

Administrative Procedures

Plan Commission, Plat Committee, and Hearing Officer Rules and Procedures

Last Revised April 15, 2019

Article I. Meetings

- A. The Plan Commission shall hold regularly scheduled meetings at intervals which correspond with the anticipated case load. Each agenda may include cases in preliminary or final hearing.
- B. All meetings shall be held at 5:30 p.m. in the City Hall at the Showers Building unless otherwise publicly announced.
- C. All meetings shall adjourn at 9:30 p.m. and no new cases shall be heard after 9:00 p.m. Any cases remaining to be heard on an agenda at time of adjournment shall be rescheduled for hearing at a special meeting within one (1) week of the original meeting.
- D. Special meetings may be called as provided in by Indiana Code section 36-7-4-307, as amended.
- E. A majority of the voting members shall constitute a quorum. However, no vote of the Commission shall be official unless authorized by a majority of the Commission's membership, and no vote of the Plat Committee shall be official unless authorized by the affirmative vote of two (2) members.
- F. Executive Sessions may be held only with at least forty-eight (48) hours advance notice and in compliance with all requirements of state law, and only such business as permitted by state law may be conducted in such session (certain matters relating to property acquisition, personnel, labor relations, or litigation).
- G. All decisions on petitions, with the exception of those acted upon as part of the consent agenda, shall be by roll call. The vote of each member of the Commission or Plat Committee shall be recorded by the Secretary and placed in the minutes of the meeting.
- H. No member of the Commission or Plat Committee shall participate in the hearing or decision of the Commission or Committee involving any matter in which that person is directly or indirectly interested in a financial sense, other than the preparation and enactment of a Master Plan. In the event that any member disqualifies himself or that any member's eligibility is challenged by a member of the public, such fact shall be entered on the records of the Commission or Committee and shall appear in the minutes. Members who intend to disqualify themselves from a vote on a particular petition due to direct or indirect financial interest shall notify the staff of this fact a minimum of two (2) business days prior to the hearing in order to provide staff and the Plan Commission President adequate time to arrange the attendance of a substitute member, if applicable, and to make other arrangements as necessary.

- I. As soon as possible a summary of minutes of the proceedings shall be made available to each member of the Commission or Committee.
- J. All minutes of the proceedings, tape recordings of the hearings, and all exhibits submitted by the petitioners, remonstrators and staff shall be public records and shall be filed in the Planning and Transportation Department office. These materials shall become a part of the case and all such materials shall be held by the Planning and Transportation Department for a period of at least one (1) year. At the end of the one (1) year time period, all materials held by the Planning Commission may be placed in a "back filing" system for preservation of city records.
- K. The final disposition of any request, petition, or resolution before the Commission or Plat Committee shall be in the form of a motion, adopted according to proper parliamentary procedures. Said motion may be to grant, deny, continue, forward, modify, or table the petitioner's request; additionally, the members of the Commission may attach such conditions to a motion as are deemed necessary for the furtherance of the public health, safety, or convenience or to achieve consistency with the City Comprehensive Plan or Bloomington Municipal Code. The Plat Committee may impose conditions upon preliminary approval of a plat in accord with Article II(G)(3) of these Rules and Procedures. In all cases, the Plan Commission and Plat Committee shall act to determine the final disposition of a request, petition or resolution; in the absence of a majority vote to determine final disposition, said request, petition or resolution shall be administratively continued to the next regularly scheduled hearing.
- L. No petition shall be heard unless the petitioner is present at the public hearing. In the event that a petitioner is not present at the time their case is called to be heard, that petition will be moved to the end of the agenda. If the petitioner is present after the remaining cases on the agenda have been heard, their case will be heard at that time. If the petitioner is not present, the case will be continued to the next Plan Commission or Plat Committee meeting.

Article II. Officers, Employees, Plat Committee, and Hearing Officer

- A. The Commission shall at its first hearing in each year elect from among its members a president and vice-president, and appoint the members of the Plat Committee pursuant to Article II, Paragraph G.
- B. The president shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the administration of the affairs of the Commission, including the execution of contracts and agreements, the appointment of committees and representatives, the determination of points of order and procedure, and the signing of all official documents. The vice-president shall have authority to act as president of the Commission during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.
- C. The Planning and Transportation Director is designated as Secretary and shall be responsible for supervising the keeping of an accurate and complete record of all

Commission and Plat Committee proceedings, including the keeping of records and minutes, and the custody and preservation of all paper documents of the Commission and Plat Committee. In the event of the absence of both president and vice-president, the secretary shall preside, provided, however, the first and only item of business to be presented by such presiding officer shall be the election of a chairman pro tempore.

- D. The Commission may appoint and prescribe the duties and fix the compensation of such employees as are necessary for the discharge of the duties and responsibilities of the Commission, and may make contracts for special or temporary services and any professional counsel, subject, however, to annual appropriation for same by the Common Council.
- E. The Commission shall request an attorney from the City Legal Department be assigned to serve as Counsel for the Commission.
- F. The Planning and Transportation Director or their designee shall appear at all meetings and assist the Commission presenting factual opinion on significant issues raised by the petition.
- G. Pursuant to Indiana Code section 36-7-4-701(e), as amended, a Plat Committee is established.
 - 1. The Plat Committee shall consist of three (3) members, one (1) staff member from the Planning and Transportation Department, one (1) staff member from the Utilities Department and the member of the Plan Commission who also serves as the City's Engineer, unless another member of the Plan Commission is appointed instead.
 - 2. Plat Committee members shall be appointed by the Plan Commission for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year.
 - 3. The Plan Commission shall appoint one (1) alternate for each member of the Plat Committee to serve for a one-year term ending upon completion of the first Plan Commission meeting of the following calendar year. The alternate for the Planning and Transportation Department member shall be an employee of the Planning and Transportation Department. The alternate for the Utilities Department member shall be an employee of the Utilities Department. The alternate for the Plan Commission member shall be a member of the Plan Commission.
 - 4. The Plat Committee may approve any subdivision of land, including preliminary and final plats. The Plat Committee may impose conditions upon preliminary approval as authorized and limited by Indiana Code section 36-7-4-702, as amended.
 - 5. The committee shall meet at such times to be determined by the committee, as needed to accommodate caseload; provided, within eight (8) days of receiving an

application for preliminary plat approval, the staff shall announce the date for hearing before the Plat Committee.

6. All petitions considered by the Plat Committee shall be considered in public hearings pursuant to the rules of procedure herein with respect to conduct of hearings, filing of petitions, fees, and notices, except that all plats may be considered by the committee in a single hearing.

All provisions of these Rules and Procedures shall apply to the Plat Committee only if specified therein.

7. The Plat Committee may act only by a vote of a majority of the full membership of the committee. Decisions must be signed by the president and secretary of the Plan Commission.
8. Any applicant or other interested party may appeal a decision of the Plat Committee approving, disapproving or imposing conditions on a preliminary plat, to the Plan Commission. Such appeal shall be filed with the Planning and Transportation Department within five (5) days of the Plat Committee's decision.
9. The Plat Committee shall at its first meeting in each year elect from among its members, a president and a vice president. The president shall preside over committee meetings and shall exercise general supervision over the administration of the affairs of the committee, including the determination of points of order and procedure. The vice-president shall have authority to act as president of the Plat Committee during the absence of the president. In the case of the resignation of the president, the vice-president shall succeed to the presidency and a new vice-president shall be elected from the membership.
10. The Planning and Transportation Department, may, at its discretion, schedule plats for consideration by the Plan Commission rather than the Plat Committee.

H. Pursuant to Indiana Code section 36-7-4-923, as amended, an alternate procedure for variance and conditional use is established.

1. A hearing officer is established.
 - i. The Plan Commission shall appoint two (2) hearing officers. One (1) of the hearing officers shall generally fulfill the duties of the hearing officer, and the other hearing officer shall serve as an alternate in the event that the first is not available or has a conflict of interest.
 - ii. A hearing officer shall be a member of the staff.
 - iii. The Plan Commission may remove a hearing officer from their responsibilities at any time.
2. The hearing officer may approve or deny:
 - i. Variances from development standards,

- ii. Conditional uses,
 - iii. Use Variances;
3. Hearings conducted by the hearing officer shall be subject to all of the notice, minutes, records, and staff report, rules which apply to the Board of Zoning Appeals.
 4. The hearing officer shall be subject to the same requirements of the state law and the zoning ordinance as the Board of Zoning Appeals, with respect to conflicts of interest and communications with the hearing officer.
 5. The hearing officer may, at their discretion, transfer a petition filed under this alternative procedure to the Board of Zoning Appeals if, in the judgment of the hearing officer, the issues involved warrant consideration by the Board or it appears likely that the decision of the hearing officer would be appealed to the Board.
 6. The staff may file a written objection to a petition filed for consideration by the hearing officer if:
 - i. the variance or conditional use sought would be injurious to the public health, safety, morals, and general welfare of the community; or
 - ii. the use or value of the area adjacent to the property included would be affected in a substantially adverse manner.

If such written objection is filed, the petition shall:

- iii. be considered withdrawn; or
- iv. be transferred to the Board of Zoning Appeals if requested by the petitioner.

Such written objection shall be filed not less than twelve (12) days before the hearing, unless new information comes to the staff's attention within twelve (12) days of the hearing.

7. The staff may indicate that it does not object to the approval of the petition if specified conditions are attached. If the applicant does not accept these conditions, the petition shall:
 - i. be considered withdrawn; or
 - ii. be transferred to the Board of Zoning Appeals if requested by the petitioner.
8. The hearing officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel, as provided in Indiana Code section 36-7-4-1015, as

amended. If the applicant for the variance, or conditional use does not accept these conditions or make the commitment, the petition shall:

- i. be considered withdrawn; or
 - ii. be transferred to the Board of Zoning Appeals if requested by the petitioner.
9. 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.
10. A decision of the hearing officer may be appealed to the Board of Zoning Appeals by an interested person. Any appeal shall be filed with the Planning and Transportation Department within five (5) days of the hearing officer's decision.

Article III. Filing of Petitions, Permits, and Fees

A. All requests to the Commission or Plat Committee shall be by petition and petitioners shall be required to follow these procedures:

- 1. All petitioners shall use the uniform petition forms approved by the Planning and Transportation Director which are available upon request in the Planning and Transportation Department. No petition shall be accepted until the petitioner has consulted with a staff member who has determined that the petition is presented in proper form with all the required exhibits and supporting documents. Upon such determination staff shall sign the application form and the petition shall be accepted.
- 2. All petitions shall be filed no later than the deadlines established on the calendar of meetings to be adopted by the Commission each year; provided, these deadlines shall not apply to petitions to be heard by the Plat Committee.
- 3. Filing fees for petitions shall be as follows:

- a. Rezoning Petitions

- Rezoned to Single family.....\$250 + \$25/acre
 - Rezoned to Non-Single family.....\$500 + \$50/acre
 - Rezoned to Planned Unit Development..... \$1000 + \$100/acre

- b. PUD Preliminary Plan Amendment..... \$500 + \$50/acre

- c. Plat Approvals

- Preliminary..... \$300 + \$25/lot
 - Final..... \$300 + \$25/lot
 - Preliminary and Final together..... \$300 + \$25/lot

- d. Site Plans/PUD Final Plans
 - Remodels..... \$200
 - Residential Addition..... \$200 + \$25/dwelling unit
 - Residential New Construction..... \$400 + \$25/dwelling unit
 - Non-Residential/Mixed Use Addition..... \$200 + \$0.10/square foot
 - Non-Residential/Mixed Use New Construction..... \$400 + \$0.10/s.f.

 - e. Conditional Uses
 - Home Occupation..... \$100
 - Other..... \$250

 - f. Use Variances..... \$500

 - g. Variances
 - Single-family..... \$100
 - Multifamily and Non-Residential..... \$500

 - h. Right-of-Way
 - Vacations.....\$500

 - i. Letters of Zoning
 - Verification.....\$100

 - j. Lot Line Adjustments.....\$100

 - k. Certificate of Occupancy Inspections.....\$100

 - l. No application fees shall be required for any application by not-for-profit, community service organization.

