

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

**CASE #: ZO-03-20
DATE: March 9, 2020**

PETITIONER: City of Bloomington, Planning & Transportation Department
401 N. Morton Street, Bloomington

CONSULTANTS: Clarion Associates
1600 Stout Street, Ste. 1700, Denver, CO

McBrideDaleClarion
5721 Dragon Way, Ste. 300, Cincinnati, OH

REQUEST: The City is requesting to replace the Zoning Map with a new official zoning map and amend the 2020 Unified Development Ordinance (UDO).

BACKGROUND and OVERVIEW: The City of Bloomington adopted a new UDO in January 2020. The new UDO will become effective upon the adoption of a new zoning map per Ordinance 19-24. The 2020 UDO has new district names for all of the zoning districts (see Table 2-1, Summary Table of Zoning Districts for a comparison of prior district names with the new district names). The Zoning Map must be updated with the new district names and is the next sequential step of the UDO Update process. The new zoning map or “conversion” map is only changing the names of the zoning districts to their new respective district names as shown in Table 2-1. No district boundary changes or any of the four new zoning districts (R1, R4, MS, and PO) will be considered at this step in the process. These types of considerations will be part of one of the last steps of the UDO Update process which is expected to begin later in 2020.

In addition to the conversion zoning map there is an amendment that is addressing several technical changes to the 2020 UDO. These technical changes are intended to provide further clarification or address minor technical corrections. Land use policy requests or substantive changes to the 2020 UDO are not being considered at this step, but may be considered as part of one of the last steps in the UDO Update process. A redline version of the proposed changes is included; below is a summary of the technical changes:

- Accessory Structures (p. 96) - add “Flag poles” in addition to Class II bicycle parking facilities in 20.03.030 (g)(1)(B);
- Accessory Structures (p. 96-98) – change maximum “size” to maximum “footprint” in 20.03.030 (g)(1)(E), Table 03.4 Number and Size of Accessory Structures Permitted, and Standards for ADUs;
- Figure 51 (p. 137) – change title to “Vision Clearance Triangle”
- Art Studio or Workshop Maximum Parking Allowance (p. 148) - change to “no” maximum to “1 space per 1,000 sq. ft. GFA” maximum in 20.04.060;
- Parking Space Dimensional (p. 153) – add “minimum” in 20.04.060 (i)(3);
- Projecting Signs in Public Right of Way (p. 197) – add similar reference “or the sign is authorized by Section 20.04.100(l)(3)” in 20.04.100(f)(2);
- Electronic Reader Board Signs (p. 199) – add the words “may only be utilized” in 20.04.100(g)(3);

- Sign permit denied and appeal to BZA (p. 295) – change standard from “within 30 days” to “at next regularly scheduled hearing” in 20.060.50(j)(3)(B)(iii);
- Agriculture (p. 354) - add reference to Urban Agriculture;
- Deck (p. 365) - delete the word “accessory”;
- Habitable Space (p. 378) - add definition;
- Treatment Facility (p. 390, p. 74 Table 3-1, and p. 86) - remove “or Treatment Facility” from “Methadone or Treatment Facility”;
- Porch (p. 392) - delete the work “accessory”;
- Structure, Accessory (p. 403) - delete “”(appurtenant structure)” and delete definition and replace with a reference to “Building of Structure, Accessory”; and
- Punctuation corrections (various pages) - add a period to Cul-de-sac definition, move the period inside of quotations (11 times).

Information/notice cards to all property owners within the corporate boundaries were mailed starting the week of February 10, 2020. The mailed notice provides the purpose of the meeting, the date and time for the hearing, as well as the project website where additional information can be accessed. This is consistent with both the requirements of IC 36-7-4-600 series and Plan Commission rules. Information on the UDO Update website was updated and includes the 2020 UDO and the new “Conversion” Zoning Map.

RECOMMENDATION: The Planning and Transportation Department is recommending one hearing and ZO-9-20 be forwarded to the Common Council with a positive recommendation.

