or the use.

Changeable Copy
A sign that displays words, lines, logos, or symbols that can be easily changed to provide different information without altering the face or surface of such sign.

Channelized Runoff
Water runoff that would have naturally flowed over and through the soil, deflected to and moved through an artificial open channel or waterway that eventually makes its way to surface water resources.

Check Cashing[996]
A business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing also includes a facility that provides loans to individuals in exchange for personal checks as collateral. The term "check cashing" does not include a state or federally regulated bank or credit union.

Chicken Flock
As defined in Section 7.01.010 of the Bloomington Municipal Code, as that definition may be amended, which is expressly incorporated into this UDO by reference.

Church
See "Place of Worship."

City
The city of Bloomington, Indiana.

City of Bloomington Survey of Historic Sites and Structures
Those sites and structures listed in the following:

1) The document entitled City of Bloomington Historic Sites and Structures Table, with said table being incorporated into this UDO by reference and made a part thereof, two copies of which are on file in the office of the clerk for the legislative body for public inspection; and
2) Any "contributing" structure listed on the Indiana State Historic Architectural and Archaeological Research Database if said structure is the subject of a request constituting a substantial demolition of the structure as defined in this Chapter 20.07:

[996] New.

Club or Lodge[997]

A nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities. This does not include "fraternity or sorority house."

College

See "School, College or University."

Collocation

A space on an existing or proposed communication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commercial Laundry[998]

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply. Such establishments may also include self-service laundering facilities.

Commercial Rooming House[999]

A residential structure that does not meet the definition of “Bed and Breakfast” or “Hotel or Motel”, in which one or more individual rooms are rented for occupancy by persons for periods of less than 30 consecutive days and in which the owner of the property does not occupy the property as their primary residence.

Commitment

A written document, in recordable form approved by the city legal department, which may include maps, site plans or other exhibits, and that contains the information necessary to effect the provisions of this ordinance or the approval to which the commitment is connected. Commitments are established by the Indiana Code § 36-7-4-1500 Series for establishment of planned unit developments; Indiana Code § 36-7-4-1405 and Indiana Code § 36-7-4-613 for Site Plans; Indiana Code § 36-7-4-921 for variances; and Indiana Code § 36-7-4-608 for amendments to the zoning maps. Commitments shall be recorded in the office of the Monroe County recorder.

Common Area

Any portion of a development that is neither part of a lot or tract nor dedicated to the public and is designed and intended for the common usage, benefit or enjoyment of the residents of the development. These areas include open spaces and may include such other uses as parking lots and complementary buildings or structures. Maintenance of such areas is not the responsibility of the city and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

Common Area Development

A type of development where the lot area includes only the footprint of a building or the footprint and a limited area outside the footprint. The remainder of the area included in the parent parcel is owned in common by a homeowner's association.

Common Council

The common council of the city of Bloomington, Indiana

Communication Facility

Antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other

[997] Renamed from “lodge.” Reworded for clarity and grammatical consistency.
[998] New.
[999] New.

electromagnetic spectrum based transmissions or receptions. The following shall not be considered as "Communications facilities" for the purpose of this definition: satellite reception dishes less than three feet in diameter; wireless communication facilities that are completely located within a primary structure and that operate with the sole purpose of providing communications within that structure; and hand-held wireless communications devices.

Communication Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Community Center

A building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, that is accessible to the general public, and that is not operated for profit.

Community Garden

An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Comprehensive Plan[1000]

The most recently adopted comprehensive plan for the city of Bloomington and its planning jurisdiction including the Transportation Plan, Transportation Plan, and any subsequently adopted subarea plans and amendments thereto, prepared by the plan commission and legally adopted. The plan includes goals, objectives and strategies for land use, growth management, transportation/ thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan is developed and adopted by the plan commission pursuant to the Indiana Code 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval

Stipulations or provisions set forth by the board of zoning appeals, plan commission, or common council required as a prerequisite for approval of a petition.

Conditional Use

A use specifically designated as such in this UDO that, because of its unique characteristics, cannot be properly classified as a permitted use in a particular zoning district and that may be conducted only pursuant to a conditional use approval granted by the board of zoning appeals.

Condominium

The same as the word is defined by Indiana Code Article 32-25, entitled "Condominiums."

Connectivity

The directness of links and the density of connections in the street network. An area with high connectivity has many links, numerous intersections, and minimal dead-ends or cul-de-sacs.

Connector path

A hard surface linkage or shortcut between two destinations that is not accessible by automobiles.

Conservation Areas

The cumulative of all areas required to be maintained for environmental preservation.

[1000] Renamed from "growth policies plan (GPP)." Added "most recently adopted" to avoid confusion with future plans.

Conference or Convention Center[1001]

A facility containing over 20,000 square feet of gross floor area and designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility, and may include eating and drinking facilities.

Construction Support Activities[1002]

A temporary structure used as an office for contractors and builders during construction located at a construction site that serves only as an office until the given construction work is completed. This includes contractor's offices, equipment storage, and portable lavatories.

Continuing Care Retirement Facility[1003]

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally incudes a variety of housing types and provides a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

Contractor's Yard[1004]

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition also includes contractor's office.

Convalescent Home

See "Nursing or convalescent home."

Country Club[1005]

A membership club catering primarily to its membership and invited guests, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, clubhouse and locker rooms. A county club may also include incidental retail sales such as a pro shop and may include dining and catering facilities.

County

Monroe County, Indiana.

Courthouse Square

A geographic area encompassing all buildings facing the Monroe County courthouse. This shall also include buildings located at the southwest corner of College and Kirkwood, the southeast corner of Walnut and Kirkwood, the northeast corner of Walnut and 6th Street, and the northwest corner of College and 6th Street.

Covenant

Private and legal restrictions of various kinds on the use and development of a lot. In the case of public health, safety and welfare, covenants may be required by the plan commission, that are recorded with the plat and deed. Unless specifically agreed to, covenants are not enforceable by the plan commission or its designees, but instead are enforceable in civil court by interested or affected parties.

Crematory

A facility containing apparatus intended for use in the act of cremation of deceased persons.

Crops and Pasturage

Agricultural uses including raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, as defined by this UDO, or livestock products, for the production of income. This shall also include any other horticultural, floricultural or viticultural use, and animal husbandry. Crops include field crops, flowers and seeds, fruits, grains, melons, ornamental crops and vegetables. Livestock products include milk, butter, cheese, eggs, meat, fur,

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[1001] New.
[1002] Replaces current definition for "contractor's office." Last sentence is new.
[1003] New.
[1004] Renamed from "building trade shop." Replaces current definition.
[1005] Requirements for a "chartered" and "nonprofit" organization were deleted.

and honey. This does not include feed lots, forest management and timber harvesting activities, noncommercial residential gardens, or the commercial feeding of garbage or offal to swine or other animals.

Cul-de-sac

A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end. A stub street is not a cul-de-sac

Dance Club

See "Bar or dance club."

Day Care Center, Adult

A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a period of less than twenty-four hours per day.

Day Care Center, Adult or Child[1006]

A facility, other than a "child day care home," “assisted living facility,” or “nursing/convalescent home” where children or elderly and/or functionally impaired adults receive care from a provider for a period of less than twenty-four hours per day. The term "day care center" includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education, which shall be included within the definition of "School, Primary/Secondary". The term "day care center" shall include facilities defined as "child care centers" under Indiana Code 12-7-2-28.4 and facilities defined as "child care homes" under Indiana Code 12-7-2-28.6, 12-7-2-33.7, and Indiana Code 12-7-2-33.8 in which child care homes are not the primary residence of the provider. Where required by state law, day care centers shall be and remain licensed by the state, pursuant to Indiana Code 12-17.2 et seq., and shall operate in accordance with their license and all applicable state laws. A "day care center" exempt from state licensing requirements shall provide proof of exemption.

Day Care Home, Adult

Means a residential dwelling unit used as the primary residence of the day care provider where adults receive care from the provider while unattended by a guardian or custodian for a period of less than twenty-four hours per day.

Day Care Home, Child

Means a residential dwelling unit used as the primary residence of the day care provider where children receive care from the provider while unattended by a parent, legal guardian or custodian for a period of less than twenty-four hours per day. A facility shall not be classified as a day care home unless it provides care for no more than sixteen full- or part-time children at any one time. The maximum of sixteen children does not include children of at least seven years of age for whom the provider is a parent, stepparent, guardian, custodian or other relative. The term "child day care home" includes those facilities where fewer than six full and part-time children (excluding any children for whom the provider is a parent, stepparent, guardian, custodian or other relative) receive care from the provider while unattended by a parent, legal guardian or custodian. Where required by state law, child day care homes shall be and remain licensed by the state and shall be operated in accordance with their license and all applicable state laws. A "child day care home" exempt from state licensing requirements shall provide proof of exemption.