 - m. The Plan Commission may waive the application fee for any proposal which is actively being promoted by a unit of local government or quasi-public organization or which involves a local subsidy.

 - n. No refunds shall be permitted after a petition has received a Plan Commission or Plat Committee hearing, whether or not the Plan Commission or Plat Committee has taken action on the petition.
4. Fees associated with City of Bloomington review of building permit applications shall be \$0.14 per square foot of construction. All building permits are applied and paid for, and issued through the Monroe County Building Department. Certain categories of permits do not require this fee payment per the fee schedule

contained in the Monroe County Building Department Construction Permit Fees. The exemptions contained in this Building Department document are incorporated in this rule. No fee shall be required for City review of any permit application filed by a not-for-profit, community service organization, or a governmental agency. Per the Interlocal Cooperation Agreement between the City and the County, the County Building Department shall collect the \$0.14 per square foot residential permit fee and a \$0.15 per square foot non-residential permit fee and transmit the collected fees to the City of Bloomington Controller's Office on a quarterly basis.

Article IV. Notices

- A. In the event a request for action by the Plan Commission or Plat Committee is being made by 100% of the property owners directly included in the proposed action, the following requirements for notice must be met:
1. All petitioners for any Plan Commission or Plat Committee approval shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and mail by regular first class delivery said notice not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the initial Plan Commission or Plat Committee hearing. If adequate notice in accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.
 2. Such notice shall state:
 - a. The general location by address or other identifiable geographic description of the subject property or area;
 - b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps;
 - c. The name of the petitioner;
 - d. The times and places the petition has been set for hearing;
 - e. That the petition and file may be examined in the office of the Planning and Transportation Department;

- f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee; and
 - g. That the hearing may be continued from time to time as may be found necessary.
3. ***Interested parties*** shall be defined as all persons owning land adjacent and contiguous to the property included in the petition or proposal and, all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided “two (2) properties deep”) but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous. 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, and owners of property adjacent and contiguous to said parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.
4. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, the 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 and address of each adjacent property owner. 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. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owners were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.
5. The manner in which notice must be sent to interested parties shall be as follows:
- a. Required notices to interested parties shall be sent by regular first class mail.
 - b. Proof that notice has been mailed shall be sufficient proof of notice under these rules regardless of actual receipt.
 - c. Proof of notice shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:
 - 1. A copy of the Notice of Public Hearing to be mailed to the interested parties.

2. A list of interested parties with addresses.
3. An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of petition; and a statement that notice was mailed at least twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.
4. A copy of the map indicating interested parties' property as generated by the Planning and Transportation Department.

The Planning and Transportation Department shall retain the proof of notice within the petition file

- d. 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.
6. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days and prior to the initial hearing. Said notice shall serve as a legal advertisement for continued public hearings. The petitioner shall bear the expense of said advertisement.
 7. All petitioners for any Plan Commission or Plat Committee approval (excepting zoning text amendments, resolutions, and administrative appeals) shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Plan Commission, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the hearing of the Plan Commission or Plat Committee. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.
- B. In the event a request for action by the Plan Commission or Plat Committee is being made by less than 100% of the property owners directly included in the proposed action, or in the event the Plan Commission or the Common Council are the proponents of the action, the following requirements for notice must be met:
1. All petitioners for any Plan Commission or Plat Committee approval (other than the Plan Commission or Common Council) shall inform interested parties of the proposal by notice sent to the residence or the last known address of the interested parties. Petitioners shall prepare the notice in a form specified by the Planning and Transportation Department and shall mail said notice not less twenty-one (21) days before the initial Plan Commission or Plat Committee hearing date. The Planning and Transportation Department shall verify that the notice is properly distributed by the petitioner not less than twenty-one (21) days before the date of the Plan Commission or Plat Committee hearing. If adequate notice in

accordance with these rules is not given to the interested parties and this fact is confirmed by staff prior to Plan Commission action, such petition may be continued to a later date to allow proper notice to all interested parties.

2. In any case where a proposal to change the zone maps is initiated by the Plan Commission or by the Common Council, other than a proposal to repeal and replace the zone maps for the entire planning jurisdiction, notice shall be given to interested parties by the staff. Such notice shall be postmarked at least twenty-one (21) days prior to the initial hearing on the proposal.
3. Such notice shall state:
 - a. The general location by address or other identifiable geographic description of the subject property or area.
 - b. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zone maps, where the proposal involves a change to the zone maps
 - c. The name of the petitioner.
 - d. The times and places the petition has been set for hearing.
 - e. That the petition and file may be examined in the office of the Planning and Transportation Department.
 - f. That the addressee may voice an opinion at the hearing and/or file written comments with the Commission or Plat Committee.
 - g. That the hearing may be continued from time to time as may be found necessary.
4. Interested parties shall be defined as owners of property within the area included in the petition or proposal who are not petitioners, owners of property adjacent and contiguous to the property included in the petition or proposal, and all persons owning land abutting the aforementioned immediately-adjacent property owners (i.e, notice shall be provided “two (2) properties deep”) but not to exceed three hundred (300) linear feet from the subject parcel(s) for which a petition or proposal is being requested. Intervening public rights-of-way shall not be considered in determining what property is adjacent and contiguous.
5. In order to determine the names and addresses of property owners to whom notice must be sent under this Rule, 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. 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. Each notice shall be mailed and postmarked no later than the

fifth business day after the date upon which the name and address of the owner were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.

6. The manner in which notice must be sent to interested parties shall be as follows:
 - a. Required notices shall be sent by certified mail with return receipt requested to all owners of property within the area included in the petition or proposal, other than those who have signed the petition or application requesting Plan Commission or Plat Committee approval except as otherwise provided in Paragraph 6(c) herein.
 - b. Required notices to all other interested parties shall be sent by regular first-class mail.
 - c. It shall be the duty of the staff to examine the file within the three (3) business days prior to the initial hearing to determine whether all required proof of service (as set forth in Paragraph 7 and/or 6(d) of this Rule) has been filed, and to advise the Plat Committee at its hearing, or the Plan Commission at its initial hearing of any omissions or deficiencies in such proof of service. In any case where a notice has been sent by certified mail with return receipt requested in accordance with these rules, but no signed return receipt has been received by the sender on or before the date of the initial hearing, or where the notice is returned to the sender for any reason, Staff shall promptly make a good faith attempt to obtain delivery by reasonable alternative means which shall include:
 1. Re-sending notice by certified regular mail with return receipt requested, where a new address is located, or
 2. where the reason for non-delivery appears to be something other than incorrect address, leaving the notice at the residence of the person to be served, along with mailing a copy of the notice to that address by first class mail; or, where the owner is not a resident of the City of Bloomington, mailing by first class mail.
 - d. Except as provided in 6(c) above, proof that notice has been mailed in accordance with Paragraph 7 shall be sufficient proof of notice under these rules regardless of actual receipt. In situations addressed by 6(c) above, proof of notice shall be adequate if it is shown that the second attempt at notice was mailed (and left at the residence, where applicable) at least ten days prior to the final hearing. Such proof shall be by affidavits in substantially the same form as Paragraph 7(a), detailing the manner in which a new address was obtained (where applicable) and the manner in which notice was sent and left at the residence (where applicable). Proof shall also include postmarked certified mail receipts and signed return receipts where used. Provided, however, the Plan Commission or Plat

Committee may at its discretion continue a final hearing and require further attempts at notice to non-petitioning property owners whose property is included in the petition or proposal.

- e. 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.

7. Proof of notice shall be in the following form:

- a. For notice to non-petitioning owners, one or more notarized, sworn affidavits stating the manner in which the affiant(s) obtained the names and addresses of the property owners required to be notified, and stating the date upon which such names and addresses were obtained. Said manner shall be in accordance with Paragraph 5 of this Rule. In the case where the affidavit relates to a second attempt pursuant to Paragraph 6(c) of this Rule, the manner of obtaining a new name and/or address, if any, shall be in accordance with said Paragraph 6(c) and 6(d). Said affidavit(s) shall also include the list of names and addresses thus obtained, keyed to a map showing the petitioned property and surrounding property; and, said affidavit(s) shall also show that notice in the required form was sent to the names and addresses on said list, the date upon which said notice was sent (which shall be not later than the second business day after the names and addresses were obtained in accordance with Paragraph 5 of this Rule), and the manner in which said notice was sent, which shall be in accordance with Paragraph (6) of this Rule. All affidavits shall be made upon personal knowledge. The affidavits required by this provision shall be filed with the Planning and Transportation Department not later than three (3) business days prior to the initial hearing.
- b. Proof of compliance with these notice requirements shall also include the original receipts for certified mail stamped by the United States Post Office with the date of mailing, whenever these rules require that notice be sent by certified mail. The receipts shall be filed with the Planning and Transportation Department simultaneously with the affidavits required by Paragraph 7(a) above.
- c. Proof of notice sent by regular first class mail shall consist of submittal of the following items to the Planning and Transportation Department in the following manner:
 - 1. A copy of the Notice of Public Hearing to be mailed to the interested parties.
 - 2. A list of interested parties with addresses.
 - 3. An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner;

location of the petition; and a statement that notice was mailed at twenty-one (21) days prior to the initial public hearing of the Plan Commission or Plat Committee.

4. A copy of the plat map indicating interested parties' property.

The Planning and Transportation Department shall retain the proof of notice within the petition file.

- d. In all cases where notice is required to be sent by certified mail with return receipt requested, proof of compliance with these notice requirements shall also include filing with the Planning and Transportation Department the original, signed return receipts showing the date and to whom delivered. Where the staff is responsible for giving notice, the return receipts shall be placed in the file as they are received. Where any other person is responsible for giving notice under these rules, that person shall file the return receipts with the Planning and Transportation Department at least three (3) business days prior to the initial hearing.

Provided, however, signed receipts which are received by the person responsible for giving notice later than three (3) days before the initial hearing shall be filed with the Planning and Transportation Department as they are received but in no event later than three (3) days before the final hearing. Provided further, where any notice required to be sent by certified mail with return receipt requested is returned to the sender for any reason, the person responsible for sending notice shall promptly notify the Planning and Transportation Department of that fact and shall also provide the returned envelope to the Planning and Transportation Department.

8. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the county ten (10) days prior to the initial hearing. Said notice shall serve as a legal advertisement for both public hearings. The petitioner shall bear the expense of said advertisement.
9. All petitioners for any Plan Commission or Plat Committee approval (excepting zoning text amendments, resolutions, and administrative appeals) shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Plan Commission, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the hearing of the Plan Commission or Plat Committee. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.

C. In the event a proposal is initiated by either the Plan Commission or the Common Council, the following requirements must be met:

1. The Plan Commission shall give notice of all hearings by publication.

2. The notice by publication shall comply with Indiana Code section 36-7-4-604 and Indiana Code section 5-3-1, as amended. Such notice shall state:
 - a. The time and place of the hearing(s);
 - b. The geographic areas (or zoning areas in a specified geographic area) to which the proposal applies;
 - c. A summary prepared by the Plan Commission of the subject matter contained in the proposal (the entire text of the ordinance is not required);
 - d. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of these penalty or forfeiture provisions;
 - e. The place where a copy of the proposal is on file for examination before the hearing;
 - f. The written objections to the proposal that are filed with the secretary of the Commission before the hearing will be considered;
 - g. That oral comments concerning the proposal will be heard; and
 - h. That oral comments concerning the proposal will be heard; and
 - i. That the hearing may be continued from time to time as may be found necessary.
3. An additional notice shall be provided to all interested parties at least ten (10) days before the date set for the hearing.
 - a. An interested party for purposes of this subsection is any person whose property is located in an area that the proposal plans to:
 1. Rezone;
 2. Subject to a new overlay; and/or
 3. Change the permitted or conditional uses.
 - b. The notice required by this subsection shall be given via United States mail, postage prepaid. The mailing shall be sent to the address listed on the tax records for the affected property and postmarked at least ten (10) days prior to the preliminary hearing on the matter.
4. If the subject matter of the proposal 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 (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under the above subsection (C)(3).