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, 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 Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Club or lodge											P	P			P				
Community center			C	C	C	P*	P*			P	P	P		P	P			20.03.030(c)(2)	
Conference or convention center												P	P	P	P				
Crematory												C		C			C		
Day-care center, adult or child	A*	A*	A*	A*	A*	C*	C*	C*	P*	P*	P*	P*	C*	C*	P*	P*	A*	20.03.030(c)(3)	
Government service facility											P	P	P	P	P		P		
Jail or detention facility														C*			C*	20.03.030(c)(4)	
Meeting, banquet, or event facility											P	P	P	P	P				
Mortuary											P	P		P					
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	C	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	C	P	P	P	P	P	P	P		
Urban agriculture, noncommercial	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	20.03.030(c)(5)	
Educational Facilities																			
School, college or university												C	C	P					
School, public or private	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	C*	P*	P*			20.03.030(c)(6)	
School, trade or business											P	P	P	P	P		P		
Healthcare Facilities																			
Hospital														C		C			
Medical clinic										P	P	P	P	P	P	P			
Methadone or other treatment facility												P*		C*		C*		20.03.030(c)(7)	
Opioid rehabilitation facility											C*	C*	C*		C*	C*		20.03.030(c)(7)	
COMMERCIAL USES																			
Agricultural and Animal Uses																			
Crops and pasturage	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*		20.03.030(d)(1)	
Kennel												C*					C*	20.03.030(d)(2)	
Orchard or tree farm, commercial	P	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P	20.03.030(d)(3)	
Pet grooming										P*	P*	P*			P*		P*	20.03.030(d)(4)	
Plant nursery or greenhouse, commercial	C										P	P	P						
Veterinarian clinic										C*	P*	P*			P*			20.03.030(d)(4)	

- (2) Any of the uses listed as Household Living uses in Table 03-1: *Allowed Use Table*, may be organized as cooperative housing, but shall be a permitted use or a conditional use only in those zoning districts where another Household Living use with the same layout and number of units would be allowed as a permitted use or conditional use, and shall be subject to those use-specific standards applicable to such Household Living use with the same layout and number of units. For example, a cooperative housing facility that meets the definition of “dwelling, multifamily” in terms of layout and number of units is a permitted use available only in those zoning districts where a “dwelling, multifamily” is a permitted use in Table 03-1: *Allowed Use Table*, and is a conditional use available only in those zoning districts where a “Dwelling, multifamily” is listed as a conditional use in Table 03-1: *Allowed Use Table*, and is subject to those Use-specific standards applicable to a “dwelling, multifamily” in Section 20.03.030(b)(5).

(b) Residential Uses

(1) Dwelling, Single-Family (Detached)

- (A) 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.
- (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
- (C) Occupancy of a single-family detached dwelling unit is subject to the definition of “family” in Chapter 20.07: (Definitions).

(2) Dwelling, Single-Family (Attached)

(A) Access

- 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) Design

In the R2 and R3 zoning districts, the maximum number of dwelling units allowed in one single-family attached structure shall be two, and each individual dwelling unit shall be located on a separate lot.

(C) Occupancy

Occupancy of single-family attached dwelling units is subject to the definition of “Family” in Chapter 20.07: (Definitions).

(3) Dwelling, Duplex

(A) Generally

- i. For any property that has been rezoned to R1, R2, or R3 after [effective date] that was not previously designated in the R1, R2, or R3 zoning districts, duplex dwelling uses shall be permitted by-right and shall not require conditional use permit approval.
- ii. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:

- i. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the Indiana Department of Environmental Management; and either:
 1. Proof through maps, deeds, prior permits or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or
 2. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the Indiana Department of Environmental Management.
- ii. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.
- iii. As an alternative to meeting the standards in (i) or (ii) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

(6) School, Public or Private

- (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.

(7) Methadone ~~or Other Treatment Facility~~ or Opioid Rehabilitation Facility

- (A) Each clinic or facility shall be at least 1,000 feet from the nearest property line of a lot containing a primary use that falls under the Household Living category, Group Living category, 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 patrons, 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 services.

(d) Commercial Uses

(1) Crops and Pasturage

(A) Generally

- i. Except in the RE zoning district, this use shall be accessory to a principal use on the same lot or parcel.
- ii. Land with a slope in excess of 15 percent shall not be considered in determining the total pasture size and shall not be used for pasture purposes.
- iii. All outside pens, exercise areas, and pastures shall be fenced.

(4) **Wind Energy System, Large**

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**

- (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.