Deck

An accessory structure that is typically constructed of wood, elevated from ground level and open to the sky. Decks may be freestanding or attached to a primary structure or building.

Dedication

The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Demolition

The complete removal or destruction of any structure excluding its foundation.

[1006] Revised to include the definition for “day-care center, adult.”

Density
A unit of measurement describing the number of dwelling units per measured acre. This UDO may regulate density by establishing the permitted number of units per acre or the amount of land, measured in square feet or acres, required per individual unit on the resulting lots.

Development Plan, PUD
The name for PUD final plans under the Bloomington Zoning Ordinance effective 1973-1995. See "Final Plan, PUD."

Development Standards
Means height, bulk, density, environmental performance standards, and other standards for development as set forth in this UDO, including landscaping, parking, and other required improvements, excluding those provisions that specifically regulate the use of property.

Diameter at Breast Height (DBH)
The diameter of an existing tree trunk or the cumulative diameter of multiple trunks measured four and one-half feet or 54 inches above natural grade.

Display Window
A window of a store facing onto the street that is used to display merchandise or signage. Display windows typically include a kick plate and are not typically double-hung windows.

Distribution, Warehouse, or Wholesale Facility[1007]
A facility that is used for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, but not involved in manufacturing or production. This does not include “Bottled Gas Storage or Distribution.”

District, Mixed-Use or Nonresidential[1008]
Refers to all zoning districts, including planned unit developments, other than those defined as a "residential district."

District, Residential[1009]
Refers to the RE, R1, R2, R3, R4, RM, RH, and RMH zoning districts and residential portions of planned unit developments.

DNR
The Indiana Department of Natural Resources.

Drip-line
An imaginary line on the soil around a tree that mirrors the circumference of the furthest extension of the branches above.

Drive
A vehicular access to a development site, including private streets or roads and excluding an aisle serving as direct access to a row of parking spaces.

Drive Apron
The driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing a private property.

Drive-through[1010]
A facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

[1007] Consolidated “distribution facility” and “warehouse.”
[1008] Revised to include “mixed-use.”
[1009] Revised to include new line-up of residential districts.
[1010] Replaces current definition.

Drive-through Bay

The portion of a drive-through use or structure, including any awnings, structures, or service windows, where individual vehicles are parked to receive service.

Driveway

A surfaced area intended solely for the purpose of accessing a garage or parking area, other than an aisle serving as direct access to a row of parking spaces

Dwelling, Accessory Unit[1011]

An additional residential dwelling unit, but not a mobile home, camper, or recreational vehicle, that is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Without limiting the generality of the previous sentence, this definition includes a transportable living unit that meets either the applicable City building code or the construction standards of the federal Manufactured Housing Act, contains less than 500 square feet of gross floor area, is mounted on a permanent foundation, and is connected to City utilities as required for other types of dwelling units.

Dwelling, Cottage Development[1012]

A cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings containing less than 500 square feet of gross floor area, commonly referred to as Tiny Homes, provided that each home meets either the Indiana Building Code or the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to city water, sewer, and electric services. This definition shall not include a “Manufactured Home Park”.

Dwelling, Duplex[1013]

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family and has an individual exterior entrance and separate utility meters.

Dwelling, Fourplex[1014]

A single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family and has an individual exterior entrance and separate utility meters.

Dwelling, Live/Work[1015]

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Manufactured Home[1016]

Means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds 950 square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Manufactured Home."

Dwelling, Mobile Home

Any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the

[1011] Second sentence is new to address applicability to Tiny Homes.
[1012] Renamed from “pocket neighborhood.” Revised for grammatical consistency and clarity. Expanded to cover Tiny Homes.
[1013] New.
[1014] New.
[1015] New.
[1016] Revised to clarify difference and remove overlap with definition of Dwelling, Mobile Home.

aid of house moving equipment or other specialized but separate supporting apparatus, and that is not a "Dwelling, Manufactured Home" as defined by this UDO.

Dwelling, Multifamily[1017]

One or more buildings or portion of buildings on a single lot containing that contain five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway. This definition shall not include "Dwelling, Single-family Attached," Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory", or "Dwelling, Accessory Unit".

Dwelling, Short-Term Rental[1018]

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a "Bed and Breakfast," "Residential Rooming House," "Commercial Rooming House," or" Hotel/Motel." This definition does not include offering the use of one's property where no fee is charged or collected.

Dwelling, Single-family Attached[1019]

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

Dwelling, Single-family Detached[1020]

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "Dwelling, Manufactured Home" but does not include "Dwelling, Mobile Home." A single-family detached dwelling may also include an "Accessory Dwelling Unit" if it meets the requirements for that additional use under this UDO.

Dwelling Site

A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling, Triplex[1021]

A single building on a single lot containing three dwelling units under one roof, each of which is occupied by one family and has an individual exterior entrance and separate utility meters.

Dwelling Unit

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "Family"). The dwelling unit shall be characterized by but not limited to:

3) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
4) A single kitchen adequate for the preparation of meals;
5) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one "family" (see definition) shall be constructed and regulated as a "commercial rooming house" (see definition).

[1017] Revised definition from two or more units to 5 or more units to reflect the addition of duplex, triplex, and fourplex use types. Revised language to clarify that each unit may be occupied by no more than one family and that all buildings/units share a single lot. Reference to Student Housing or Dormitory added since Module 1

[1018] New.

[1019] Replaces definition for "Dwelling, Single-family Attached." Did not carry forward language including "Dwelling, accessory unit" in this definition. An accessory dwelling is subordinate to a primary use and should not be considered an attached dwelling unit.

[1020] Reworded for clarity and grammatical consistency and to clarify relationship to ADUs. Revised definition to clarify single-family dwellings require a permanent foundation (standard in current 20.05.017).

[1021] New.

Dwelling Unit Equivalents (DUE)

Establishes a density value for dwelling units based upon the number of bedrooms in the unit. This value shall be applied to the units per acre measurement in order to meet the dwelling unit requirement. Where specifically allowed in this UDO, the following proportions shall be used in calculating the dwelling unit maximums:

1) Five-bedroom unit = 2 units;
2) Four-bedroom unit = 1.5 units;
3) Three-bedroom unit = 1 unit;
4) Two-bedroom unit with less than 950 square feet = 0.66 of a unit;
5) One-bedroom unit with less than 700 square feet = 0.25 of a unit;
6) Efficiency or studio unit with less than 550 square feet = 0.20 of a unit.

Easement

A nonpossessory interest in land granted by a property owner to the city, the general public, a corporation, or other persons for specific purposes including but not limited to the construction of utilities, drainage ways, and streets, or for the protection of natural features.

Easement, Conservancy

An easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for forest, recreational or open space use, and protecting natural resources.

Easement, Drainage

An easement that permits the unobstructed flow of upstream stormwater runoff. A drainage easement may include detention or retention ponds, swales, wetlands or underground pipes, and that allows the city utilities department exclusive access for installation, maintenance, repair or removal of drainage facilities.

Easement, Karst Conservancy

An easement that restricts any land-disturbing activities within a defined area around a surface karst feature and permits the city of Bloomington the right to enter the property to inspect the easement and alter or repair the karst feature.

Easement, Pedestrian

An easement that permits the general public the right to access the easement for purposes of walking, running, bicycling, skating, or utilizing certain classes of nonmotorized vehicles, and grants the city the right to construct, alter, repair, maintain, or remove improvements within the easement area.

Easement, Sanitary Sewer

An easement that allows the city utilities department exclusive access for installation, maintenance, repair, or removal of sanitary sewer facilities.

Easement, Temporary Turnaround

An easement that permits the general public the right to access the easement for purposes of turning a motor vehicle around at the end of a stub street. This easement right is terminated when the road is extended to the adjoining property.

Easement, Transit Facility

An easement that grants the public transit authority the right to construct, alter, repair, maintain, or remove structures to be used for awaiting, boarding, or exiting public transportation, or grants the general public the right to utilize the transit facility easement for the purposes of awaiting, boarding, or exiting public transportation.

Easement, Tree Preservation

An easement that prohibits the removal of any tree over six inches in diameter at breast height within the easement area, and allows the removal of dead and diseased trees that pose a safety risk or impede drainage, only after first obtaining written approval from the planning and transportation department.

Easement, Utility
An easement that allows both private and public utility providers access associated with the installation, maintenance, repair, or removal of utility facilities.