5. Proof that notice has been mailed in accordance with this Rule shall be sufficient proof of notice.
6. 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.
7. Proof of notice shall be in the following form:
 - a. A notarized, sworn affidavit stating the manner in which the staff obtained the names and addresses of the interested parties, and stating the date upon which such names and addresses were obtained.
 - b. A notarized, sworn affidavit stating the date upon which the required mailing was postmarked
 - c. A notarized, sworn affidavit stating the date upon which notice given via U.S. mail was returned.
 - d. All affidavits shall be made upon personal knowledge and shall be kept on file in the Planning and Transportation Department with the file associated with the proposal.

Article V. Hearings

Except as expressly provided herein, these provisions shall apply only to Plan Commission hearings, but not to Plat Committee hearings.

A. The order of business of regular meetings shall be as follows:

- i. Roll Call
 - ii. Approval of Minutes
 - iii. Reports, Resolutions, and Communications
 - iv. Consent Agenda
 - v. Cases (Preliminary and final hearings)
 - vi. Discussion, Staff Proposals, etc.
 - vii. Adjournment
1. Consent Agenda: A consent agenda shall be developed by staff in advance of the Plan Commission meeting. Each item within the consent agenda shall be individually numbered and included within the Plan Commission packet. The consent agenda shall be presented by the Plan Commission President after the Reports, Resolutions, and Communications section of the agenda. The President shall ask if there is anyone from the public in attendance to speak against any consent agenda petition. Items shall be removed from the consent agenda at the request of any member of the Plan Commission. Items not removed from the consent agenda shall be adopted by general consent without debate. Removed

items shall be taken up for consideration in accordance with the order they appear in the Plan Commission's packet.

B. Limits on Testimony:

1. The general format for each case will be an order and time limit as follows:

Staff Report

Presentation by Petitioner- 20 minutes total

Questions for the Staff and Petitioner by the Plan Commission

Public Comment - 5 minutes per speaker

Back to the Plan Commission for final action

2. It will be the responsibility of staff to keep time for each speaker wishing to make public comment. Specifically, a five (5) minute time clock must be displayed inside the meeting room and within full view of each presenter.

If a spokesperson for another local government board or commission wishes to address the Plan Commission, the Plan Commission shall allow up to ten (10) minutes of public comment. Upon unanimous vote of the Plan Commission, the same privilege may also be extended to a spokesperson for a neighborhood association or similar group of people wishing to make public comment.

It shall be the responsibility of the staff to publish speaking rules and make them available as handouts for the public. Speaking rules shall also be posted on the doors of the Council Chambers.

3. Thereafter, further public discussion and inquiry by the Commission shall be at the sole discretion of the presiding officer of the Commission unless these rules are modified by a majority vote.

C. Preliminary and Final Hearings:

1. Preliminary Hearings:

- a. The purpose of the preliminary hearing shall be the exchange of information, and to allow the most thorough consideration of all sides of a controversy. All parties are encouraged to provide the Commission with written copies of their statements or position papers.
- b. Any petitioner withholding information from the Commission or other interested parties will be denied the right to rely on such information at the final hearing.
- c. Preliminary hearing cases shall always be forwarded to the next regularly scheduled Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the case to a different hearing date or to waive a second hearing. A Plan Commission vote is recommended, but

not required, to forward cases from the preliminary hearing to the next regularly scheduled Plan Commission meeting for final hearing.

2. Final Hearings:

- a. The final hearing shall be for the purpose of final disposition and decision of the merits of each petition.
- b. In the event that the Commission feels that issues have been adequately aired and the case has received sufficient review, the final hearing may be waived by a majority vote and the petition may be acted upon at the first hearing. No final hearing shall be waived unless both the legal notice and the notices to interested parties have specified that such waiver is requested.

3. Single Hearing Cases. The following case types may be reviewed by the Plan Commission in one (1) hearing:

- a. All preliminary plats which are in full conformance with Title 20 Unified Development Ordinance and all final plats which are in full conformance with approved preliminary plats and with Title 20 Unified Development Ordinance.
- b. Any preliminary or final plat referred by the staff to the Plat Committee.
- c. Final Plans for planned unit developments which are in essential compliance with approved Preliminary Plans and which have been filed within 18 months of the date of preliminary approval by the Common Council.
- d. Site Plans which are in essential compliance with Title 20, Section 20.09.120 "Site Plan Review" of the Bloomington Municipal Code, as amended.

4. Findings:

The minutes of the Commission shall indicate action taken and the reasons therefore and shall be furnished to any interested party upon request; provided, however, decisions upon applications for subdivision approval shall be in the form of written findings and decisions of the Plan Commission or Plat Committee. All decisions must be signed by the president and secretary of the Plan Commission, and a copy of any decision by the Plan Commission disapproving a preliminary subdivision plat must be provided to the applicant. All decisions of the Plat Committee shall be provided to interested parties, pursuant to Article II(G)(5) of these Rules and Procedures. The minutes of the Commission shall indicate action taken and the reasons therefore and shall be furnished to any interested party upon request; provided, however, decisions upon applications for subdivision approval shall be in the form of written findings and decisions of the Plan Commission or Plat Committee. All decisions must be

signed by the president and secretary of the Plan Commission, and a copy of any decision by the Plan Commission disapproving a preliminary subdivision plat must be provided to the applicant. All decisions of the Plat Committee shall be provided to interested parties, pursuant to Article II(G)(5) of these Rules and Procedures.

Article VI. Docket

- A. Each case to be publicly heard before the Commission or Plat Committee shall be filed in proper form, numbered serially, and placed on the docket of the Plan Commission or Plat Committee. The document numbers shall begin anew on January 1 of each year.
- B. No case shall be placed on the docket until the petitioner has consulted with a staff member who has determined that the petition has been presented in proper form with all the required exhibits and supporting documents.
- C. The staff may schedule the case for hearing before the Plan Commission or Plat Committee at its discretion, taking into account the magnitude of required review or coordination, or the desirability of modifying the petition, but subject to any time limits in these Rules, the Subdivision Control Ordinance, the Zoning Ordinance, or state law. Prior to each regularly scheduled Plan Commission hearing, the staff shall determine the estimated time length for each petition. Where it is evident that discussion on petitions would likely occur after 9:00pm, the staff shall have the authority to limit such petitions and forward them to the next regularly scheduled meeting of the Commission. Furthermore, for petitions characterized by a high degree of complexity and public interest, staff and the Commission shall strongly consider skipping monthly meeting cycles in order to allow for more timely consideration of other petitions which have been filed.
- D. The identification of docket numbers for both Plan Commission and Plat Committee cases shall be as follows:

Adoption of or amendment to a Master Plan.....	MP
Adoption of or amendment to a Zoning Ordinance.....	ZO
Approval of Plat or Replat.....	DP
Resolutions.....	RS
Site Plan.....	SP
Planned Unit Development.....	PUD

Article VII. Final Disposition of Petitions

- A. The final disposition of any petition shall be recorded in the minutes of the Commission or Plat Committee. Following a vote against a petition, the Commission or Plat Committee president shall restate the position of the Commission for the record.
- B. The Commission or Plat Committee may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner or their representative has failed to appear at two (2)

consecutive meetings, the case may be dismissed for lack of prosecution at a subsequent meeting after notice to the petitioner.

- C. No petition may be withdrawn by the petitioner after a vote has been ordered by the presiding officer. No petition which has been withdrawn by the petitioner shall be placed on the docket again for hearing within a period of three (3) months from the date of said scheduled meeting, except upon motion to permit redocketing, adopted by the affirmative vote of a majority of the members of the Commission or Plat Committee.
- D. No zoning petition which has been disapproved by the Commission and rejected by the Common Council, either by lack of action or by vote, shall again be placed on the docket for hearing within a period of one (1) year from the date of the Commission's original disapproval. (Indiana Code section 36-7-4-609, as amended)

Article VIII. Miscellaneous Provisions

- A. Every person appearing before the Commission or Plat Committee shall abide by the order and direction of the president. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission or Committee and shall be dealt with as the Commission or Committee directs.
- B. No case shall be continued at the request of the petitioner unless such request has been made to the Planning and Transportation Department not later than noon, one (1) week before the scheduled hearing, and the request has been noted on the agenda before it is distributed. If the petitioner requests that a case be continued prior to the above referenced deadline, the Planning and Transportation Department, at its discretion, may act as agent for the Commission or Plat Committee and may approve such requests without formal Commission or Committee vote. Such staff approval shall be noted on the agenda. However, any request for continuance that occurs after the above-mentioned deadline requires a majority vote by the Commission or Committee. Similarly, if a petition is continued for three (3) consecutive hearings, any further request for continuance, even within the above-referenced deadline, requires a majority vote by the Commission or Committee. If the Commission or Committee denies such a request for continuance, the petition shall be treated as denied on the merits unless the petitioner elects to formally withdraw the petition within twenty four (24) hours.
- C. Amendments to these rules of procedures may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission.
- D. The suspension of any rules may be ordered at any Plan Commission meeting by a unanimous vote of those present.

Board of Zoning Appeals Rules and Procedures

Article I - Meetings

- A. Meetings of the Board of Zoning Appeals shall be held one evening per month as scheduled in a calendar published by the Planning and Transportation Department and approved by the Board at the first meeting of each year.
- B. All meetings shall be held at 5:30 p.m. in the Council Chambers of Showers Center City Hall - Room #115, unless otherwise publicly announced.
- C. All meetings shall adjourn at 9 p.m. and no new cases shall be heard after 8:30 p.m. Any cases remaining shall be rescheduled for hearing at a special meeting to be held within one week of the original meeting.
- D. A majority of the voting membership shall constitute a quorum. No vote of the Board shall be official unless authorized by the affirmative vote of a majority of the total membership of the Board.
- E. All decisions on petitions shall be by roll call. The vote of each member of the Board shall be recorded and placed in the minutes of the meeting as a matter of permanent record.
- F. No member of the Board shall participate in the hearing or decision of the Board involving any matter in which that person is directly or indirectly interested in a financial sense. In the event that any member disqualifies himself or that any member's eligibility is challenged by a member of the public, such fact shall be entered on the records of the Board and shall appear in the minutes of the Board. Members who intend to disqualify themselves from a vote on a particular petition due to direct or indirect financial interest or for any other reason should notify the Planning and Transportation Department staff of this fact a minimum of five business days prior to the hearing in order to provide staff and the Board of Zoning Appeals Chairperson adequate time to arrange the attendance of an alternate member, if applicable, and to make other arrangements as necessary. Alternate members may act at meetings as specified by the Bloomington Municipal Code.
- G. As soon as possible after a regular meeting a summary of minutes of the proceedings shall be made available to each member of the Board.
- H. All minutes of the proceedings, findings of fact, tape recordings of the hearings and all exhibits submitted by the petitioners, remonstrators and staff shall be public records and shall be filed in the Planning and Transportation Department office. These materials shall become a part of the case and all such materials shall be held by the Planning and Transportation Department for a period of at least one-year. At the end of the one year time period, all materials held by the Board may be placed in a 'back filing' system for preservation of city records.

- I. The final disposition of any request, petition, or resolution before the Board shall be in the form of a motion, adopted according to proper parliamentary procedures. Said motion may be to grant, deny, continue, modify, or table the petitioner's request. Additionally, the members of the Board may attach such conditions to a motion as are deemed necessary for the furtherance of the public health, safety, or convenience, or to achieve consistency with the City Master Plan or Bloomington Municipal Code.

Article II - Officers

- A. The Board shall, at its first hearing in each year, elect from among its members a chairperson and vice-chairperson.
- B. The chairperson shall preside over Board meetings and shall supervise over the determination of points of order and procedure, and shall be responsible for the signing of all official documents. The vice-chairperson shall have authority to act as chairperson of the Board during the absence or disability of the chairperson. In the case of the death or resignation of the chairperson, the vice-chairperson shall succeed to the chairmanship and a new vice-chairperson shall be elected from the membership.
- C. The Planning and Transportation Department secretary shall be responsible for supervising the keeping of an accurate and complete record of all Board proceedings, including the keeping of records and minutes, findings of fact, and preservation of all papers and documents of the Board and the maintenance of a current roster with the qualifications of members.
- D. The Board shall request the City Attorney to serve as Counsel for the Board.
- E. The City's Director of Planning and Transportation or his/her designate shall appear at all meetings and assist the Board presenting factual opinion on significant issues raised by the petition.

