

(2) **Dimensional Standards**

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

Table 02-4: R2 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	7,200 square feet (0.165 acres)[1]
B	Lot width	60 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
D	Attached front-loading garage or carport	25 feet [2]
E	Side	First Floor: 8 feet [3] Each story above the ground floor: 10 feet [1] [3]
F	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

Notes:

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Or equal to the setback of the primary structure, whichever is greater.
- [3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

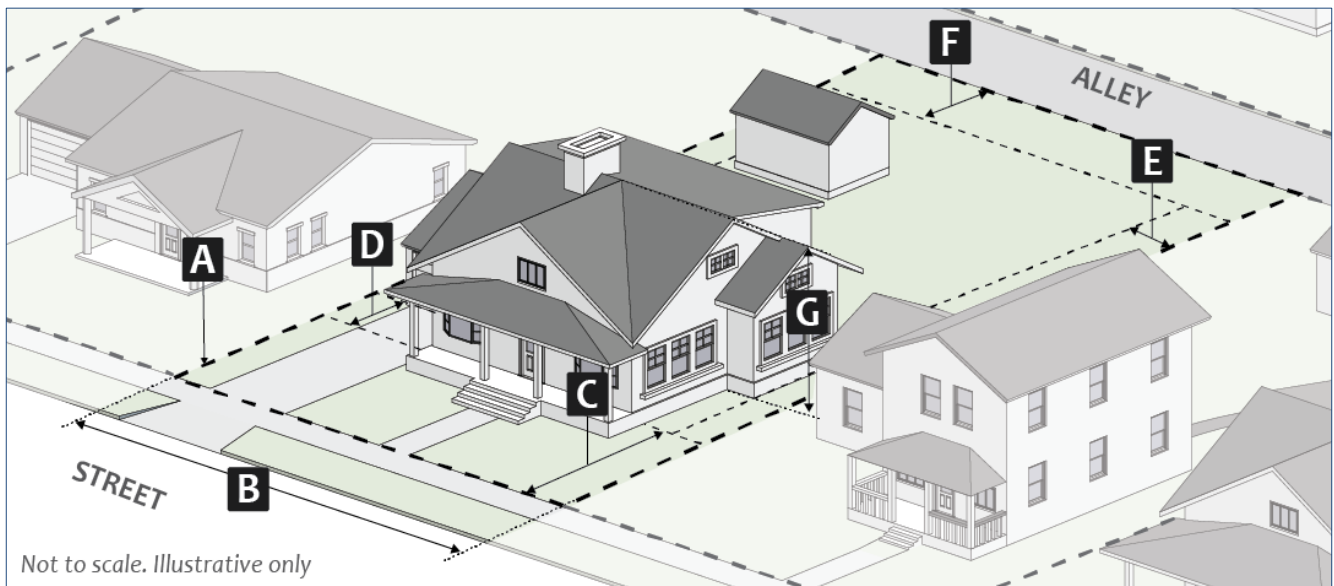


Figure 6: R2 District Dimensional Standards

(2) **Dimensional Standards**

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

Table 02-5: R3 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres) [1]
B	Lot width	50 feet [1]
Building Setbacks (Minimum)		
C	Front build-to line	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	First floor: 6 feet [2] Each story above the ground floor: 10 feet [1] [2]
E	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Notes:

- [1] See Section 20.04.110 (Incentives) for alternative standards.
[2] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