Easement, Waterline
An easement that allows the city utilities department exclusive access for installation, maintenance, repair, or removal of potable water facilities.

Edge Vegetation
Those plants that naturally grow in a transition area between two distinct, but adjoining, plant communities such as those that grow between a forest and an open space, along the edge of the forest.

EIFS[1022]
Exterior insulation and finish system.

Electric Vehicle Charging Facility[1023]
A facility in which electric vehicle charging services are made available to the public or to members for a fee, including structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electronic Reader Board
A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Enlargement
The expansion of any use or structure into or onto any portion of a structure or lot not previously occupied by said use or structure, or increase in any physical dimension of a structure. Also, expansion of a use into any structure floor area not previously occupied by said use. Enlargement includes expansion of a principal use into floor area previously used as an accessory use, such as expansion of residential living area into a basement, attic or garage not previously used as living area.

EPA
United States Environmental Protection Agency.

Equipment Sales or Rental[1024]
An establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery or other equipment used for commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, semi-tractor trailers, farm equipment, bulldozers, cranes, backhoes, rollers, loaders, or lifts. This use includes the selling of manufactured homes that are not intended to be used on the same lot on which they are sold and the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders, but not including "Vehicle Sales or Rental".

Erosion
The general process by which soils are removed by flowing surface or subsurface water, or by wind, ice or gravity

Expansion
See "Enlargement."

Exterior Finish Material, Primary
An exterior finish material that covers more than 20 percent of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

[1022] New.
[1023] New.
[1024] Consolidates "manufactured home sales," "equipment rental, outdoor," "heavy equipment sales/rental."

Exterior Finish Material, Secondary

An exterior finishing material that covers 20 percent or less of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

FAA

The United States Federal Aviation Administration.

Façade

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

Facade Open Area

Areas within a building facade that provide voids or relief, such as windows or balconies.

Facade, Primary

Those portions of a facade that are adjacent to or front on a private or public street, park or plaza.

Family[1025]

An individual or group of persons that meets at least one of the following definitions.

1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, and any other dependent children of the household.
2) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, as amended and interpreted by the courts.
3) In the RE, R2, and R3 zoning districts, and in single-family residential portions of planned unit developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit or a combination of a single-family dwelling unit and accessory dwelling unit.
4) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

FCC

United States Federal Communications Commission.

FEMA

The United States Federal Emergency Management Agency.

FHA

The Fair Housing Act.

Final Plan, PUD

The detailed construction drawings for all or part of a planned unit development.

Financial Institution[1026]

A federal or State-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term does not include "check cashing," except where separately permitted. Accessory uses may include automatic teller machines and offices.

[1025] Subsection 2 is new.
[1026] Renamed from “bank or credit union.” Revised definition for clarity and grammatical consistency. Deleted references to drive-through services because those are now separately regulated.

Findings of Fact
The written findings of an approving body as required by Indiana Code 36-7-4-707 for subdivisions of land, Indiana Code 36-7-4-915 for actions of the board of zoning appeals, and Indiana Code 36-7-4-1406 for site plans.

Fitness Center[1027]
Means a facility where members or nonmembers use equipment or space for the purpose of physical exercise, improved circulation or flexibility, and/or weight control. Facilities and activities can include running, jogging, aerobics, weight lifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance and swimming, as well as locker rooms, showers, and lockers. This use includes but is not limited to fitness training studios, exercise facilities, gymnasiums, and health clubs.

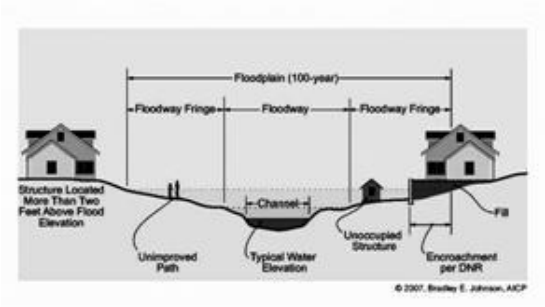
1) "Fitness Center, Large" is a facility with more than 7,500 square feet of gross floor area.
2) "Fitness Center, Small" is a facility with up to 7,500 square feet of gross floor area.

Farm Produce Sales[1028]
The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Flood Insurance Rate Map (FIRM)
The official map of the community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)
The official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the flood insurance rate maps, flood boundary and floodway maps, and the water surface elevation of the base flood.

Floodplain
The channel proper and the areas adjoining wetlands, lakes or watercourses that have been or may in the future be covered by the regulatory flood. The floodplain includes the floodway and the floodway fringe features. The floodplain is also known as the Special Flood Hazard Area (SFHA).



Floodway
That portion of the floodplain area required to store, convey, and discharge the peak flood flow of the regulatory flood. The floodway shall include the floodway as shown on the Flood Insurance Rate Map (FIRM) prepared under the National Flood Insurance Program by FEMA.

Floodway Fringe
Those portions of the floodplain outside the floodway.

[1027] Consolidated "fitness center/gym" and "fitness/training studio." Size limits are new.
[1028] New.

Food Production or Processing

A facility that produces or processes food for human consumption and certain related products. This use includes but is not limited to commercial bakeries; dairy products processing; fats and oil product processing; fruit and vegetable canning, preserving, and related processing; grain mill products and by-products; meat, poultry, and seafood canning, curing, and by-product processing; and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Footprint

The area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Foundation

The supporting substructure of a building or other structure, including but not limited to basements, slabs, sills, posts, or frost walls.

Fraternal Organization

See "Lodge."

Fraternity or Sorority House[1029]

A building or portion of a building used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students where all students living in the building are enrolled at the Indiana University Bloomington campus and Indiana University has sanctioned or recognized the students living in the building as being members of a fraternity or sorority, and that sanction or recognition remains in effect. This use shall also include a building or portion of a building in which individual rooms or apartments are leased to individuals, but occupancy is limited to members of a specific fraternity or sorority, regardless of the ownership of the building or the means by which occupancy is so limited, provided that all students are enrolled at the Indiana University Bloomington campus and Indiana University has sanctioned or recognized the students living in the building as being members of a fraternity or sorority, and that sanction or recognition remains in effect..

Front Building Wall

The building elevation that fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.

Frontage, Building

Those building elevations that face upon either a road or parking area between the building and the road.

Frontage, Lot

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

Funeral Home

See "Mortuary."

Garage

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

Garage, Detached

A detached accessory building in which the sole use is the storage of vehicles and other incidental personal possessions of the premises.

[1029] Definition expanded to cover occupancy of non-owned structures by recognized fraternities and sororities.

Geographic Information System (GIS)
A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis, and modeling.

Glare
The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade, Finished
The final grade of a plan that conforms to the approved plan.

Grade, Street
The top of the curb, or the top of the edge of the pavement where no curb exists.

Grade, Unfinished
The stage at which the grade approximately conforms to the approved plan.

Green Building Worksheet
A worksheet or form developed by the planning and transportation department that specifies information to be submitted prior to consideration of any subdivision or site plan petition that is utilizing the incentives provided for green or sustainable development practices as specified in the Unified Development Ordinance.

Government Service Facility[1030]
A facility owned, operated, or occupied by any level of government to provide a governmental service, but not including offices for the provision of governmental services or facilities for any government operation separately defined in this UDO.

Gravel, Cement, or Sand Production
A facility for the sorting, grading, storage, manufacture or mixing of aggregate construction materials such as concrete, cement, gravel, crushed stone, sand or similar products, or products made of these materials.

Green Space[1031]
The portion of a lot not covered by impervious surface that is available for accommodating landscape material.

Greenhouse, Noncommercial[1032]
The accessory or temporary use of a structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for noncommercial use.

Grocery or Supermarket
A retail establishment where most of the floor area is devoted to the sale of food products, both perishable and dry goods, for home preparation and consumption, as other convenience and household goods.

Gross Floor Area
All of the area contained in a building or buildings without exception, including utilities, stairwells, chimneys and other appurtenant features.

Ground Floor
The level of a building that is situated at or most nearly at street grade.

[1030] Renamed from "government operations (nonoffice)." Reworded for clarity and grammatical consistency.
[1031] New.
[1032] New.

Group Care Home, FHAA, Small and Large[1033]

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons. This use does not include "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large."

Group Home, FHAA Small

A facility designed for and occupied by eight or fewer residents living together.

Group Care Home, FHAA Large

A facility designed for and occupied by nine or more residents living together.

Gym

See "Fitness Center."

HAND

The city of Bloomington Department of Housing and Neighborhood Development.

Health Club

See "Fitness Center."