(g) **Accessory Uses and Structures**

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

(1) **Generally**

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 flag poles and/or detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed.

(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.

(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**

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

Table 03-4: Number and Size of Accessory Structures Permitted

Zoning District	Maximum Number	Maximum Size Footprint (cumulative total)
RE	None	50 percent of the square footage of the primary structure
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
RM, RH, RMH MS, MN, MM, MD, MC, ME, MH	None	15 percent of the cumulative square footage of the primary building(s) footprint.
MI, EM, PO	None	None

(F) Location

- 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.

(G) Design

Accessory structures larger than 120 square feet shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the principal building(s).

(2) Chicken Flocks

One chicken flock as defined in the Bloomington Municipal Code Section 7.01.010, may be kept as an accessory use to a permitted principal use, provided that such use is permitted by and complies with all regulations of Title 7 (Animals) of the Bloomington Municipal Code, as amended. The regulations of Title 7 (Animals) of the Bloomington Municipal Code are expressly incorporated into this UDO by reference.

(3) Detached Garage Design

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (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 Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) Drive-Through

- (A) 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.
- (B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(5) **Dwelling, Accessory Unit**

(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. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- iii. ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.
- iv. ADUs shall not contain more than two bedrooms.
- v. 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 in one accessory dwelling unit 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 accessory dwelling unit on that effective date.
- vi. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department.

(C) **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 uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) **Standards for Attached ADUs**

- i. The maximum square footage of any attached ADU shall be 840 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.

(E) **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 20.04.070(d)(3) (Residential).

- i. The maximum ~~square footage~~ **gross floor area** of any detached ADU shall be 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.
- ii. The detached ADU shall not exceed 25 feet in height.

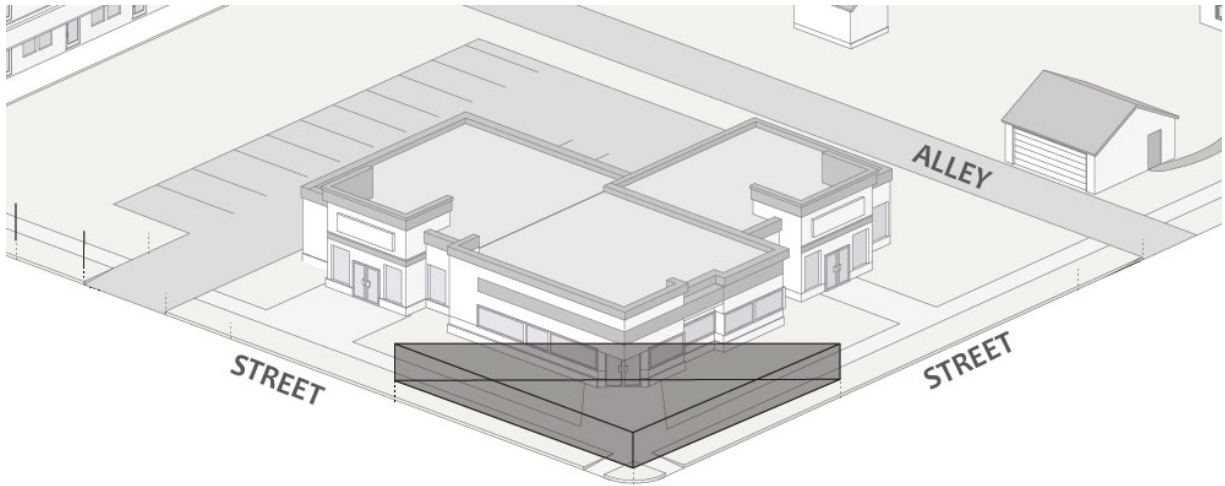


Figure 51: ~~Upper Floor Façade Stepbacks~~ Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths

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.

(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

(1) Purpose

To reduce greenhouse gas emissions and improve the health 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.

(2) Applicability

Pedestrian facilities shall be required on both sides of all streets, except that culs-de-sac 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 required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

(3) Inspection and Acceptance

Prior to the recommendation of issuance of a final certificate of occupancy, all 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.