Article III - Filing of Petitions

- A. All requests to the Board or Hearing Officer shall be by petition and petitioners shall be required to follow these procedures:
 1. All petitioners shall use the uniform petition forms approved by the Plan Commission, which are available upon request in the Planning and Transportation Department
 2. All petitions shall be filed no later than the deadlines established on the calendar of meetings to be adopted by the Board each year.
- B. Appeals:

1. Appeals of administrative decisions or from Hearing Officer decisions shall be filed with the Planning and Transportation Department on forms available in the Planning and Transportation Department.
2. Appeals of administrative decisions or from Hearing Officer decisions must be filed with the Planning and Transportation Department within (5) days of the administrative decision or Hearing Officer decision.
3. Appeals of administrative decisions or from Hearing Officer decisions will be heard de novo by the Board of Zoning Appeals and following the testimony limits noted in Article V of these Rules of Procedures.

Article IV - Notices

- A. All petitioners for any BZA or Hearing Officer approval shall inform the persons affected by their petitions (interested parties) by sending a copy notice of public hearing to their residences or the last known address of the property owners at least twenty-one (21) days before the date of the BZA hearing and ten (10) days before the date of the Hearing Officer hearing. Such notice may be sent using regular first class mail.
- B. Such notice shall state:
 1. The general location by address or other identifiable geographic characteristic of the subject property.
 2. The name of the petitioner.
 3. The times and places the petition has been set for hearing.
 4. That the petition and file may be examined in the office of the Planning and Transportation Department.
 5. That the addressee may voice an opinion at the hearing and/or file written comments with the Board and/or Hearing Officer.
 6. If the petition is to be considered by the Hearing Officer, the notice shall state that the Hearing Officer may, at his/her discretion, transfer the petition to the full Board and that in such case the hearing would be held at the next regular Board of Zoning Appeals meeting, unless continued, and shall include the date of the next regular Board meeting.
- C. Interested Parties
 1. Interested parties shall be defined as all persons owning land adjacent and contiguous to the site as well as all persons owning land abutting the aforementioned immediately adjacent property (i.e., “two properties deep”). Notices shall be provided “two properties deep” only if the interested parties are

located within 300 linear feet of the subject site. However, notices shall not be provided “two properties deep” if the interested parties property location exceeds 300 linear feet from the subject site for which the petition is being requested. Intervening public rights-of-way shall not be considered in determining what lands are adjacent or contiguous. 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, and owners of property adjacent and contiguous to said parcel(s) owned by a petitioner but not included in the petition shall be considered interested parties entitled to notice.

2. In order to determine the names and addresses of property owners to whom notice must be sent under this rule, 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 and address of each adjacent property owner. 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. Each notice shall be mailed and postmarked no later than the fifth business day after the date upon which the name and address of the owners were obtained from the Plat Book and the computer records in the Auditor's office as described above or as gained from the Monroe County, Indiana Geographic Information System.
3. Proof of notice to interested parties shall be submittal of the following items to the Planning and Transportation Department in the following manner:
 - a. A copy of the Notice of Public Hearing to be mailed to the interested parties.
 - b. A list of interested parties with addresses.
 - c. An Affidavit of Notice to Interested Parties in a form approved by the Planning and Transportation Department including: name of person preparing and mailing the notice; name of petitioner; location of petition; and a statement that notice was mailed at least ten (10) days prior to the public hearing of the Hearing Officer or at least twenty-one (21) days prior to the public hearing of the Board of Appeals, whichever applies.
 - d. A map showing interested parties' property as generated by the Planning and Transportation Department.

The Planning and Transportation Department shall retain the proof of notice within the petition file.

- D. The Planning and Transportation Department shall cause a legal notice to be published in a daily newspaper published and distributed in the City (10) days prior to the hearing. The petitioner shall bear the expense of said advertisement.
- E. All petitioners for any Board of Zoning Appeals or Hearing Officer approval shall post a sign or signs on the subject property in a location clearly visible to passing traffic. The staff will determine sign locations with not less than one sign placed on the property per street frontage per block. Signs, of a design approved by the Board of Zoning Appeals, shall be available in the City Planning and Transportation Department. Signs shall be placed at least 21 days prior to the hearing of the Board of Zoning Appeals or 10 days prior to the initial public hearing of the Hearing Officer. The petitioner shall purchase the signs required for this notice at a price reflecting replacement cost.
- F. If the Hearing Officer, at a lawfully convened meeting, transfers a petition to the Board of Zoning Appeals, said petition shall be placed on the agenda for the next regular meeting of the Board. The decision of the Hearing Officer to transfer the petition shall constitute due notice to interested parties.

Article V- Hearings:

- A. The order of business of regular meetings shall be as follows:

- i. Roll Call
- ii. Approval of Minutes
- iii. Reports, Resolutions, and Communications
- iv. Hearings
- v. Discussion, Staff Proposals, etc.
- vi. Adjournment

- B. Limits on Testimony:

- 1. The general format for each case will be an order and time limit as follows:

Staff Report
 Presentation by Petitioner- 20 minutes total
 Questions for the Staff and Petitioner by the Board
 Public Comment - 5 minutes per speaker
 Back to the BZA for final action

It will be the responsibility of staff to keep time for each speaker wishing to make comment. Staff will inform both the petitioner and speaker when there are 30 seconds left in their presentation time.

- 2. All speakers, other than staff, shall sign an attendance sheet provided by the Planning and Transportation Department. Any person who wishes to speak shall first be sworn by the presiding officer. The form of this oath shall be as follows:

From the presiding officer, “Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?”

Speaker, “I do.”

- 3. If further public discussion is warranted in the opinion of the Board of Zoning Appeals, then the time limit may be increased by a majority vote of the Board.
- C. The Planning and Transportation Department Secretary shall then compile a detailed report of all the hearing proceedings; setting forth in writing a record of the Board’s final decisions, including findings of fact, and a record of voting of individual members. These minutes shall be available for any interested party upon request.

Article VI - Docket:

- A. Each case to be publicly heard before the Board or Hearing Officer shall be filed in proper form, shall be numbered serially and placed on the docket of the Board or Hearing Officer after determination by the Planning and Transportation Department that a petition has been presented in proper form with all the required exhibits and supporting documents. The docket numbers shall begin anew on January 1 of each year.
- B. The Planning and Transportation Department shall also determine and identify whether application for variance is for variance of use or variance from development standards.
- C. The identification of docket numbers shall be as follows:
 - Home Occupation.....HO
 - Administrative AppealAA
 - Development Standards Variance..... V
 - Use Variance.....
 - UV
 - Conditional Use.....CU
- D. As soon as a petition is received, it shall be place on the docket and a date set for its hearing. On such date it shall come before the Board or the Hearing Officer in the regular order of consecutive numbers.

Article VII - Final Disposition of Petitions:

- A. The final disposition of any petition before the Board or the Hearing Officer shall be recorded in the minutes of the Board or Hearing Officer. The motion shall restate the findings of the Board or of the Hearing Officer for the record.
- B. The Board or Hearing Officer shall make a decision on any matter it is required to hear at the conclusion of its hearing on that matter. Decision on any matter shall be to approve, deny, or continue the petition.

- C. Final disposition of an administrative appeal shall be in the form of an order either reversing, affirming, or modifying the requirement, order decision or determination appealed from.
- D. Findings of Fact shall be adopted concerning each decision made by the Board or by the Hearing Officer. The Findings of Fact form shall be completed by Planning and Transportation staff and shall accurately reflect the Board's findings on each case heard by the BZA. The Findings of Fact form shall be completed by the Hearing Officer on each case heard by him/her. The Board or Hearing Officer may elect to adopt the findings recommended by the staff without modification or with partial modification, or to adopt findings which conflict with the staff recommendation. In any case, the Board or Hearing Officer's finding shall be reflected on the Findings of Fact form or other written document.
- E. No petition may be withdrawn by the petitioner after a vote has been ordered by the chairperson. No petition which has been withdrawn by the petitioner shall be placed on the docket again for hearing within a period of six months from the date of said withdrawal, except upon motion to permit redocketing adopted by the unanimous vote of all members present at a regular or special meeting.
- F. No zoning petition which has been disapproved by the Board shall again be placed on the docket for hearing within a period of 6 months from the date of the Board's original disapproval, except upon the motion of a member adopted by the unanimous vote of all members present at a regular or special meeting. In all cases involving a rehearing of a zoning petition previously disapproved by the Board, the Board may require the petitioner to demonstrate a material change in circumstances.
- G. Whenever a zoning petition is continued for three consecutive hearings, any further request for continuance requires a majority vote by the Board. If the Board denies such a request for continuance, the petition shall be treated as a denial unless the petitioner elects to formally withdraw the petition within 24 hours.
- H. In the case of a petition for variance or conditional use, the Board or the Hearing Officer may permit or require the owner of a parcel of property to make a written commitment concerning use or development of that parcel. The Board or the Hearing Officer may specify the form of any commitment and may also specify the termination date, if any. Such commitment, along with a copy of the site plan, shall be recorded in the office of the Monroe County Recorder and the original shall be filed with the records of application for variance or conditional use. The Hearing Officer may not modify or terminate a commitment, whether such commitment was permitted or required by the Board or by the Hearing Officer. A commitment may be modified or terminated only by the Board after notice and hearing in accordance with these rules. The Board, the City, the property owner, and any adjacent property owners shall be entitled to enforce commitments.

Article VIII - Expiration of Order:

Any variance or conditional use permit granted by the Board of Zoning Appeals or the Hearing Officer shall expire:

- A. In the case of new construction or modifications to an existing structure:
 - 1. Two (2) years after the date granted by the Board or Hearing Officer, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
 - 2. At the date of termination established by the Board or Hearing Officer as a condition or commitment if different from (1) above.
- B. In the case of occupancy of land which does not involve new construction:
 - 1. Two (2) years after the date granted by the Board or Hearing Officer, unless an occupancy permit has been obtained and the use has commenced; or,
 - 2. At the date of termination established by the Board or Hearing Officer as a condition or commitment if different from (1) above
- C. If an appeal by writ of certiorari is taken from an order, variance, or conditional use, the time during which such appeal is pending shall not be counted in determining whether the variance, order, or conditional use has expired under Subsection A(1) of this Article. In other words, if an appeal to the Board of Zoning Appeals ruling is filed, the clock stops as to the time of expiration until a determination is made.
- D. The Board may, upon proper showing in writing prior to expiration, grant extension of variance or conditional use for periods not to exceed two (2) years. Said extension shall run from the original date of expiration rather than from the date of granting the extension and the Board shall make written findings.
- E. The Board may renew a variance or conditional use after the expiration date for another two (2) year period. In considering said renewal, the Board shall consider only material changes relevant to the variance or conditional use criteria that have occurred since the variance or conditional use was last granted.
- F. The Hearing Officer may extend or renew a variance or conditional use that was originally granted by a Hearing Officer, subject to all provisions of C and D above.

Article IX - Miscellaneous Provisions:

- A. Every person appearing before the Board shall abide by the order and direction of the chairman. Discourtesy, disorderly or contemptuous conduct shall be dealt with as the Board directs.
- B. The Board, at its discretion, may continue or postpone the hearing of any case on an affirmative vote of a majority of the members. In the event that new information is

presented by the petitioner, a member of the Board of Zoning Appeals (BZA) may make a motion to continue the case at that time

- C. Amendments to these rules of procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the members of the Board.
- D. The suspension of any rules may be ordered at any meeting by a unanimous vote of those present.
- E. A person may not communicate with any member of the Board or the Hearing Officer before the hearing with intent to influence the member or Hearing Officer's action on a matter pending before the Board or Hearing Officer. Not less than five (5) days before the hearing, however, the Planning and Transportation staff may file with the Board or Hearing Officer a written statement setting forth any facts or opinions relating to the matter.