Hearing Officer

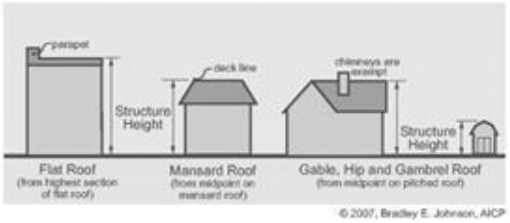
A member of the staff, appointed by the plan commission, who hears and makes final decisions on certain variances and certain conditional uses, as specified in the plan commission rules of procedure. The hearing officer is established pursuant to Indiana Code 36-7-4-923.

Hedge

Several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus forming more or less a dense planting area.

Height, Building

Building height shall be defined according to the measurements and exceptions in Section 20.04.020(f) (Building Height).



Highly Erodible Soils

Areas of incline, whether natural or man-made, lacking sufficient vegetation to prevent instability, erosion, or downstream siltation due to soils that are subject to severe erosion when disturbed.

Homeless Shelter

A facility providing without charge temporary housing to indigent, homeless, or transient persons. A homeless shelter may also provide ancillary services such as meals, clothing, counseling, religious instruction or vocational training.

[1033] Replaces definitions for "group care home for developmentally disabled," "group care home for mentally ill," "group home/residential care home," and "rehabilitation clinic." This new definition is more broad and is consistent with the federal Fair Housing Act Amendments (FHAA). This definition is intended to address the size/scale of the group care home rather than the persons occupying it.

Home Occupation[1034]

An activity or occupation carried on within a dwelling by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation.

Hospital

An acute healthcare establishment providing accommodations, facilities and services on a continuous twenty-four hour basis with overnight (meaning between twelve midnight and five a.m.) beds and services for persons suffering from illness, injury or conditions requiring medical services. The term "Hospital" does not include "Nursing or Convalescent Home," "Medical Clinic," or "Methadone Treatment Facility," or "Opioid Rehabilitation Facility" except where separately permitted.

Hotel or Motel

An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty days and that is commonly known as a hotel or motel in the community in which it is located. This use customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. The term "Hotel or Motel" does not include "Residential Rooming House," "Commercial Rooming House," "Bed and Breakfast," or "Homeless Shelter," except where separately permitted.

HPC

The city of Bloomington Historic Preservation Commission.

IBC

Indiana Building Code.

IC

Indiana Code.

IDEM

Indiana Department of Environmental Management.

IESNA

Illuminating Engineering Society of North America.

Impervious Surface

Any surface artificially covered or hardened so as to prevent or impede the percolation or absorption of water into the ground, including but not limited to asphalt, concrete, roofing material, brick, plastic, gravel, or swimming pools.

Impervious Surface Coverage[1035]

The area of the lot covered by the following shall be included in the calculation of impervious surface coverage in all districts:

1) Primary buildings;
2) Accessory buildings, parking garages, carports, and utility and storage sheds;
3) Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with impervious materials; and
4) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the planning and transportation director.

Indiana State Historic Architectural and Archaeological Research Database

The Indiana State Historic Architectural and Archaeological Research Database, as the same may be amended from time-to-time, created by and/or administered by the State of Indiana's Division of Historic Preservation and Archaeology.

[1034] Replaces current definition.
[1035] Replaces current definition.

Invasive Species

A nonnative or alien plant whose introduction does, or is likely to, cause economic or environmental harm, or harm to human health. A plant is regarded as invasive if it has been introduced by human action to a location, area, or region where it did not previously occur naturally, becomes capable of establishing a breeding population in the new location without further intervention by humans, and spreads widely throughout the new location.

ITE

Institute of Transportation Engineers.

Jail or Detention Facility[1036]

A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Karst

A type of geology with distinctive characteristics of relief and drainage arising from the solution of soluble bedrock by natural waters, and in which the drainage is underground in solutionally enlarged fissures and conduits. Karst features may include but not be limited to sinkholes, springs, solution valleys, underground rivers, caverns, disappearing streams, towers, grikes, and conical hills.

Karst, Compound

Any two or more karst features where the last closed contour of the features are located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour of each individual karst feature with a tangential line.

Karst, Subsurface

Karst features expressed under the ground surface.

Karst, Surface

Karst features expressed on the ground surface.

Kennel

An establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats or other domestic animals.

Land Disturbing Activity

Any man-made change of the land surface including removing vegetative cover, removal of trees, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and landscaping modifications.

Landscape Material

Materials used to modify or ornament a portion of land. Materials include, but are not limited to, living vegetation, structures such as fences and arbors, and decorative items such as rocks.

Landscaping

The modification of the landscape for an aesthetic or functional purpose, and/or the finishing and adornment of unpaved yard areas. Landscaping includes, but is not limited to, planting vegetation such as trees, shrubs, and flowers, installation of minor structures, such as fences or arbors, and other appurtenances.

[insert graphic here][1037]

[1036] Renamed from "jail" and includes "juvenile detention facility." Revised definition to reflect the consolidation of "jail" and "juvenile detention facility."
[1037] New graphic will replace the graphic currently in the definition for "landscaping."

LEED Green Building Rating System

The most recent version of the leadership in energy and environmental design (LEED) commercial green building rating system, or other related LEED rating system, approved by the U.S. Green Building Council.

Length, Block

The distance as measured along the street centerline between intersecting streets.

Length, Cul-de-sac

The distance as measured along the street centerline between the intersecting street and the center point of the cul-de-sac bulb.

Lighting

Any fixed source of light emanating from a man-made device, including but not limited to incandescent mercury vapor, metal halide, or sodium lamps, spotlights, street lights, or construction and security lights.

Lighting Fixture, Full-Cutoff

Lighting that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Liquor or Tobacco Sales

An establishment that predominantly sells tobacco products or alcoholic beverages for off-premises consumption. This does not include "Retail Sales" (of any size) or “Grocery or Supermarket” in which tobacco products or alcoholic beverages make up a minority of the sales of the store.

Lodging House

See "Residential Rooming House" and “Commercial Rooming House.”

LOMA

A letter of map amendment issued by the Federal Emergency Management Agency (FEMA).

LOMR

A letter of map revision issued by the Federal Emergency Management Agency.

Lot

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this UDO, a lot may or may not coincide with a lot of record and shall be duly recorded.

[insert graphic here][1038]

Lot Area

The computed area contained within the boundary of all perimeter lot lines.

Lot, Corner

A lot having at least two adjacent sides that abut for their full length along streets. Both such lot lines shall be considered front lot lines for the purposes of determining setbacks.

[insert graphic here][1039]

Lot Depth

The horizontal distance between the front and rear lot lines.

[1038] New graphic will replace the graphic currently in the definition for “lot.”
[1039] New graphic will replace the graphic currently in the definition for “lot, corner.”

Lot, Interior

Any lot, the side property line of which abuts the rear property line of one or more lots, and that is not separated by an alley or any other public way.

[insert lot graphic here][1040]

Lot, Lawful Nonconforming

Any lot of record that does not conform with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the lot does not conform.

Lot Line, Corner

The point at which two lot lines meet.

Lot Line, Front

That portion of a lot that abuts and runs parallel to a street. For corner lots, both sides that abut a street are front lot lines.

Lot Line, Rear

The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line 10 feet inside the lot boundary, parallel to and at the maximum distance from the front lot line.

Lot Line, Side

Any lot line that is not a front lot line or a rear lot line.

Lot of Record

A lot that was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the office of the Monroe County recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the office of the Monroe County recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

Lot, Through

A lot having a pair of opposite lot lines along two more or less parallel public streets and that is not a corner lot.

Lot Width

The horizontal distance between side lines measured along a line that is parallel to the front lot line. For lots with existing buildings, the lot width shall be measured at the front building wall of the primary building. For newly created lots, the lot width shall be measured at the minimum required setback distance from the front lot line.

[insert graphic here][1041]

Lot, Zoning

A single tract of land, located within a single block that is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Lumen

A unit that measures the quantity of light that shines on an area of one square foot, every point of which is one foot away from a light source equal to one foot candle.

[1040] New graphic will replace the graphic currently in the definition for “lot, interior.”
[1041] New graphic will replace the graphic currently in the definition for “lot width.”

Lux

A unit of illumination equal to the direct illumination on a surface that is one meter from a uniform point source of one candle intensity, or equal to one lumen per square meter.

Manufactured Home Park

A parcel of land containing two or more dwelling sites, with required improvements and utilities that are leased for the long term placement of "Mobile Home Dwellings" and/or "Manufactured Home Dwellings." A "Manufactured Home Park" does not include an establishment primarily engaged in the sale of “Mobile Home Dwellings” or “Manufactured Home Dwellings” where unoccupied units are parked for inspection or sale.