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Brewpub, distillery, or winery	Indoor tasting/seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor tasting/seating area: 5 spaces per 1,000 sq. ft. of
Hotel or motel	1 space per guest room
Restaurant	Indoor seating area: 10 spaces per 1,000 sq. ft. GFA; Outdoor seating area: 5 spaces per 1,000 sq. ft. of
Office, Business, and Professional Services	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA No limit
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	3.3 spaces per 1,000 sq. ft. GFA
Fitness center, large	2.5 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA
Retail Sales	
Building supply store	2 spaces per 1,000 sq. ft. GFA
Grocery or supermarket	5 spaces per 1,000 sq. ft. GFA
Liquor or tobacco sales	3.3 spaces per 1,000 sq. ft. GFA
Pawn shop	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, small	4 spaces per 1,000 sq. ft. GFA
Retail sales, medium	4 spaces per 1,000 sq. ft. GFA
Retail sales, large	3.3 spaces per 1,000 sq. ft. GFA
Retail sales, big box	3.3 spaces per 1,000 sq. ft. GFA
Vehicles and Equipment	
Equipment sales or rental	2.85 spaces per 1,000 sq. ft. GFA of indoor sales/leasing/ office area; plus 1 space per service bay
Transportation terminal	No limit
Vehicle fleet operations, small	No limit
Vehicle fleet operations, large	No limit
Vehicle fuel station	5 spaces per 1,000 sq. ft. GFA
Vehicle impound storage	No limit
Vehicle parking garage	No limit
Vehicle repair, major	
Vehicle repair, minor	2.85 spaces per 1,000 sq. ft. of indoor sales/leasing/ office area; plus 1 space per service bay
Vehicle sales or rental	
Vehicle wash	No limit
EMPLOYMENT USES	
Manufacturing and Processing	

(B) In the RE, R1, R2, R3, and R4 District

- i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building 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.

(3) Dimensions of Parking Spaces and Drive Aisles

All on-site parking and maneuvering areas shall be constructed according to the following minimum 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:
 - 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.

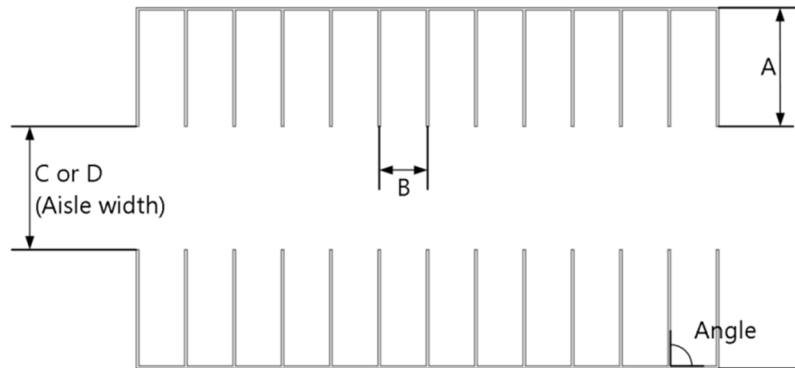


Figure 52: Illustrative Scale and Character

Table 04-11: Parking Dimensions (in feet)

Angle	Parking Space		One-Way Aisle	Two-Way Aisle
	A	B	C	D
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	15.0	8.5	12.0	20.0
45°	17.0	8.5	12.0	20.0
60°	17.5	8.5	16.0	20.0
90°	16.0	8.5	20.0	20.0

Notes:

(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 20.04.100(c)(2)(B), Section 20.04.100(c)(2)(C), Section 20.04.100(k)(7), and Section 20.04.100(l)(7).

(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 20.04.100(i)(9), Section 20.04.100(j)(7), Section 20.04.100(k)(5), and Section 20.04.100(l)(6) or specifically exempted in Section 20.04.100(c)(2)(C), including but not limited to pennants, streamers, balloons, inflatable signs, spinners, feather flags, 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 20.04.100(l).

(10) Electronic Reader Board Signs

Any electronic reader board sign not specifically permitted in Section 20.04.100(g)(3).

(f) 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 20.04.100(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 20.04.100(k)(7) , or the sign is authorized by Section 20.04.100(l)(3), or the sign is authorized by Section 20.04.100(l)(7), or the sign is a public sign authorized by Section 20.04.100(c)(2)(A) and is further authorized by the city;

(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

Unless otherwise provided in this UDO, electronic reader boards may only be utilized when 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.