Notice of Violation

Purpose

A Notice of Violation (NOV) is the Planning & Transportation Department's means of communicating violations, remedies, and enforcement actions to property owners, tenants, or other responsible parties who violate the standards of the UDO. NOV's may be issued as warnings, or be used as means to issue fines. UDO Section 20.06.100 [Enforcement and Penalties] outlines the legal requirements of an NOV. The ultimate goal of the NOV letter is to establish a line of communication with a property owner, tenant, or other responsible party through which the site is brought into compliance within an established timeframe.

Process

1. Complaints are reported to the department by citizens via email, phone call, uReport, other City departments, and in-person visits to the office.
 - a. Only complaints that match violations of the UDO will result in an NOV issued by the department. Some complaints will be general annoyances that do not constitute a violation of the UDO, others will fall under codes enforced by Housing and Neighborhood Development, Department of Public Works, Monroe County Building Department, City of Bloomington Utilities, or the Bloomington Police Department. If the complaint is for another department, it is forwarded to the appropriate staff.
2. Once a complaint is logged by staff, if it appears valid and the property with the violation is within City limits, staff conducts a site visit to observe the violation from the right-of-way.
 - a. Staff may take photos of the violation from the right-of-way for documentation. Planning & Transportation staff make observations at

- the site but do not conduct an in-person interview or inquiry with the property owners or tenants.
- b. If a violation is not observed upon the first site visit, staff may conduct two more site visits, if appropriate, at different days and/or times in an attempt to document the violation.
3. Photos from the site visit are saved in an electronic case folder for the property address.
 4. A ‘Notice of Violation (NOV) Warning Letter’ is drafted for the responsible parties, including but not limited to the property owner and tenant. The letter is based off of a standard template with requirements noted in UDO Section 20.06.100. The letter is reviewed by a minimum of two staff members prior to sending via the United States Postal Service.
 - a. Most violations have a 2 week timeframe for compliance. For Environmental Standards violations including erosion and siltation control, a 1 week timeframe may be used.
 5. Once a property owner or other responsible party is notified of a violation, the department must follow-up on action or inaction by the responsible party to determine if the site has been brought into compliance or if further enforcement action is necessary
 - a. In general, follow-up site visits are conducted the day after the compliance deadline passes. If that day falls on a weekend, the follow-up inspection takes place on the following weekday. The follow-up inspection may also take place prior to the compliance deadline if the responsible party contacts the department to report that the violation has been resolved.
 6. If the site has been brought into compliance, the electronic case file is marked as “closed” and the resolution is updated in an electronic complaint log. The individual(s) who submitted the complaint may also be contacted with a status update if they submitted contact information.
 7. If the site has not been brought into compliance upon a follow-up inspection, staff will draft a ‘Notice of Violation (NOV) Letter’ and repeat the process with a new 2 week deadline for compliance.
 - a. The ‘Notice of Violation Letter’ differs from the first ‘Notice of Violation Warning Letter’ in that the new NOV establishes a fine schedule based on the category of violation if it remains unresolved after the new 2 week deadline.
 8. Staff will conduct another follow-up inspection after the second deadline to determine if the violation has been corrected.
 9. If a follow-up site visit shows that the violation was not resolved after the deadline established by the NOV, fines as outlined in the NOV letter may be assessed. This ‘Notice of Violation (NOV) Fine Letter’ is drafted in

coordination with the City Legal Department and the Planning and Transportation Director.

Administrative Appeal

As noted in the NOV warning and NOV letters, recipients may dispute the City's assertion that the property is in violation of the Unified Development Ordinance and may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of receipt of a Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Variance

As noted in the NOV warning and NOV letters, recipients may apply for a variance to the Board of Zoning Appeals or to the Hearing Officer according to the requirements of UDO Section 20.06.080(b). If the variance is denied, the property must come into compliance per the original Notice of Violation Letter.

Notice of Failed Inspection (Temporary and Final Occupancy)

Purpose

A Notice of Failed Inspection shall be issued if the site fails to meet the requirements listed in the UDO, this Administrative Manual, or the conditions of the Relevant Approval. This section and the Notice of Failed Inspection sent to the petitioner shall inform the petitioner of their responsibilities. Deficiencies on the site will shall be noted in the Notice of Failed Inspection

Applicability

The petitioner shall receive a Notice of Failed Inspection if:

1. The site does not meet the minimum requirements for a temporary Certificate of Occupancy upon initial inspection as outlined in 20.06.050(f)(3)(B)(i)(1).
2. The applicant has applied for a final occupancy inspection after already receiving a recommendation for temporary occupancy, but all of the required site improvements are incomplete or non-compliant.

Post-Notice of Failed Inspection Process

1. All deficiencies on site must be brought into compliance
 - a. A timeline for completion will be issued by the Planning and Transportation Department: Failure to bring the site into compliance in the allotted time may lead to enforcement action.
2. Once the site is brought into compliance the petitioner shall reapply for a Certificate of Occupancy in accordance with the Petition Requirements section of this Administrative Manual (Admin manual pg. 48).

- a. In the case of Notice of Failed Inspections for final Certificates of Occupancy the petitioner should allow for extra time for resubmittal of a Application for Temporary or Final Occupancy Inspection

Affordable and Workforce Housing in Development Process

Purpose

City staff continues to prioritize onsite units first, followed by units nearby, and finally the payment in-lieu as a final option. The UDO addresses these objectives in Chapter 20.04.110 C. The UDO references that the City “adopt administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable laws” before the payment-in-lieu is in effect.

In rare instances where onsite units or units nearby a new development are considered reasonably unfeasible, City staff recommends that the developer be given the opportunity to contribute to helping ease the community’s affordable housing challenges by making a contribution to the City’s Housing Development Fund. The information below represents the administrative procedures for implementing affordable housing rental rates and payment-in-lieu contributions for affordable housing incentives provisions of the UDO.

Applicability

UDO 20.04.110 (C) 7 Payment-in-Lieu:

A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by the Plan Commission if it determines that:

1. Creation of affordable housing on the petitioner’s property would lead to an undesirable area/neighborhood concentration of very low- or low-income housing; or
2. Creation of affordable housing on the petitioner’s property would result in income restricted households being located more than a 10-minute walk or one-quarter mile from needed public services or public transit; or
3. Because of the small size of the petitioner’s project, compliance with Tier 1 or Tier 2 affordability standards would require the creation of less than three affordable dwelling units.

The provisions of this Section 20.04.110(c)(7) shall become effective no later than the effective date of the UDO, by which time administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law shall be adopted and publicly available in the Administrative Manual within the Planning and Transportation Department. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:

1. Housing and Urban Development (HUD) annual rents based on Area Median Income;
2. Area Median Income (per person, income bracket, etc.);
3. Rental rates per unit or per bedroom;

4. Utility rates allowances per unit;
5. Tiered rental rates based on percentages above and/or below AMI; and
6. Payment contribution rates.

Affordable Housing Definitions:

“Affordable Housing” refers broadly to any housing program that stimulates affordability in home ownership and rentals. This is an umbrella term that incorporates a broad range of affordability, from LIHTC (Low Income Housing Tax Credits) programs to Accessory Dwelling Units (ADU’s). It includes the concept of “workforce housing.” Broadly, housing specifically targeted at residents with incomes at 120% or less of the Annual Median Income (AMI) can be split as follows:

1. “Low & Moderate Income Housing” are housing units that are targeting individuals/families with household incomes at less than 80% of the AMI. This definition aligns more closely with state/federal terminology.
2. “Workforce Housing” are units for ownership or rental programs targeting individuals/families with household incomes between 80% and 120% of Adjusted AMI.

This document primarily addresses Workforce Housing units, but the prioritization of on-site units (and to a lesser degree nearby units) applies to all affordable housing options as it encourages the City’s priority of strengthening diversity of housing.

Process

Administrative Processes & Reporting

In an effort to ensure maximum transparency and predictability in developing and communicating rental rates and contribution values (see below), City Staff will undertake the following administrative procedures:

1. The rental rates and payment-in-lieu contribution values will be approved by the City per the UDO.
2. The Plan Commission will review the most current approved rate and payment calculations in order to recommend changes that best reflect current or anticipated market conditions. The Commission may consider AMI values, contribution rates, rental rates, and other market-based considerations. Changes to the 15% rate used to establish the proportion of affordable units requires legislative action through an amendment to the UDO. This 15% rate cannot be modified or changed through these administrative rates and calculations. Changes to how the rental rate is determined will be reviewed as needed, and any adjustments will be taken to the Plan Commission for recommended changes.
3. Rental rates will be posted on the City’s website at <https://bloomington.in.gov/housing/affordable> or a similarly suitable location. Initial rates will be updated annually by July 1 or when available to reflect the most recent

release of AMI values for the area and will be applicable to the rental period beginning August 1 the following year.

4. Contribution levels will be posted on the City's website at <https://bloomington.in.gov/housing/affordable> or a similarly suitable location.
5. Annually and no later than June 1 of each year, the Housing And Neighborhood Development (HAND) department will report to Council regarding workforce housing for the previous year. Said report will include but not be limited to: total workforce units approved under this program, occupancy rate of workforce units, income qualification data for workforce units, total payments-in-lieu, and expenditures of accrued payments-in-lieu.

Rental Rate Calculations with Income Eligibility Proportions (Onsite and Nearby)

Rental rates for units provided onsite or in a nearby development -- defined in the UDO as within 1,000 ft. of the original development -- leverage the annual publication by the Department of Housing and Urban Development (HUD) of the AMI and calculate rents accordingly.

These rental rates become applicable to Workforce Housing units the year following publication in order to increase predictability in marketing the units. For example, HUD's 2019 published AMI rates will apply to rents for 2020.

The rental rates are calculated as follows:

- 100% of AMI is derived by doubling HUD's "Very Low Income" (50% of AMI) for a 1 person household from the most recent FY Income Limits Documentation System from HUD for Monroe County, Indiana (<https://www.huduser.gov/portal/datasets/il.html#2019>). In 2019, 100% of AMI is thus calculated to be \$51,700.
- The baseline one-bedroom rents are calculated on 25% of the monthly AMI (AMI/12) which allows some room below the 30% cost-burdened maximum threshold promoted by HUD to allow for the absorption of utility costs. Example: One Bedroom Unit (Baseline) calculation is: $AMI/12 \times \% \text{ AMI} \times 25\%$ ($\$51,700/12 \times 80\% \times 25\%$)
- Studio, two-bedroom, and three-bedroom rates are calculated as a percentage of the baseline one-bedroom rate as follows: 75% of rate for studio units; 125% for two-bedroom units; and 150% for three-bedroom
- As per UDO per 20.04.110.C.6.(B)ii: Affordable housing shall be indistinguishable from market-rate units, integrated with the rest of the development, and shall be compatible with the market rate units in design, appearance, construction and quality of materials.
- Income Eligibility Proportions
 - Tier 1 Incentive: Two-thirds ($\frac{2}{3}$) of the Workforce Housing bedrooms must be priced at the 80% AMI schedule and eligible to renters with incomes of 100% and less.

- Tier 1 Incentive: The remaining one-third ($\frac{1}{3}$) of the Workforce Housing bedrooms must be priced at the 100% AMI schedule and eligible to renters with incomes of 120% AMI and less.
- Tier 2 Incentive: One-half ($\frac{1}{2}$) of the total affordable units established using the Affordable Housing Incentive, bedrooms must be priced below the 80% AMI schedule and eligible to renters with incomes less than 80% AMI.

2019 Example Workforce Rental Rates (100% AMI: \$51,700)

% of AMI	Studio Rents	1BR Rents (Baseline)	2BR Rents	3BR Rents
80%	\$646	\$862	\$1078	\$1293
100%	\$808	\$1,077	\$1,346	\$1,616

Calculating a Housing Development Fund Contribution (aka “Payment-in-Lieu”)

For nonresidential, student housing, or dormitory projects, a linkage study must first be approved by the City. The project must also satisfy all applicable standards within 20.04.110 C, Affordable Housing, of the UDO.

Contributions to the Housing Development Fund will be calculated on a bedroom basis as follows:

- Eligible bedroom calculation: 15% of total project bedrooms, rounded up to the nearest whole bedroom.
- The contribution rate per eligible bedroom is \$20,000. This contribution rate may be changed annually by City staff to reflect changing construction costs or other economic factors affecting development costs.