Manufacturing, Artisan[1042]

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

Manufacturing, Heavy[1043]

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "Light Manufacturing." This use may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes, and includes beverage bottling and tool and die shops. "Heavy Manufacturing" shall not include any use that is otherwise listed specifically in Table 3-2 as a Permitted or Conditional Use.

Manufacturing, Light[1044]

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this UDO. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. The term "Light Manufacturing" shall not include any use that is otherwise listed specifically in Table 3-2 as a Permitted or Conditional Use.

Mausoleum

See "Cemetery or Mausoleum."

Mayor

The mayor of the city of Bloomington, Indiana.

Medical Clinic[1045]

A health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers, and where patients are not lodged overnight. This use includes immediate medical care clinics, ambulatory surgical care (as defined by Indiana Code 16-18-2-14), and outpatient care facilities.

[1042] New.
[1043] Consolidated “manufacturing, heavy,” “beverage bottling,” and “tool and die shop.” The last sentence is new.
[1044] New.
[1045] Revised to consolidate current definitions of “medical clinic,” “medical care clinic, immediate,” “ambulatory surgical care,” and “outpatient care facility.” New definition, did not carry forward language regarding patient appointments.

Meeting, Banquet, or Event Facility[1046]

A facility with or without food preparation equipment, available for lease by private parties to accommodate private functions including, but not limited to, banquets, meetings, receptions, fellowship, and other social functions and available on a rental basis to the general public. A "Meeting, Banquet, or Event Facility" may also include on-site kitchen/catering facilities.

Methadone Clinic or Treatment Facility[1047]

A clinic or facility engaged in dispensing Methadone (dolophine) for the purpose of elimination or reduction of opiate use by drug addicts and abusers.

Mixed Tenant Center

A structure that contains more than one use or more than one tenant.

Mobile Home Park

See "Manufactured Home Park."

Monopole

A single, self-supporting vertical pole used to support telecommunications equipment, with no guy wire anchors or lattice, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

Motor Vehicle

Any self-propelled vehicle that requires state license plate registration to be used on public roads and highways, including any non-motorized attachments, such as, but not limited to, trailers or other conveyances that are connected to or propelled by the actual motorized portion of the vehicle.

Mortuary

An establishment where the deceased are physically prepared for final interment.

Mosque

See "Place of Worship."

Motel

See "Hotel or Motel."

Multi-tenant Center

A group of separate buildings with multiple tenants, operating under a common name or management; a single building containing multiple uses where there are specific exterior entrance ways for individual uses; or a group of uses on separate but adjoining properties that request treatment as a multiuse complex.

Multi-tenant Nonresidential Center, Large-scale

A group of two or more retail establishments, managed as a unit, sharing a common site, parking area and entrances, and having a gross floor area of one hundred thousand square feet or greater.

Multi-use Trail

A hard-surface, off-road pathway used by bicyclists, pedestrians, and other nonmotorized traffic typically located within or along a greenway.

Mural

A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Unified Development Ordinance. Murals that function as a sign are regulated in the Unified Development Ordinance as a wall sign.

[1046] Renamed from “banquet hall.” Reworded definition for clarity and grammatical consistency.
[1047] New.

MUTCD
The Manual on Uniform Traffic Control Devices.

Native Species
Naturally occurring, indigenous plants within the Bloomington planning jurisdiction. Native species are adapted to the soil and climate in which they live, and have evolved defenses to many diseases and pests.

Nature Preserve
Areas with environmental resources intended to remain in a predominately natural or undeveloped state to provide resource protection or passive recreation.

NFIP
The National Flood Insurance Program.

Night Club
See "Bar or Dance Club."

Nursing or Convalescent home[1048]
An extended or intermediate care establishment licensed by the State of Indiana, that maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Such home does not contain equipment for surgical care or for the treatment of injury. This definition includes "rest home."

Office[1049]
A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, government offices, motor vehicle licensing branches, post offices, radio/TV stations, research centers, social services, testing laboratories, advertising agencies, travel agencies, abstract and title agencies or insurance companies, and stockbrokers. This use does not include “Medical Clinic,” “Methadone Treatment Facility," or “Opioid Rehabilitation Facility”. Accessory uses may include cafeterias, health and exercise facilities, or other amenities primarily for the use of employees in the firm or building.

Official Zoning Map
A map of the city of Bloomington, Indiana, that legally delineates the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one official zoning map, and it is kept up to date by the plan commission and the planning and transportation director.

Open Space
An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and floodplains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yards, patio areas, or land scheduled for future development.

Opioid Rehabilitation Home[1050]
A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment to reduce dependence on opioid drugs. An Opioid Rehabilitation Home is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Indiana,

Opioid Rehabilitation Home, Small
Opioid Rehabilitation Home, Small is a facility designed for and occupied by eight or less residents living together.

Opioid Rehabilitation Home, Large

[1048] Revised definition for clarity and grammatical consistency.
[1049] Revised to consolidate definitions for “business/professional office,” “government office,” “license branch,” “post office,” “radio/TV station,” “research center,” “social service,” and “testing lab.” New definition replaces the current definitions for all uses proposed to be consolidated.
[1050] New.

A facility designed for and occupied by nine or more residents living together.

Opioid Rehabilitation Facility[1051]

A facility, clinic, or office engaged in treating or counseling patients for reduction of opiate use, which may but need not include treatments involving medication, and where patients do not receive housing or overnight accommodation.

Orchard or Tree Farm[1052]

A group of trees grown for either home or commercial use where products are sold on site or transported to market.

Outdoor Retail and Display[1053]

The outdoor sale and display area of retail goods, produce, plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated.

Outline Plan

The name for PUD district ordinance text and PUD preliminary plans under the Bloomington Zoning Ordinance effective 1973-1995. See "Preliminary Plan, PUD" or "PUD district ordinance."

Outlot

A lot of record in a subdivision, nonresidential center or planned unit development that is adjacent to a (public or private) street, roadway or frontage road, and is intended for an additional and separate building or buildings within the development.

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations, or their legal representative.

Park

A parcel of land available to the public for passive and/or active recreation and is maintained and governed by the Bloomington parks board.

Parapet

That portion of a wall that extends above the roof line.

Parcel

See "Lot."

Park

A parcel of land available to the public for passive and/or active recreation and is maintained and governed by the Bloomington parks board.

Parking Garage/Structure

A structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade, with those levels being either open or enclosed.

Parking Space

Space within a public or private parking area for the storage of one passenger automobile or commercial vehicle under a one and one-half ton capacity.

Parapet

That portion of a wall that extends above the roof line.

[1051] New.
[1052] Consolidated “orchard” and “tree farm.” New definition does not differentiate between the type of trees (fruit, nut, Christmas, etc.).
[1053] Renamed from “retail, outdoor.” Replaces current definition.

Partial Demolition

The complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:

1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or
2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch or material, or; adding any gable, dormer or other similar feature to an existing roof; or
3) Any work resulting in the obscuring from view of forty percent or more of the exterior of any façade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior façade on the structure; or
4) Construction or attachment of any addition to a structure; or
5) Replacement of any window or door where the window or door opening is enlarged or obscured from view; or
6) Creation of any new window or door opening.

Patio

A level-surfaced area, which may or may not be directly adjacent to a principal building, that has an average elevation of not more than thirty inches above finished grade, and without walls or a roof, usually constructed of concrete, brick, or other masonry material.

Pavement

A durable surface permanently and completely covered with asphalt, concrete, brick, paving blocks, or other surface approved by the city. Crushed gravel, stone, rock, dirt, sand, and grass are not permitted as a paved surface. Permeable parking pavers do not fall under this definition and must meet separate criteria. See "Permeable parking pavers."

Pawn Shop

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

Pedestrian Entrance, Primary

Means the principal ingress and egress to and from a building for pedestrian traffic.

Permanent Display Cabinet

A cabinet that is attached to a building that is constructed of durable materials and intended to display signage within.

Permanent Foundation

A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permeable Parking Pavers

A pavement system with traditional strength characteristics, but that allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water that allow for passage of runoff and air. Gravel or crushed stone is not considered a "permeable parking paver."

Personal Services[1054]

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios,

[1054] Revised to consolidate definitions for “dry-cleaning service,” “coin laundry,” “barber/beauty shop,” “copy center,” “health spa,” “photographic studio,” “tailor/seamstress shop,” “shoe repair,” “equipment/party/event rental (indoor),” and “tanning salon.” Size limits are new.

tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include "Commercial Laundry."