(h) 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.
- (3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

(i) Residential District Sign Standards

(1) Applicability

This section applies to the RE, R1, R2, R3, R4, 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.

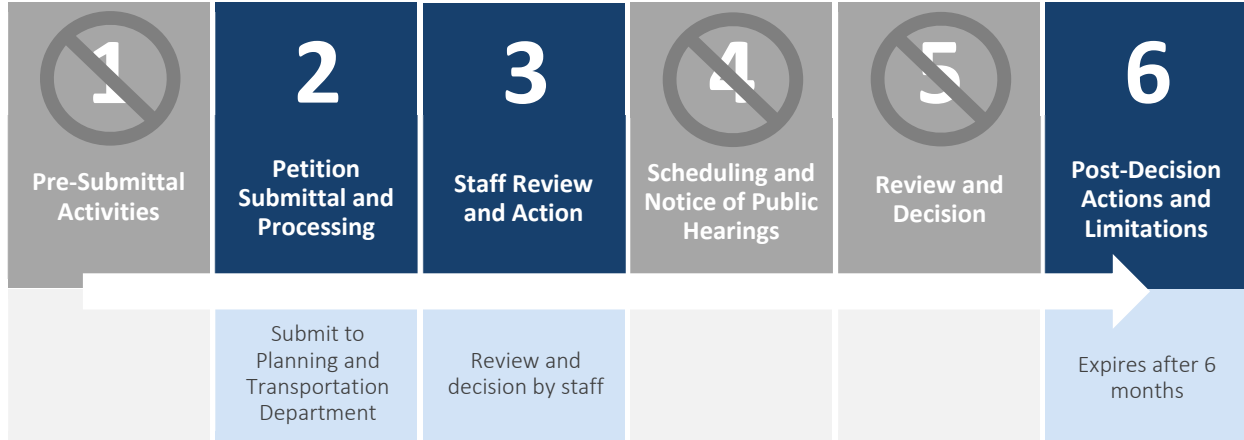
(B) Exemptions

Signs that are exempt from the sign permit requirement are specified in Section 20.04.100 (Signs).

(3) Sign Permit Review Process

Figure 06.05-11 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 06.05-11: Summary of Sign Permit Review Procedure



(A) Petition Submittal and Processing

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).

(B) Staff Review and Action

- 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~~ at the next regularly scheduled hearing.

(C) Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

Abutting

Bordering or touching, such as sharing a common lot line. Lots that are separated by a street, right-of-way, or platted alley are not abutting.

Accessory Dwelling Unit (ADU)

See "Dwelling, Accessory Unit."

ADA

The Americans with Disabilities Act.

Addition (to an existing structure)

Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction. For purposes of floodplain regulations, any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall.

Adjacent Property

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." [And "Urban Agriculture, Noncommercial."](#)

Alley

A right-of-way through or partially through a block, intended for secondary vehicular access to the rear or side of properties. However, where vehicle access from the street is not permitted or not possible, an alley may provide primary vehicle access.

Amenity Center

A building or facility owned or operated by a corporation or homeowners association intended for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency in a specific development or neighborhood is required for participation. Examples may include communal areas, swimming pools, health club facilities, media rooms, or the like.

Apartment

See "Dwelling, Multifamily."

Appeal

For purposes of floodplain regulations, a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Architectural Features

Ornamentation or decorative features attached to or protruding from an exterior wall.

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.

Critical Facility

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

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, and honey. This use does not include feed lots, concentration points, confined feeding, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, transfer stations, 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.

Current Preferred Practices (CPP)

A set of practices proven both effective and cost effective at reducing soil erosion and sedimentation during land disturbing activities, including but not limited to silt or erosion-control fences, filter socks, straw bales, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

D Zone

Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

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 24 hours per day.

Day Care Center, Adult or Child

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 24 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" ~~and~~. 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 24 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 24 hours per day. A facility shall not be classified as a day care home unless it provides care for no more than 16 full- or part-time children at any one time. The maximum of 16 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.

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.

Dwelling, Accessory Unit

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

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~~7.1~~".

Dwelling, Duplex

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

Dwelling, Fourplex

A single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family.

Dwelling, Live/Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Manufactured Home

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 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

One or more buildings or portion of buildings on a single lot that contains 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, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory~~7.1~~"-or "Dwelling, Accessory Unit~~7.1~~".