Sample Project Calculation:

$$32 \text{ total bedrooms} \times 0.15 = 4.8$$

Round up to 5 bedrooms

$$5 \text{ bedrooms} \times \$20,000 = \$100,000 \text{ contribution to the Housing Development Fund}$$

Petition Requirements

General

1. Relevant Application Form. All applications must include:
 - i. Name, address, and contact information of the applicant;
 - ii. Name, address, and contact information of the owner;
 - iii. Name, address, and contact information of Counsel or Consultant;

- iv. Signed and written consent of the owner if other than applicant;
 - v. A narrative description of the proposal
2. Required Filing Fee
 3. Accurate street address of the subject property. If the property does not have a street address, a request must be made by the petitioner to the Planning and Transportation Department for an address prior to the application
 4. Legal description of the property. Legal descriptions shall include:
 - a. Parcel number(s) of the subject property
 - b. Acreage
 - c. Existing easements, including location, width and purpose
 5. Scaled site plan:
 - a. Electronic copies of all plans must be provided at filing and each time new plans are submitted during the review process
 - b. All site plans must include:
 - i. Name of development
 - ii. North Arrow
 - iii. Scale not less than one inch equals fifty feet, or as considered appropriate by Planning and Transportation Staff
 - iv. Date of preparation
 - v. Boundary lines and acreage of each land use component
 1. A survey may be required to establish property lines
 - vi. Existing streets on and adjacent to the tract, including street name(s), right-of-way width, sidewalks, curbs, gutters, and culverts
 - vii. Location of all existing and proposed utilities on the tract
 - viii. Location, width, and purpose of all existing and proposed easements on the tract
 - c. See relevant petition for additional required drawings
 6. Accurately scaled map showing location of property and the existing uses of land within two hundred (200) feet of the subject property. This map may be provided by the Planning and Transportation Department as a geographic information system (GIS) map showing the required information without additional charge over the application fee
 7. Additional Requirements: Petitions may be required to provide additional information in order to be considered complete. Such requirements may include but are not limited to:
 - a. Illustrations of required architectural design elements such as building elevations, renderings, photographs and any other information deemed necessary by the staff to determine compliance with this UDO. Such illustrations shall clearly depict the massing, scale, and architectural details of the proposed development.
 - b. A detailed landscape plan, including plant size and common and scientific name of species, installation specifications, identification of vegetation to be preserved

and the site measures to accomplish preservation, and conservation easements where required.

- c. Model type and manufacturer of any bicycle racks to be installed
- d. Traffic study to determine the extent of public improvements required to accommodate traffic generated by the proposed development
- e. A detailed description of the sustainable development features that are incorporated into the proposed site plan, including any supplementary materials required to explain such features.
- f. The staff shall inform the petitioner of any additional documents or data requirements after the pre-application conference. Such additional documents or data shall include but not be limited to those required in this Administrative Manual, where applicable.

Development Permits and Procedures

Minor Site Plan Review

1. General application form
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans.
3. Scaled site plans: Sealed drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and Structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 2. Mixed Use Downtown District: In the case of a site plan involving new development in the Mixed Use Downtown (MD) zoning district, the petitioner shall submit a three-dimensional scale model that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development.
 - i. The model may be a physical model or computer generated. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in three hundred sixty degrees.
 - ii. Regardless of model format, the level of detail provided shall be sufficient to depict the proposed surface materials including color, detail, and massing of adjacent and significant neighborhood

structures as advised by staff, for all proposed structures.

- b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - i. Location, acreage, use and description of open space areas
 - ii. Size and species of all plantings must included
 - iii. Installation specifications
 - iv. Identification of vegetation to be preserved and the measures of accomplish preservation
 - v. Conservation easements
 - vi. Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten (10) inches or more in diameter, and other significant features
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Construction details
 - iv. Centerline elevations
 - v. Pavement type
 - vi. Street name(s)
 - vii. Sidewalks
 - viii. Curbs, gutters, and culverts
 - ix. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - g. Development Schedule
 - h. Adjoining land: (including name of any adjoining subdivision plat)
 - i. Land uses
 - ii. Topography
 - iii. Use and location of buildings
 - iv. Railroads
 - v. Utilities
4. Demolition Delay: In the case of a site plan involving partial demolition governed by the demolition waiting period provisions of (Admin Manual pg. 45), the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also

identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.

Major Site Plan Review

1. General application form
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans.
3. Scaled site plans: Sealed drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and Structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 2. Mixed Use Downtown District: In the case of a site plan involving new development in the Mixed Use Downtown (MD) zoning district, the petitioner shall submit a three-dimensional scale model that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development.
 - i. The model may be a physical model or computer generated. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in three hundred sixty degrees.
 - ii. Regardless of model format, the level of detail provided shall be sufficient to depict the proposed surface materials including color, detail, and massing of adjacent and significant neighborhood structures as advised by staff, for all proposed structures.
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - i. Location, acreage, use and description of open space areas
 - ii. Size and species of all plantings must included
 - iii. Installation specifications

- iv. Identification of vegetation to be preserved and the measures of accomplish preservation
 - v. Conservation easements
 - vi. Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten (10) inches or more in diameter, and other significant features
- f. Right-of-way
- i. Right-of-way width
 - ii. Pavement width
 - iii. Construction details
 - iv. Centerline elevations
 - v. Pavement type
 - vi. Street name(s)
 - vii. Sidewalks
 - viii. Curbs, gutters, and culverts
 - ix. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
- g. Development Schedule
- h. Adjoining land: (including name of any adjoining subdivision plat)
- i. Land uses
 - ii. Topography
 - iii. Use and location of buildings
 - iv. Railroads
 - v. Utilities
4. Demolition Delay: In the case of a site plan involving partial demolition governed by the demolition waiting period provisions of (Admin Manual pg. 45), the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.
5. Notice of Public Hearings:
- a. Mail “Notice of Public Hearing” form.
 - i. Proof of notice. The petitioner will return a signed and notarized “Affidavit of Notice to Interested Parties” to the Planning and Transportation Department at least one week prior to the hearing date.
 - b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The

Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.

- c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.
 - ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.

Conditional Use Permit

1. General application form
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and drainage plans. The statement is also required to address the relevant criteria:
 - a. The proposed use and development must be consistent with the Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;
 - b. The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;
 - c. The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;
 - d. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;
 - e. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
 - f. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic or historic feature of significant importance;
 - g. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;
 - h. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeals' determination, shall not be approved; and
 - i. The proposed use and development complies with any additional standards imposed upon that particular use by Chapter 20.03.030: Use-Specific Standards.

3. Scaled site plans: Sealed drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
4. CBU submittal: When necessary, a copy of plans must be submitted to City of Bloomington Utilities. A signed receipt of the plans is required before an application will be accepted. Preliminary approval from CBU is required prior to the final review deadline.
5. Notice of Public Hearings:
 - a. Mail “Notice of Public Hearing” form.
 - i. Proof of notice. The petitioner will return a signed and notarized “Affidavit of Notice to Interested Parties” to the Planning and Transportation Department at least one week prior to the hearing date.
 - b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.
 - c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.
 - ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.
6. Additional meetings: Some petitions may require review from the Historic Preservation Commission.

Demolition Delay Permit

1. Scaled site plans: Drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 - iii. Right-of-way
 1. Right-of-way width
 2. Pavement width
 3. Street name(s)
 4. Sidewalks
2. Notice of Public Hearings:
 - a. Posted notice: All petitions are required to post public information yard signs at the petition site within 3 business days of receipt of notice from Planning and Transportation staff.
 - b. Additional Notices of Public Hearing may be required

Floodplain Development Permit

1. Scaled site plans: Sealed drawings showing existing and proposed features may be required including:
 - a. Location of the floodplain and all proposed structures and/or alterations proposed within the floodplain.
 - b. Land grades
 - c. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD
 - d. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed
 - e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision
 - f. Buildings and structures
 - g. Entrances and drives
 - h. Parking layout
 - i. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks

- v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - j. Landscaping
2. Approval from federal and state agencies including:
- a. IDNR Construction in a Floodway Permit
 - b. FEMA Permit for Floodplain Development

Grading Permit

- 1. Relevant application form
- 2. Scaled site plans: Sealed drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 - 1. List of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - i. Total number of spaces
 - ii. ADA-compliant handi-capped parking shown (Include link)
 - iii. Bicycle parking (Include link)
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - g. Contours
 - h. All work taking place in the right-of-way and Maintenance of Traffic (MOT) plans for any closures. A separate right-of-way permit will also be required. (Future link to that process in Administrative Manual)
 - i. Environmental features, including but not limited to karst, water, trees, and steep slopes.
 - i. Where the features require protection, detail drawings of the protection
 - j. Required buffer zones
 - k. Erosion control plan

3. Erosion control estimate:
 - a. An erosion control estimate prepared by a registered professional engineer
 - b. The estimate shall reflect current market pricing for erosion control measures
4. CBU submittal: A copy of plans must be submitted to City of Bloomington Utilities. Approval from CBU is required prior to the release of the Grading Permit.

Certificate of Zoning Compliance

1. Relevant application form
2. Scaled site plans: Drawings showing existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Specific uses for each unit must be identified
 - ii. Setbacks of structures from all relevant property lines
 - iii. Architectural Features
 1. List of proposed materials
 2. Proposed height of new structures or additions
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - f. Landscaping, as required
3. BFD submittal: A copy of plans may be required to be submitted to the City of Bloomington Fire Department. In such cases a signed approval is required before a CZC can be approved.
4. HAND submittal: A copy of plans may be required to be submitted to the City of Bloomington Housing and Neighborhood Development Department before a CZC can be approved.
5. CBU submittal: A copy of plans for commercial uses may be required to be submitted to the City of Bloomington Utilities Department. In such cases a signed approval is required before a CZC can be approved.

Certificate of Occupancy

Temporary Occupancy

1. [Application for Temporary or Final Occupancy Inspection](#)
 - a. The application and fee must be received by the Planning and Transportation Department at least 24 hours prior to a requested inspection. The applicant must submit an additional application and payment for every additional inspection required.
2. Prerequisites: For a Certificate of Occupancy to be issued each of the following must be successfully completed:
 - i. Issuance of Relevant Approval
 1. Certificate of Zoning Compliance
 2. Conditional Use Permit
 - ii. Passage of a final inspection by the Monroe County Building Department
 - iii. Passage of a final inspection by the City of Bloomington Fire Department
 - iv. Passage of a final inspection by the Department of Housing and Neighborhood Development (HAND) for all rental properties
3. Temporary Occupancy Inspection: The Planning and Transportation Department shall complete one, or more, site inspections to ensure compliance. A recommendation for temporary occupancy may be issued if the required site, lighting, landscaping, and elevations are incomplete but each of the following are complete:
 - a. Required public and internal sidewalks are complete, and;
 - b. Parking areas are surfaced and striped, including ADA spaces and access aisles, and; ADA signage is installed, and;
 - c. ADA signage is installed, and;
 - d. There is safe ingress and egress to and from all principal buildings

Final Occupancy

1. [Application for Temporary or Final Occupancy Inspection](#)
 - a. The application and fee must be received by the Planning and Transportation Department at least 24 hours prior to a requested inspection. The applicant must submit an additional application and payment for every additional inspection required
2. Prerequisites: For a Certificate of Occupancy to be issued each of the following must be successfully completed:
 - i. Issuance of Relevant Approval
 1. Certificate of Zoning Compliance
 2. Conditional Use Permit
 - ii. Passage of a final inspection by the Monroe County Building Department
 - iii. Passage of a final inspection by the City of Bloomington Fire Department

- iv. Passage of a final inspection by the Department of Housing and Neighborhood Development (HAND) for all rental properties
3. Final Occupancy Inspection: The Planning and Transportation Department shall complete one, or more, site inspections to ensure complete compliance with all requirements. In order for the Planning and Transportation Department to issue its recommendation for a final Certificate of Occupancy, the installation of all required site, lighting, landscaping, and elevations per the approved plans must be completed along with any required conditions noted in the Relevant Approval.
4. Recommendation Submittal: Recommendations for final Certificates of Occupancy from the Planning and Transportation Department shall be submitted to the Monroe County Building Department.
 - a. Every recommendation letter for a final Certificate of Occupancy from the Planning and Transportation Department includes the reminder that “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 (UDO Section 20.04.120(b)).