Personal Service, Small

A facility with not more than 7,500 square feet of gross floor area.

Personal Service, Large

A facility with more than 7.500 square feet of gross floor area.

Pet Grooming[1055]

A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

Petitioner[1056]

The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf, and who thereby has the property owner's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative

A person legally empowered in writing by the petitioner to act on the petitioner's behalf, and who thereby has the petitioner's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property.

Place of Worship

A structures and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities.

Plan Commission

The city of Bloomington advisory plan commission or any division thereof. The city of Bloomington plan commission is an advisory plan commission serving the city of Bloomington planning jurisdiction as defined under Indiana Code 36-7-1-2, as amended.

Planned Unit Development (PUD)

A large-scale unified development approved under the provisions of Section 20.02.050 (Planned Unit Development Districts). 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 that 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 unit 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.

Planning and Transportation Director

The officer appointed by and/or delegated the responsibility for the administration of this UDO's regulations by the plan commission, as well as administration of the planning and transportation department for the city of Bloomington, Indiana. The term includes the planning and transportation director's authorized representatives.

Planning Jurisdiction

The city of Bloomington, Indiana and the contiguous unincorporated area over which the city exercises planning and zoning authority.

Plant Nursery or Greenhouse, Commercial[1057]

An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

[1055] Revised to clarify no overnight boarding permitted.
[1056] Did not carry forward definition for "petitioner." The term "petitioner" is used throughout UDO.
[1057] Renamed to distinguish commercial operations from noncommercial operations.

Plat
A map or chart indicating the subdivision or re-subdivision of land, either recorded or in a form suitable to be recorded.

Plat, Primary[1058]
The primary plat, pursuant to the Indiana Code 36-7-4-700 Series for primary plats, is the plat and plans upon which the approval of a proposed subdivision is based.

Plat, Secondary[1059]
The secondary plat, pursuant to Indiana Code 36-7-4-700 Series for secondary plats, is the plat document in recordable form. A secondary plat shall substantially conform to the preceding primary plat, or section thereof.

Plat Committee
A committee authorized in the plan commission rules which has authority to approve or deny primary plats, secondary plats, and requests for vacation of plats or parts of plats.

Police, Fire, or Rescue station[1060]
A center operated by a government agency, for the protection of citizens and property from, and for providing public responses to, crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles. This use does not include a "Jail or Detention Facility".

Porch
An uncovered, unenclosed, accessory structure projecting from the main wall of a primary building.

Preliminary Plan, PUD
A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met.

Premises
See "Property."

Preservation Area
Sites with environmental resources intended to be preserved in their natural state.

Preschool
See "School, Public or Private".

Primary School
See "School, Public or Private".

Property
A lot, parcel, tract, or plot of land and the improvements thereon.

Proposal
Any new construction, including accessory structures of at least eight hundred forty square feet, or any building addition larger than ten percent of the gross floor area of a structure.

Public Improvements
The erection, construction, alteration, operation, or maintenance of facilities serving the public interest that may include but is not limited to storm drainage facilities, streets, highways, parkways, sidewalks, pedestrian-ways, transportation corridors, trees, lawns, landscaping, parking areas, lot improvements, or utilities.

[1058] Renamed from "plat, preliminary" to be consistent with state code.
[1059] Renamed from "plat, final" to be consistent with state code.
[1060] Wording revised for clarity.

Public Place

Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public Way

Any street, alley, channel, tunnel, bridge, easement, right-of-way, or other way that is dedicated or granted for public use.

PUD District Ordinance

An ordinance adopted by the common council, the purpose of which is to designate a parcel of real property as a planned unit development zoning district; to specify uses or a range of uses permitted in the planned unit development zoning district; to specify development requirements in the planned unit development zoning district; to specify the plan documentation and supporting documentation that may be required; to specify any limitation applicable to the planned unit development zoning district; and to meet the requirements of Indiana Code 36-7-4-1500 et seq.

Quarry

A lot or land or part thereof used for the purpose of extracting stone, sand, gravel, fill, or topsoil for sale.

Quarry adaptive reuse

Redevelopment of a quarry whose operation is no longer feasible into another less intensive use upon completion of environmental mitigation.

Real Estate Sales or Model Home[1061]

A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development within the City. Before occupancy by a family, a model home may be used as a temporary sales office for the development in which it is located.

Recreation, Indoor[1062]

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, and similar indoor activities taking place inside an enclosed building. This definition shall not include gambling devices, adult motion picture theaters, adult entertainment businesses, or any other devices prohibited by law.

Recreation, Outdoor[1063]

Commercial entertainment, recreation or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, bungee jumping, amusement parks, golf courses, golf driving ranges, drive-in theaters, and other similar uses. This does not include any activities offered by the public sector in a park or playground.

Recycling Drop-Off, Self-Serve

An accessory or incidental use that serves as a drop-off point for temporary storage for non-hazardous recoverable or recyclable goods such as, but not limited to, newspapers, glassware, plastics, and metal cans. This definition does not include the on-site processing of such items.

Recreational Equipment

Play apparatuses such as basketball courts, batting cages, swing sets, slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, playhouses, basketball goals attached to primary or accessory structures, motorized vehicles, trailers, or storage sheds.

[1061] New.
[1062] Consolidated “amusements, indoor,” “billiard/arcade room,” “skating rink,” “theater, indoor,” “bowling alley,” and “recreation center.” Replaces current definitions for listed consolidated use types.
[1063] Consolidated “amusements, outdoor,” “golf course,” “golf driving range, outdoor,” and “theater, drive-in.”

Regulatory Flood Elevation

The water-surface elevation of the base flood or the one hundred year flood as defined by the Federal Emergency Management Agency.

Rescue Station

See "Police/fire/rescue station."

Residential Care Home

See "Group home/residential care home."

Rest Home

See "Nursing or Convalescent Home."

Restaurant[1064]

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops.

Retail Sales[1065]

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in Table 3-2.

Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area.

Retail Sales, Large

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

Retail Sales, Big Box

A facility or establishment with more than 60,000 square feet of gross floor area.

Residential Rooming House[1066]

A building that the owner of the property occupies as their primary residence, in which, lodging, with or without meals, is provided for compensation, including but not limited to; or a building designed as a single-family dwelling that is occupied by a group of persons that do not meet the definition of "Family", that does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Residential Care Facility," or "Hotel or motel."

Retention Facilities

Facilities dedicated to the permanent on-site maintenance of stormwater.

Right-of-way

A strip of land reserved for, occupied, or intended to be occupied by transportation facilities, public utilities, or other special public uses that may include sidewalks, bicycle or pedestrian pathways, streets, alleys, or other public thoroughfares, or buffers adjacent to same. Right-of-way may be held in the form of easement or fee.

[1064] Revised to reflect consolidation of "restaurant" and "restaurant, limited service." The 2,500 square foot threshold for limited service restaurants will be addressed in the use-specific standards. The revised definition now includes the sale of beverages (cafes and coffee shops) that are currently limited to the "restaurant, limited service" use type.

[1065] Revised to reflect consolidation of "antique sales," "apparel and shoe sales," "arts/crafts/hobby store," "auto parts sales," "bicycle sales/repair," "book store," "cellular phone/pager services," "computer sales," "convenience store (without gas)," "department store," "drugstore," "florist," "furniture store," "garden shop," "gift shop/boutique," "hardware store," "home electronics/appliance sales," "jewelry shop," "music/media sales," "office supply sales," "pet store," "print shop," "retail, low intensity," "sporting goods sales," and "video rental." Size limits are new. Since Module 1, revised the size threshold for small retail sales from 2,500 square feet to 5,000 square feet.

[1066] Revised to reflect the addition of the "dormitory/student housing" use type.

Riparian Buffer
Wooded or vegetated areas along creeks, streams, rivers, or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than ten feet in width from the top of banks.

Road
See "Street."

Rules of Procedure
The rules which govern how a decision making body conducts meetings and reaches its conclusions.

Salvage or Scrap Yard
A facility, usually outdoors, where waste or scrap materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled, including, but not limited to, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, scrap iron and other metals, paper, plastics, glass, rags or tires. Where such materials are a by-product of a permitted use, such activity shall be considered "outdoor storage," as defined and permitted separately in this UDO.

Sand Production
See "Gravel, Cement, or Sand Production."

School, College or University[1067]
An institution other than a “School, Trade or Business” that provides full-time or part-time education beyond high school.

School, Public or Private[1068]
A public or private institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under the Indiana School Laws, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This use does not include “School, Trade or Business”, or “School, College or University”.