Emergency Program

For purposes of floodplain regulations, the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

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.

Existing Manufactured Home Park or Subdivision

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

Expansion

See "Enlargement."

Expansion to an Existing Manufactured Home Park or Subdivision

For purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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.

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.

Group Care Home, FHAA, Small and Large

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."

Habitable Space

Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HAND

The City of Bloomington Department of Housing and Neighborhood Development.

Hardship

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

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.

Meeting, Banquet, or Event Facility

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 ~~or Other Treatment Facility~~

A clinic or facility engaged in dispensing Methadone (dolphine) for the purpose of elimination or reduction of opiate use by individuals suffering from substance use disorder. This definition does not include "opioid rehabilitation facility."

Mitigation

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

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.

Mortuary

An establishment where the deceased are physically prepared for final interment.

Mosque

See "Place of Worship."

Motel

See "Hotel or Motel."

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.

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.

Nursing or Convalescent home

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."

Obstruction

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

Office

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 City. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning and Transportation Director.

One-Percent Annual Chance Flood

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

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 Facility

A facility, clinic, or office engaged in treating or counseling patients for reduction and management of opiate use, which may but need not include treatments involving medication, and where patients do not receive housing or overnight accommodation.

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 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.

Plant Nursery or Greenhouse, Commercial

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.

Plat

A map or chart indicating the subdivision or re-subdivision of land, either recorded or in a form suitable to be recorded.

Plat Committee

A committee authorized in the Plan Commission rules that has authority to approve or deny primary plats, secondary plats, and requests for vacation of plats or parts of plats.

Plat, Primary

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

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.

Police, Fire, or Rescue station

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."

Preschool

See "School, Public or Private."

Preservation Area

Sites with environmental resources intended to be preserved in their natural state.

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.

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 Safety and Nuisance

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

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.

Regulatory Flood

The flood having a one percent chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 20.04.040(c) (General Standards). The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood" and "100-Year Flood".

Regulatory Flood Elevation

The water-surface elevation of the base flood or the 100-year flood as defined by the Federal Emergency Management Agency.

Repetitive Loss

Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure before the damage occurred.

Rescue Station

See "Police/fire/rescue station."

Residential Care Home

See "Group home/residential care home."

Residential Rooming House

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, usually for periods of 30 days or longer, that do not meet the definition of "Family" where the use does not meet the definition of "Bed and Breakfast," "Fraternity or Sorority House," "Student Housing or Dormitory," "Residential Care Facility," or "Hotel or Motel."

Rest Home

See "Nursing or Convalescent Home."

Restaurant

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

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.

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.

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

An institution other than a "School, Trade or Business" that provides full-time or part-time education beyond high school.

School, Public or Private

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"^{7.2} or "School, College or University"^{7.2}

School, Trade or Business

A 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.

In all other contexts, 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.

Structure (Floodplain Regulations)

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

Structure, Accessory (~~appurtenant structure~~) Structure, Accessory (Generally)

~~A subsidiary or auxiliary building or structure located on the same zoning lot with the principal building or structure and that is customarily incidental to the principal building or structure or to the principal use of the land. See "Building or Structure, Accessory."~~

Structure, Accessory (Floodplain Regulations)

For purposes of floodplain regulations, a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Structure, Historic

For purposes of floodplain regulations, any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Student Housing or Dormitory

A multiple-family dwelling designed primarily as housing for, or likely to be occupied by, unmarried undergraduate or post-graduate students, including but not limited to:

- 1) Multiple-family dwellings that contain any living units with four or more bedrooms; or
- 2) Multiple-family dwellings where more than 33 percent of the living units contain three bedrooms; or
- 3) Residential buildings that do not meet the definition of a "Residential Rooming House" or "Hotel or Motel" ~~7.2~~ in which any of the bedrooms require the use of a common hallway shared by more than three bedrooms, to access the nearest bathroom facilities or to access a cooking area containing a built-in sink, refrigerator, and stove or oven.

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.

Vehicle Parking Garage

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

Vehicle Repair, Major

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

Vehicle Repair, Minor

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

Vehicle Sales or Rental

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

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

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.

Violation

For purposes of floodplain regulations, the failure of a structure or other development to be fully compliant with the floodplain regulations. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

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).