Certificate of Final Acceptance

1. Application for Certificate of Final Acceptance
2. Prerequisite: For a Certificate of Final Acceptance to be issued a performance bond shall have been submitted
3. Final Acceptance Inspection: The Planning and Transportation Department shall complete one, or more, site inspections to ensure complete compliance with all requirements.

Certificate of Nonconforming Use

1. Certificate of Non-conforming Use application
2. Scaled site plans: Drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. A list of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - d. Landscaping
 - e. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width

- iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
3. A description of the currently existing uses on the tract
 4. Proof of lawfully continuous occupancy prior to and after the effective date of this ordinance

Sign Permit

Permanent Sign

1. Sign permit application
2. Scaled site plans: Drawings showing location and dimension of existing and proposed features may be required including:
 - a. Building and structures
 - i. Individual tenant space must be identified
 - b. Signage:
 - i. Wall
 1. Width of lease space facing the right-of-way must be identified
 - ii. Freestanding
 1. Distance between building and proposed sign location
 2. Distance between curb edge and sign location
 - c. Entrances and drives
 - d. Parking layout
 - e. Right-of-way
 - i. Street name(s)
 - ii. Sidewalks
 - f. Type of signage
 - i. Wall
 - ii. Projecting
 - iii. Freestanding
 - g. Position of lighting or other extraneous devices, and any other components of the sign
3. Material of signage
 - a. Proof of wind load capacity for projecting signs
4. Size of signage
 - a. Dimensions
 - b. Height

5. Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the petitioner is not the owner thereof
6. Waiver of Right to Damages

Temporary Sign

1. Sign permit application
2. Scaled site plans: Drawings showing location and dimension of existing and proposed features may be required including:
 - a. Buildings and structures
 - i. Individual tenant space must be identified
 - b. Signage locations including:
 - i. Distance between building and proposed sign location
 - ii. Distance between curb edge and sign location
 - c. Entrances and drives
 - d. Right-of-way
 - e. Parking layout
3. Type of signage
4. Material of signage
5. Size of signage
6. Waiver of Right to Damages

Temporary Use Permit

1. Temporary Use permit application
2. Scaled site plans: Drawings showing location and dimension of existing and proposed features may be required including:
 - a. Location of temporary use activity
 - b. Location of all temporary signage
 - i. Distance between building and proposed sign location
 - ii. Distance between curb edge and sign location
 - c. Building footprints
 - d. Entrances and drives
 - e. Parking layout
3. Signage
 - a. Type of signage
 - b. Material of signage
 - c. Size of signage

Easements

1. Recordable form acceptable to the City Legal Department
2. Scaled site plans: Sealed drawings showing location and dimension of existing and proposed features may be required including:
 - a. A survey establishing property lines
 - b. Building and structures
 - c. Parking layout
 - d. Landscaping including:
 - i. All trees required to be preserved
 - e. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - f. Karst features
 - g. Slope
 - h. Areas within regulatory floodways and floodway fringes
 - i. Delineated wetlands
3. Facilities Maintenance Plan: Shall include:
 - a. Description of facilities
 - b. Description of easements
 - i. Sanitary Sewer Easement
 - ii. Waterline Easement
 - iii. Drainage Easement
 - iv. Utility Easement
 - v. Pedestrian Easement
 - vi. Transit Facility Easement
 - vii. Karst Conservancy Easement
 - viii. Tree Preservation Easement
 - ix. Conservancy Easement
 - x. Other
 - c. Supportive Information: Shall include:
 - i. Description of Facility to be maintained including any necessary irrigation in the immediate area.
 - ii. Maintenance Measures: A narrative description of the facilities and what maintenance measures will be conducted in order to ensure the facilities are properly maintained in perpetuity. Based on the details of the facility, the maintenance measures may include:

1. On-going erosion control management
 2. Trash collection
 3. Vandalism repair
 4. Growing media management
 5. Invasive species management
 6. Pesticide and fertilizer usage
 7. Weeding plan
 8. Mowing Plan
- iii. Maintenance Schedule: Schedule indicating the frequency at which all maintenance measures will be completed. Each maintenance measure must be indicated individually.
 - d. List of Responsible Parties: This list could include property owners, parties subject to Covenants, Commitments, and Restrictions, or members of a Homeowners' Association or similar ownership group.
4. Plan Commission approval of the following:
 - a. Facilities Maintenance Plan
 - b. Identification of responsible parties
 5. CBU submittal: A copy of plans must be submitted to City of Bloomington Utilities. A signed receipt of the plans is required before an application will be accepted. Preliminary approval from CBU is required prior to the final review deadline.
 6. Recording: Easements and associated Facilities Maintenance Plan shall be recorded along with the approved Final Plat in the Office of the Monroe County Recorder.

Subdivision Procedures

Primary Plat

1. General application form
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans. The statement is also required to address the relevant criteria:
 - a. Proposed name of the subdivision
 - b. Name, address and seal of the registered professional engineer or land surveyor preparing the Preliminary Plat
3. Scaled site plans Sealed by a professional engineer or land surveyor: Drawings showing existing and proposed features shall be provided:
 - a. Existing Condition:
 - i. Boundary line of proposed subdivision indicated by a solid heavy line

- ii. Location, width, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation line, within or adjacent to the tracts;
- iii. In case of Replat, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity for confusion;
- iv. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records;
- v. Boundary lines of adjacent unsubdivided and subdivided land, showing owners' names;
- vi. Existing zoning district of the proposed subdivision and adjacent tracts, in zoned areas;
- vii. Contours, based on the City datum, at not more than five (5) feet nor less than two (2) feet vertical intervals as required by the Plan Commission;
- viii. Flood hazard areas, the elevation of the regulatory flood and the area subject to inundation thereby.

b. Proposed Conditions:

- i. Layout of streets, their names and widths and also widths of alleys, crosswalks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision. The name of a new street, not an extension or a correspondent of an existing street, shall not duplicate that of an existing street in the City;
- ii. Layout, dimensions and numbers of lots;
- iii. Parcels of land to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
- iv. Building setback lines, showing dimensions
- v. Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed preliminary plat, including any supplementary materials required to explain such features.

4. Notice of Public Hearings:

- a. Mail "Notice of Public Hearing" form.
 - i. Proof of notice. The petitioner will return a signed and notarized "Affidavit of Notice to Interested Parties" to the Planning and Transportation Department at least one week prior to the hearing date.
- b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The

Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.

- c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.
 - ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.
5. Additional meetings: Some petitions may require review from the Historic Preservation Commission.

Secondary Plat

1. General application form
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans. The statement is also required to address the relevant criteria:
 - a. Name of the subdivision
 - b. Name, address and seal of the registered professional engineer or land surveyor preparing the Secondary Plat
3. Scaled site plans Sealed by a professional engineer or land surveyor: Drawings showing existing and proposed features shall be provided:
 - a. Boundary of plat, based on an accurate traverse with angular and lineal dimensions;
 - b. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks;
 - c. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
 - d. City, Township, County or section line accurately tied to the lines of the subdivision by distances and courses;
 - e. Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs;
 - f. All easements for rights-of-way provided for public services or utilities;
 - g. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions;
 - h. Line of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines;

- i. The street addresses for all lots on the plat;
 - j. Accurate location of all monuments, which shall be concrete four inches by four inches (4" × 4") at top, six inches by six inches (6" × 6") at bottom and thirty-six (36) inches long, with metal marker cast in center;
 - k. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be served by deed covenant for common uses of all property owners;
 - l. Building setback lines accurately shown with dimensions;
 - m. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or that portion of the transfer covered by plat;
 - n. Restrictive covenants of all types which run with the land;
 - o. Certificates for approval by the Plan Commission and the Board of Public Works;
 - p. If containing lands identified as flood hazard areas, the elevation of the regulatory flood.
4. Recording of Easements: See Easements Section of Admin Manual (pg. 52)
5. Financial Bond: The Planning and Transportation Department shall review upon receipt of completed application and supportive documents. The 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 (125%) 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 the Unified Development Ordinance and 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 (2) 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 (3) years. The Performance Surety will remain in effect during this two (2) year period in the amount of five percent (5%) 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.

Vacating Plat

- 1. General application form
- 2. Scaled site plans: Sealed drawings showing existing and proposed features may be required including:

- a. Building and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 - A. List of proposed materials
- b. Entrances and drives
- c. Parking layout
- d. Open space areas, recreation facilities, and other details to indicate the character of the tract
- e. Landscaping
- f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by

Plan and Ordinance Amendments

Zoning Map Amendment

1. General application form
2. Petitioner’s statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans.
3. Notice of Public Hearings:
 - a. Mail “Notice of Public Hearing” form.
 - i. Proof of notice. The petitioner will return a signed and notarized “Affidavit of Notice to Interested Parties” to the Planning and Transportation Department at least one week prior to the hearing date.
 - b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.
 - c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.
 - ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.

4. Recordable Zoning Commitment: A Recordable Zoning Commitment made hereunder shall be recorded in the Office of the Monroe County Recorder 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 (1) copy of the Recorded Zoning Commitment to the Planning and Transportation Department within ten (10) business days of recording.

Rezoning to a Planned Unit Development

PUD District Ordinance and Preliminary Plan

1. General application form
2. PUD District Ordinance: A written statement explaining the PUD District Ordinance and how the PUD will meet the requirements of IC 36-7-4-1500 *et seq.* The statement must include a description of the parcel of real property designated to be zoned as a Plan Unit Development, plan documentation and supporting documentation that may be required, and limitations applicable to the PUD zoning district. The PUD District Ordinance shall also include:
 - a. Proposed Uses:
 - i. A list of the specified zoning districts to be used for use regulation in each land use component; or
 - ii. A specific list of uses for each land use component area
 - b. Proposed Development Standards:
 - i. A list of the specified zoning districts to be used for development standards regulation in each land use component; and
 - ii. Any deviation from the standards in each land use component.
 - c. Proposed Design Standards:
 - i. Any deviations or additions to the design standards of 20.04.070 Site and Building Design
3. Preliminary Plan: shall be required including:
 - a. Scaled site plans: Sealed drawings showing existing and proposed features may be required including:
 - i. Landscaping
 1. Location, acreage, use and description of open space areas
 - ii. Right-of-way
 1. Right-of-way width
 2. Pavement width
 3. Street name(s)
 4. Sidewalks
 5. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
 - iii. Building footprints

1. Specific use for each unit must be identified
- iv. Parking Areas
- v. Utilities
- vi. A survey establishing property and boundary lines of each proposed land use component
- vii. Topographic survey including two-foot (2') contours and a location map
- viii. Any land on the tract within the regulated floodplain, including a delineation of floodway and floodway fringe
- ix. Development Schedule
- x. Adjoining land: (including name of any adjoining subdivision plat)
 1. Land uses
 2. Topography
 3. Use and location of buildings
 4. Railroads
 5. Utilities

b. Supportive Information:

- i. Infrastructure Plan: Preliminary concepts and feasibility reports for roads, utilities, stormwater managements and pedestrian ways.
- ii. Traffic Analysis: If requested by the Planning and Transportation Staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.
- iii. Description of Character: A written description explaining the character of the Planned Unit Development. The description shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies of the City.
- iv. Ownership: Statement of present and proposed ownership of all land within the project including ownership of any open space.
- v. Development Schedule: Schedule indicating the stages in which the project will be built, including the area, density, number of buildings, use, public facilities, and open space to be developed with each site. Each stage shall be described and shown on the required site plan.
- vi. Environmental Plan: Documentation necessary to demonstrate compliance with Chapter 20.04.030 Environment, where applicable.
- vii. Architectural Character: Narrative, renderings, representative photographs, or other materials that illustrate the proposed architectural character of development within the Planned Unit Development. Such material shall clearly depict the massing, scale, and architectural detail of the proposed development.
- viii. Additional Information: Such other additional information as may be required by the Planning and Transportation Staff to evaluate the application. Planning and Transportation Staff shall inform the application

of any additional documents or date requirements after the pre-application conference.