School, Trade or Business[1069]
An private or public educational facility with a curriculum that is not comparable to that taught in the public schools through the high school level and focused upon skills required in business, trades, or the arts.

Searchlight
A powerful light equipped with a reflector to produce a bright beam intended to draw attention.

Seasonal Sales[1070]
Any business or use (primary or accessory) that may include but not be limited to: retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses. This definition does not include “Farm Produce Sales.”

Secondary School
See "School, Public or Private."

Setback
The required distance between any structure or parking area and the lot lines of the lot or parcel on which they are located.

Setback, B-Line Trail[1071]
The line that defines the minimum distance that any area used for structures or vehicle parking spaces shall be separated from the B-Line trail right-of-way.

[1067] Reworded for consistent terminology.
[1068] Consolidated “school, preschool” and “school, primary/secondary.”
[1069] Revised to avoid overlap with other school-related definitions.
[1070] New.
[1071] New.

Setback, Front[1072]

The line that defines the depth of the required front yard measured from the proposed right-of-way indicated on the thoroughfare plan. The front setback shall be parallel with the street right-of-way line. For individual building sites in the RMH zone district, the front setback is measured from the edge of pavement of the interior streets. For corner lots, the front setback shall apply to all frontages adjacent to a street right-of-way.

Setback, Front Average[1073]

The average existing front setback of the primary residential structures abutting and along the same block face as the subject property. For corner lots, the average front setback of the abutting primary residential structures on both block faces may be used to determine the average front setback.

Setback, Parking

The line that defines the minimum distance that any area used for vehicle parking spaces shall be separated from the street right-of-way. The parking setback shall be parallel with the street right-of-way line.

Setback, Rear[1074]

The line that defines the width or depth of the required rear yard. The rear setback line shall be parallel with the property line.

Setback, Side[1075]

The line that defines the width or depth of the required side yard. The side setback line shall be parallel with the property line.

Sexually Oriented Business

Any establishment, whether conducted permanently or intermittently, that primarily engages in the business of offering a service or product, for sale, display, exhibition, or viewing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. This includes but is not limited to adult bookstores, adult cabarets, adult motion picture theaters, adult novelty stores, adult video arcades, bathhouses, and lingerie modeling studios.

Shrub

A woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

Sidepath

A hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other nonmotorized traffic.

Sidewalk

A hard-surface pathway within the street right-of-way that is designated for the exclusive use of pedestrian traffic.

Sign

Any display or device placed on a property in any fashion that can be seen from a public place or a public right-of-way that is designed, intended, or used to convey any identification, message or information other than an address number.

Sign, Freestanding

A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports; and not attached to or dependent for support from any building.

[1072] Reworded for consistency with other setback provisions. Last sentence is new. This definition also replaces "setback, building or structure" because they are redundant. Added language to clarify how the front setback for interior building sites is measured in the RMH zone district and that the front setback is measured from the proposed right-of-way indicated on the thoroughfare plan.
[1073] Replaces current "setback, block face average." Revised to reflect the new method of measurement proposed in the dimensions section.
[1074] New.
[1075] New.

Sign Height
The vertical distance measured from either the ground at the base of the sign or from the crown of an adjacent street to the highest point of the sign or sign structure, whichever is greater.

Sign, Lawful Nonconforming
Any sign lawfully existing at the time of the enactment of any provision of this UDO, or any amendment thereto, with which the sign does not comply.

Sign, Multi-tenant
An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

Sign, Permanent
A sign attached to a building or structure and that is made of materials intended for long-term use.

Sign, Portable
Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels.

Sign, Projecting
A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

Sign, Public
A sign erected by or on the order of a public officer in the performance of a public duty, such as signs to promote safety, no trespassing, or traffic signs; signs to indicate transit stops; memorial plaques; or signs of historic interest.

Sign, Sandwich Board
A movable sign not secured or attached to the ground or surface upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

Sign, Temporary
Any sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs that are intended to be displayed for a limited period of time.

Sign, Tenant Panel
Individual panels on a multi-tenant sign advertising one specific business within the center.

Sign, Wall
A sign attached to and/or integral with the exterior wall or window surface of a building, the face of which is parallel to the surface and does not project more than twelve inches from the surface.

Sign, Window
Any sign or advertising device affixed to the interior or exterior of a window or placed immediately behind a window frame so as to be seen from persons outside the building.

Site, Lawful Nonconforming
A site used and/or developed such that the site does not conform with one or more development standards contained in this UDO, but where such nonconformity and such use and/or development lawfully existed upon the effective date of the provisions of this UDO with which the site does not conform.

Site Plan
A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings and other structures, circulation, grading, trees, and landscaping, sufficient for the review required in this UDO. A "site plan" shall serve as the development plan regulated by the Indiana Code 36-7-4-1400 Series.

Solar Collector, Ground or Building Mounted[1076]

A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

Special Event[1077]

A temporary use on public or private property that is not excluded from regulation by this UDO and is not listed as a separate Temporary Use by this UDO. This use includes but is not limited to fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

Special Exception

A process under the Bloomington Zoning Ordinance effective 1973-1995 whereas a use that is so designated may be approved by the board of zoning appeals if it meets special conditions.

Special Flood Hazard Area (SFHA)

Those lands subject to inundation by the regulatory flood. The SFHAs within the City of Bloomington Planning Jurisdiction are generally identified as such on the Monroe County and Incorporated Area Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010. These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO.

Specified Anatomical Areas

Any of the following:

1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities

Any of the following:

1) Human genitals in a state of sexual stimulation or arousal;
2) Acts of or simulation of human masturbation, sexual intercourse or sodomy;
3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4) Flagellation or torture in the context of a sexual relationship;
5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6) Erotic touching, fondling or other such contact with an animal by a human being; or
7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in divisions (1) through (6) above.

Stadium[1078]

A permanent facility for the staging of amateur and/or professional sporting events, concerts, or similar activities consisting of an open-air or enclosed arena/stadium and related support facilities.

Staff

The planning and transportation director and all employees of the planning and transportation department of the city under the supervision of the planning and transportation director, and subject to the authority of the planning and transportation director.

State

The state of Indiana.

[1076] New.
[1077] New.
[1078] New.

Stone Processing
Manufacturing establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone for building and miscellaneous uses.

Storage, Outdoor[1079]
The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include "Vehicle Sales or Rental" or accessory "Outdoor Retail and Display" uses.

Storage, Self-Service[1080]
A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Story[1081]
The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof, ignoring atriums and other features that extend vertically more than 15 feet.

Stream, Intermittent
A surface watercourse that flows typically only after significant precipitation events or during a particular season; and that evidences a discernible stream bed. The term "intermittent stream" does not include man-made drainage ways or natural swales lacking a discernible stream bed.

Street
A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that has been constructed to public street standards.

Street, Stub
A street intended to be extended in conjunction with the subdivision and development of adjacent unplatted land.

Street Lighting Plan
A site plan showing the location and type of street lights to be installed including type of fixture and bulb type.

Structural Alterations
Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams, or girders; or any change in the footprint or increase in the size of living space. Structural alterations also include substantial roofing and siding work when repairs are made to the structure beneath.

Structure
Anything constructed or erected that requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items.

Student Housing or Dormitory[1082]
A multiple-family dwelling designed primarily as housing for unmarried undergraduate or post-graduate students, including but not limited to:

1) All multiple-family dwellings in which more than 25 percent of the living units contain more than three bedrooms and more than two bathrooms within a total living unit area of less than 1,000 square feet; and
2) All residential buildings that do not meet the definition of a residential or commercial boarding house, in which over 50 percent of the bedroom do not have private bathrooms accessible directly from the bedroom and do not have a cooking area containing a sink, refrigerator, and stove or oven.

[1079] Removed language categorizing items for sale or lease as outdoor storage. Last sentence is new.
[1080] New.
[1081] New.
[1082] New. This definition is still being considered by staff and may be revised in future drafts.

For purposes of determining whether a multiple-family dwelling meets this definition, the City may consider the degree to which the facility is occupied by undergraduate or post-graduate students and the degree to which occupancy is marketed to undergraduate or post-graduate students. This use does not include a "Fraternity or Sorority."

Subdivision

The division of a parent tract or other piece of land into at least two smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use, or create new building sites for leasehold, and as further defined in the Unified Development Ordinance.

Substantial Demolition

The moving or razing of a building including the removal or enclosure of 50 percent or more of the structure.

Substantial Removal

As used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure.

Supermarket

See "Grocery or Supermarket."

Supportive Housing[1083]

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this UDO. This use does not include an "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large," but includes and is not limited to:

1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
2) A shelter for persons experiencing temporary homelessness.
3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
4) A battered women's shelter.