4. Additional meetings:
 - a. Development Review Committee
 - b. Neighborhood Association Meetings
 - c. Historic Preservation Commission
5. Notice of Public Hearings:
 - a. Mail “Notice of Public Hearing” form.
 - i. Proof of notice. The petitioner will return a signed and notarized “Affidavit of Notice to Interested Parties” to the Planning and Transportation Department at least one week prior to the hearing date.
 - b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.
 - c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.
 - ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.

Final Plan

1. General application form
2. Final Plan: Shall be required including:
 - a. Scaled site plans: Sealed drawings for which Final Plan approval is being requested showing existing and proposed features may be required including:
 - i. Landscaping
 1. Location, acreage, use and description of open space areas
 2. Size and species of all plantings must included
 3. Installation specifications
 4. Identification of vegetation to be preserved and the measures of accomplish preservation
 5. Conservation easements
 6. Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten (10) inches or more in diameter, and other significant features
 - ii. Right-of-way
 1. Right-of-way width
 2. Pavement width
 3. Construction details

4. Centerline elevations
 5. Pavement type
 6. Street name(s)
 7. Sidewalks
 8. Curbs, gutters, and culverts
 9. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the City of Bloomington Transportation Plan
- iii. Precise building and structure footprints
 1. Specific use for each unit must be identified
 2. Single-family residential development on individual lots need not show precise location of buildings on each lot, but plans shall show setbacks and other bulk constraints.
 - iv. Parking Areas
 - v. Utilities
 - vi. A survey establishing property and boundary lines of each proposed land use component
 - vii. Topographic survey including two-foot (2') contours and a location map
 - viii. Any land on the tract within the regulated floodplain, including a delineation of floodway and floodway fringe
- b. Preliminary Plat Meeting: If land to be subdivided is included in the Planned Unit Development, a Preliminary Plat meeting Chapter 20.05: Subdivision Standards and the PUD District Ordinance shall be submitted.
 - c. Construction Schedule: Projected completion date in which the project will be built, including buildings, public facilities, landscaping requirements, open space, and all other development.
 - d. Tabulation on each separate subdivide use are, including land area, number of buildings, number of dwelling units, number and type of all other units, and limits on occupancy.
 - e. Agreements on covenants which govern the use, maintenance, and continue protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
 - f. Additional Information: Such other additional information as may be required by the Planning and Transportation Department or other members of the Development Review Committee to evaluate the application. Such additional information may include a three-dimensional scale model, either physical or other computer generated that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in 360 degrees.

Flexibility and Relief Procedures

Minor Modification

1. Pre-submittal meeting: 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.
2. General Application
3. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans.
4. Scaled site plans: Sealed drawings showing existing and proposed features may be required including:
 - a. Building and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by

Variance

1. General Application
2. Petitioner's statement: A written statement explaining the petition. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and

buildings, vehicular access, environmental issues, and draining plans. The statement is also required to address the relevant criteria:

- a. Development Standards Variance: 20.06.080 (b)(3)(E)(i)
 - i. General Approval Criteria: 20.06.080 (b)(3)(E)(i)(1)
 - ii. Affordable Housing Incentive Criteria: 20.06.080 (b)(3)(E)(i)(2)
 - iii. Determinate Sidewalk Variance Approval Criteria: 20.06.080 (b)(3)(E)(i)(3)
3. Scaled site plans: Sealed drawings showing existing and proposed features may be required including:
 - a. Building and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)
 - iv. Sidewalks
 - v. Dedications including streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by
4. CBU submittal: A copy of plans must be submitted to City of Bloomington Utilities. A signed receipt of the plans is required before an application will be accepted. Preliminary approval from CBU is required prior to the final review deadline.
5. Notice of Public Hearings:
 - a. Mail “Notice of Public Hearing” form.
 - i. Proof of notice. The petitioner will return a signed and notarized “Affidavit of Notice to Interested Parties” to the Planning and Transportation Department at least one week prior to the hearing date.
 - b. Published notice: The Planning and Transportation Department will place a legal ad in the Herald-Times for which the petitioner is responsible for paying. The Herald-Times must receive payment prior to the publication date. If a legal ad is not published, the petition will be continued to the next hearing date.
 - c. Posted notice: All petitions are required to post public information yard signs at the petition site.
 - i. Yard signs shall be posted at least 21 days prior to the scheduled Board of Zoning Appeals meeting.

- ii. Yard signs shall be posted at least 10 days prior to the Hearing Officer meeting.
6. Additional meetings: Some petitions may require review from the Historic Preservation Commission.

Administrative Interpretation

1. General Application
2. Petitioner's Statement: A written statement explaining the requested interpretation. The statement must include a description of your question and purpose of the request. The statement shall include but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans.
3. Scaled site plans: Additional sealed drawings may be required by Planning and Transportation Staff

Administrative Appeal

1. General Application
2. Appellant's statement: A written statement explaining the request for Administrative Appeal. The statement must include a description of your project and justification for approval. The statement may include, but is not limited to, information about the following items: the size and location of the property, surrounding land uses, existing use and buildings, proposed use and buildings, vehicular access, environmental issues, and draining plans. The statement is also required to provide:
 - a. Supportive information: Additional supportive information may be provided by the appellant
3. Scaled site plans: Drawings showing existing and proposed features may be required including:
 - a. Building and structures
 - i. Specific uses for each unit must be identified
 - ii. Architectural Features
 1. List of proposed materials
 - b. Entrances and drives
 - c. Parking layout
 - d. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - e. Landscaping
 - f. Right-of-way
 - i. Right-of-way width
 - ii. Pavement width
 - iii. Street name(s)

iv. Sidewalks

4. Record of action

- a. Provided by the Planning and Transportation Department or Administrative official or body which the appeal is taken

Other Services

The other services described below are those development services which may be requested by the petitioner that do not fall under the scope of services provided under Development Permits and Procedures (UDO 39). Such services include Lot Line Adjustments, Zoning Verification Letters, Administrative Clarification Letters, and Copies of Official Documents.

Lot Line Adjustments

Purpose

A lot line adjustment is the process by which property lines of existing lots are changed or modified. Adjoining lots are required to share a common lot line, and common zoning. Adjusted lots cannot have an increased non-conformity of development standards for the zoning district.

Applicability

1. This is the process intended to be used to do any of the following:
 - a. Combine multiple lots into one lot
 - b. Alter the boundaries of existing lots
 - c. Alter the shape of an existing lot
2. The process cannot be used to create new or additional lots. New lots can only be created through the subdivision process (Admin. Manual Page 54).

Lot Line Adjustment Review Process

1. Pre-Submittal Meeting: 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.
2. Lot Line Adjustment Requirements
 - a. Legal description of the property. Legal descriptions shall include:
 - i. Copies of existing and proposed deeds. The following may be required:
 1. Transfer deed
 2. Remainder deed

- 3. Combination deed
 - ii. Parcel number(s) of the subject property
 - iii. Current owners
 - iv. Acreage
 - v. Existing easements, including location, width and purpose
 - b. Lot Line Adjustment Application Form:
 - i. All applications must include
 - 1. Name, address, and contact information of the owner;
 - 2. Name, address, and contact information of Counsel or Consultant;
 - 3. A narrative description of the proposal
 - c. Required Filing Fee
 - d. Scaled site plans sealed by a professional engineer or land surveyor: Drawings showing existing and proposed features shall be provided:
 - i. North Arrow
 - ii. Scale not less than one inch equals fifty feet, or as considered appropriate by Planning and Transportation Staff
 - iii. Date of preparation
 - iv. Boundary lines and acreage of each land use component
 - v. Location, width, and purpose of all existing and proposed easements on the tract
 - vi. Buildings and structures
 - 1. Specific uses for each unit must be identified
 - vii. Entrances and drives
 - viii. Parking layout
 - ix. Open space areas, recreation facilities, and other details to indicate the character of the tract
 - x. Right-of-way
 - 1. Right-of-way width
 - 2. Pavement width
 - 3. Street name(s)
 - 4. Sidewalks
- 3. Staff Review and Action: After reviewing the plats, deeds, and application for compliance staff will notify the applicant of approval or required changes. Staff will then issue the applicant a signed Letter of Lot Line Adjustment.
- 4. Recording: Final plats, deeds, and Letter of Lot Line Adjustment shall be recorded in the Office of the Monroe County Recorder. A copy of the recorded plats, deeds, and Letter of Lot Line Adjustment shall be returned to the Planning and Transportation Department.

Zoning Verification Letters

Purpose

A zoning verification letter is an official City of Bloomington response to a request regarding the current land use and zoning for a subject property. Zoning verification letters will include copies of all relevant and requested information on file for the subject property.

Applicability

1. Zoning verification letters will include the following information, when applicable, on the subject property:
 - a. Zoning and other land use designations
 - i. Overlay districts
 - ii. Local historic designation
 - b. Uses currently on property
 - i. Determination of if uses are permitted
 - c. Development standards variances
 - d. Use variances
 - e. Conditional Use Permits
 - f. Open Zoning Violations
 - g. Pending condemnation proceedings
 - h. Vesting information in the event of partial or total destruction.
2. Zoning verification letters will also include copies of the following, when applicable, for the subject property:
 - a. Approved site plan
 - b. Planned Unit Development Ordinance
 - c. Relevant staff reports to any development standards variances, or use variances
 - d. Relevant staff reports to any conditional use permits
 - e. Open notices of Violation
 - f. Relevant environmental determinations
3. Additional information or records can be provided as requested.

Zoning Verification Letter Review Process:

1. Zoning Verification Letter Requirements
 - a. Zoning Verification Letter Form:
 - i. All applications must include
 1. Parcel number(s) of the subject properties
 2. Address(es) of all subject properties
 3. Name, address, and contact information of petitioner
 4. Preferred delivery method

5. Specific information requested
 - b. Required Filing Fee
 - i. An additional fee may be required for applications including multiple parcels
2. Staff Review and Action: After reviewing the zoning verification letter form staff will complete the requested zoning verification letter and notify the petitioner of completion. Staff will then forward the zoning verification letter and additional information to the petitioner via the petitioner's preferred delivery method.

Administrative Clarification Letters

Purpose

An administrative clarification letter is an official City of Bloomington response to a request regarding clarifying procedures, information, and requirements. Administrative clarification letters do not intend to offer any interpretations.

Applicability

Examples of administrative clarification letters include but are not limited to:

1. Permitting requirements
 - a. Including work that requires Certificates of Zoning Compliance
2. Address clarification
3. Permitted uses on a parcel

Administrative Clarification Letter Process

1. Written Request: A written statement explaining the request. The written statement shall include information being requested.
2. Staff Review and Action: After reviewing the written request staff will complete compile the requested information and forward the administrative clarification letter to the petitioner.

Copies of Official Documents

Purpose

Copies can be provided for all official City documents in accordance with the Freedom of Information Act. Copies of official documents will not include any official City of Bloomington response. Zoning verification letters can be requested in accordance with (admin manual pg. 68)

Applicability

Examples of official City documents include but are not limited to:

1. Unified Development Ordinance
2. Administrative Manual
3. Planned Unit Development Ordinances
4. Staff Reports
 - a. Development standard variances
 - b. Continual use permits
 - c. Site plan approval
 - d. Preliminary and final plat approval
 - e. Use variances
5. Site plans

Copies of Official Documents Process

1. Written Request: A written statement explaining the request. The written statement shall include documentation being requested.
2. Freedom of Information Act Request Application: Some documents may require a FOIA request application be submitted.
3. Printing fee: Printed copies of documents may incur an additional fee:
 - a. Color copies of the UDO: \$84.00
 - b. Black and White Copies of the UDO: \$14.80
 - c. Black and White Copies over 50 pages: \$0.04 per page
 - d. Color Copies: \$0.20 per page
4. Staff Review and Action: After receiving the written request and required printing fee staff will forward the requested copies to the petitioner.