Supportive Housing, Large

A facility designed for and occupied by eight or more residents living together.

Supportive Housing, Small

A facility designed for and occupied by no more than seven residents living together.

Swimming Pool

A self-contained body of water at least eighteen inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level and shall be considered an accessory structure/use.

Synagogue

See "Place of Worship."

Tattoo or Piercing Parlor

An establishment whose principal business activity is the practice of one or more of the following:

1) The placement of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin;

[1083] New. Replaces definition for "homeless shelter." This definition is intended to address the size/scale of the supportive housing facility rather than the persons occupying it.

2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Tavern
See "Bar or Dance Club."

Thoroughfare Plan
"Transportation Plan."

Tobacco Sales
See "Liquor or Tobacco Sales."

Tract
See "Lot."

Tract, Parent
A unit, or contiguous units, of land under single ownership that is being proposed for subdivision.

Trade School
See "School, Trade or Business

Trailer
See "Dwelling, Mobile Home" and "Dwelling, Manufactured Home."

Transportation Plan[1084]
The official thoroughfare plan for Bloomington, Indiana entitled "Transportation Plan" adopted as a part of the comprehensive plan, and on file in the office of city clerk, city engineer, or planning and transportation department, which are by this reference made a part of this code, showing location, alignment, functional classification, width of roadway, and minimum developed cross-sections of existing and proposed thoroughfares.

Transportation Terminal[1085]
Any premises for the transient housing or parking of motor driven trucks or buses and the loading and unloading of passengers or materials.

Tree, Canopy
A deciduous tree that normally achieves an overall height at maturity of at least forty feet, and whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Tree, Heritage
A tree that is unique and important to the community because of its species, age, size, location, or historic significance.

Tree, Interior
A tree used for the interior of a site rather than in the "tree plot" and that is not restricted by its characteristics. These trees include canopy, ornamental and evergreen trees.

Tree, Ornamental
A small to medium sized tree cultivated for its aesthetic characteristics rather than for its use.

Tree, Street
Trees suitable for planting along public streets and highways, and in locations where low-maintenance, hardy specimens with high canopies and little detritus are required.

[1084] Renamed from "master thoroughfare plan."
[1085] Revised to include trucking operations.

Tree plot
The area within the right-of-way typically located between the street and the sidewalk/pedestrian path that is used for the planting of street trees.

Tree Protection Fencing
Temporary fencing used to protect existing trees from damage or loss during project construction. The tree protection fencing shall surround the tree drip line and delineate the area where land disturbing activity may not occur.

Trellis
A structure of light bars of wood or metal crossing each other at intervals, having latticed open space in between, typically used as a framework for climbing vegetation.

Unified Development Ordinance (UDO)
This entire document as approved and with any subsequent amendments. The Unified Development Ordinance includes both the zoning ordinance, authorized by the Indiana Code 36-7-4-600 Series and the subdivision control ordinance, authorized by the Indiana Code 36-7-4-700 Series.

University
See "School, College or University."

Urban Agriculture[1086]
The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production of food products from food grown on the premises. This definition includes: gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Bloomington Municipal Code.

Use
The purposes for which land, a building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Abandonment of
The relinquishment of property or a cessation of the use of property for a continuous period of six months by the owner.

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

Use, Change In[1087]
Includes, for any portion of a building, structure, or lot:

1) Any change from a residential use to a nonresidential use;
2) Any change from one residential land use to another, any increase in the number of dwelling units, and any increase in number of bedrooms for any unit;
3) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
4) Any use which requires a conditional use approval;
5) Any change from a single-tenant to a multi-tenant site or building;[1088]

[1086] Replaces current definition. Did not carry forward language limiting this use to be accessory since that is addressed in the Allowed Use Table..
[1087] Replaces current definition. The complex table of "use classes" that determine what constitutes a change of use has not been carried forward because of the complexity of applying that approach in light of updated uses and use definitions in this UDO.
[1088] New.

6) Any use that differs from the previous use of a building or land, as determined in Table 3-1: Allowed Use Table, or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use; and
7) Any establishment of a new use after a previous use has been abandoned, as defined by this UDO.

Use, Conditional
See "Conditional use."

Use, Establishment of
The initiation of a new use on a property or the initiation of a use on a property where the previous use has been discontinued; or, reestablishment of a prior conforming use that has been discontinued for a period of twelve months or more.

Use, Individual Nonresidential
A use and building that is located either on an outlot or not part of a larger commercial building that contains more than one business.

Use, Lawful Nonconforming
Any use of land or structure that does not conform with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the use does not conform.

Use, Permitted
A use that may be lawfully established in a particular zoning district provided it conforms to all applicable requirements, regulations and standards.

Use, Temporary
Any use that is established only for a fixed period of time, which must be discontinued upon the expiration of the time limit provided in this UDO, and that does not involve the construction or alteration of any permanent structure as distinguished from the same uses when permitted in full compliance with all applicable zoning, site plan, construction, and permit requirements. Temporary uses shall include uses conducted from tents, trailers, and other temporary structures not erected under the state and city permit processes for permanent buildings. The term "temporary use" shall not include events sponsored by the public on park, right-of-way, or other public lands.

Utility Substation and Transmission Facility
An assemblage of equipment for purposes other than energy generation or use, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public; provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

Variance, Development Standards
A specific approval to deviate from the development standards (such as height, bulk, area) that this UDO otherwise prescribes, granted pursuant to Indiana Code 36-7-4-918.5.

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

Vehicle
See "Motor vehicle."

Vehicle Fleet Operations[1089]
A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require

[1089] New.

frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services. This use does not include a "Transportation Terminal."

Vehicle Fleet Operations, Small

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

Vehicle Fleet Operations, Large

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

Vehicle Fuel Station[1090]

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

Vehicle Impound Storage

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

Vehicle Parking Garage[1091]

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

Vehicle Repair, Major[1092]

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

Vehicle Repair, Minor[1093]

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

Vehicle Sales or Rental[1094]

An establishment that specializes in the sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Vehicle Wash[1095]

A facility for washing, cleaning, drying and waxing of passenger vehicles, recreational vehicles, or other light duty equipment. A car wash may be self-service or full service.

Veterinary Clinic[1096]

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include a "Kennel", and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.

[1090] Consolidates "gas station" and "convenience store (with gas or alternative fuels)." Last sentence is new.
[1091] Last sentence is new.
[1092] Consolidated "vehicle repair" and "auto body shop."
[1093] Consolidates "oil change facility" and "vehicle accessory installation."
[1094] Consolidates "vehicle sales/rental" and "boat sales."
[1095] Renamed from "car wash" for consistent terminology.
[1096] Wording revised for clarity.

Vision Clearance Triangle

An area of unobstructed vision at street intersections between two and one-half and nine feet above the gutter line and within a triangular area at the street corner, which area is bounded by the street property lines of the corner lot. The vision clearance triangle leg length shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets published by the American Association of State Highway Transportation Officials (AASHTO).

Void-to-solid Ratio

The ratio of facade open area relative to solid building wall.

Wetland

Those areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances, do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purpose of this definition, a wetland must have one or more of the following attributes:

1) At least periodically, the land supports hydrophytes;
2) The substrate is predominately undrained hydric soil;
3) The substrate is nonsoil and is saturated with water or covered by shallow water at least some time during the year.

Wetland, Jurisdictional

Any wetland under the jurisdiction of the state or federal government.

Window, Display

See "Display window."

Window Frame

The fixed frame of a window, consisting of two jambs, a head, and a sill.

Window Lintel

The window lintel is a horizontal structure member, such as a beam made of steel, stone or wood, over the window that carries the weight of the wall above.

Window Sill

The horizontal bottom member of a window frame. The sill can be made of brick, stone, wood, etc.

Wooded Area

A contiguous, vegetated area featuring a dense, closed canopy of trees whose branches interlock to provide nearly continuous shade.

Wind Energy System, Large[1097]

A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 KW.

Wind Energy System, Small Ground-Mounted[1098]

A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, that is mounted to the ground, and that has a rated capacity of 100 KW or less.

Wind Energy System, Small Rooftop-Mounted[1099]

A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property that is mounted to a rooftop, that has a rated capacity of 100 KW or less.

[1097] New.
[1098] New.
[1099] New.

Yard[1100]

A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this UDO.

Yard, Front

The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Yard, Rear

The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line.

Yard, Side

The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

Zoning District, Base

A zoning district as shown on the official zoning map that is used as a starting point for the regulations of a planned unit development district ordinance.

[1100] Did not carry forward graphics for "yard."