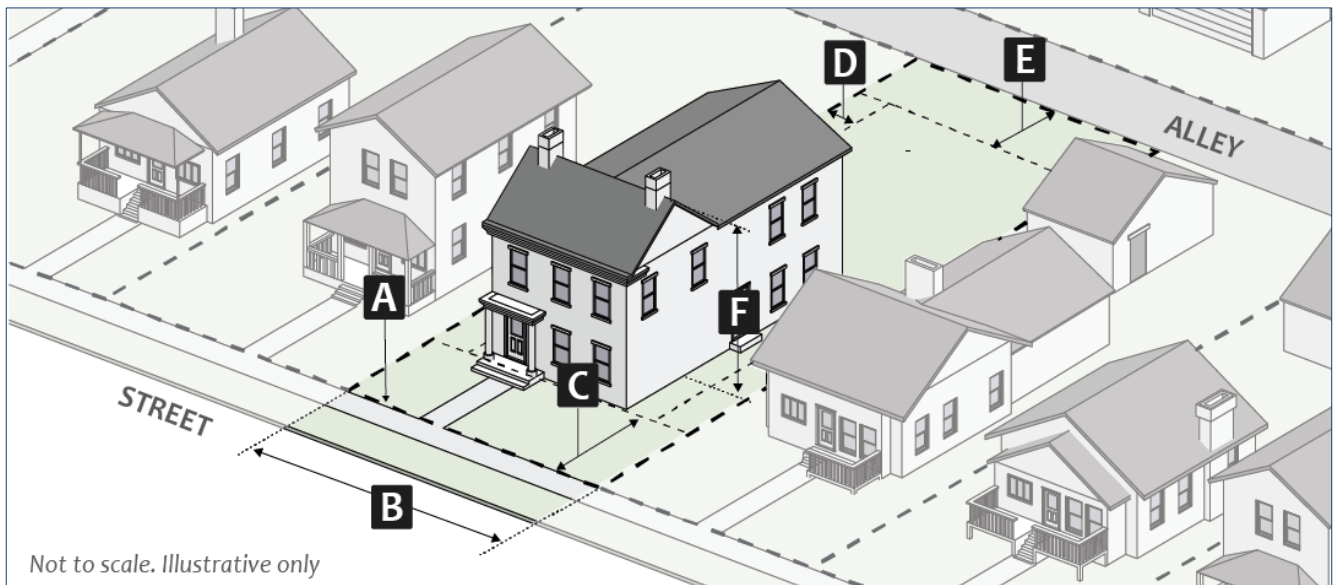


Figure 8: R3 Dimensional Standards

(2) **Dimensional Standards**

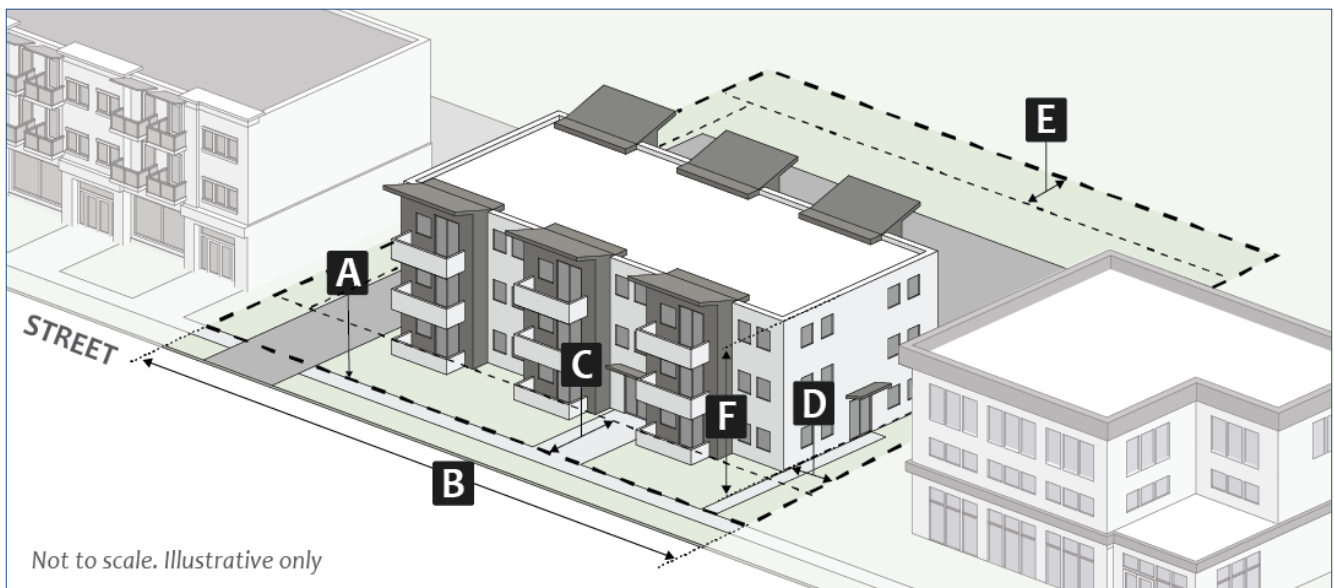
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-7: RM District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2] 15 feet	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	60%	
	Landscape area (minimum)	40%	
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.



(2) **Dimensional Standards**

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

Table 02-8: RH District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
A	Lot area	5,000 square feet (0.115 acres)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2] <u>15 feet</u>	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
F	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.

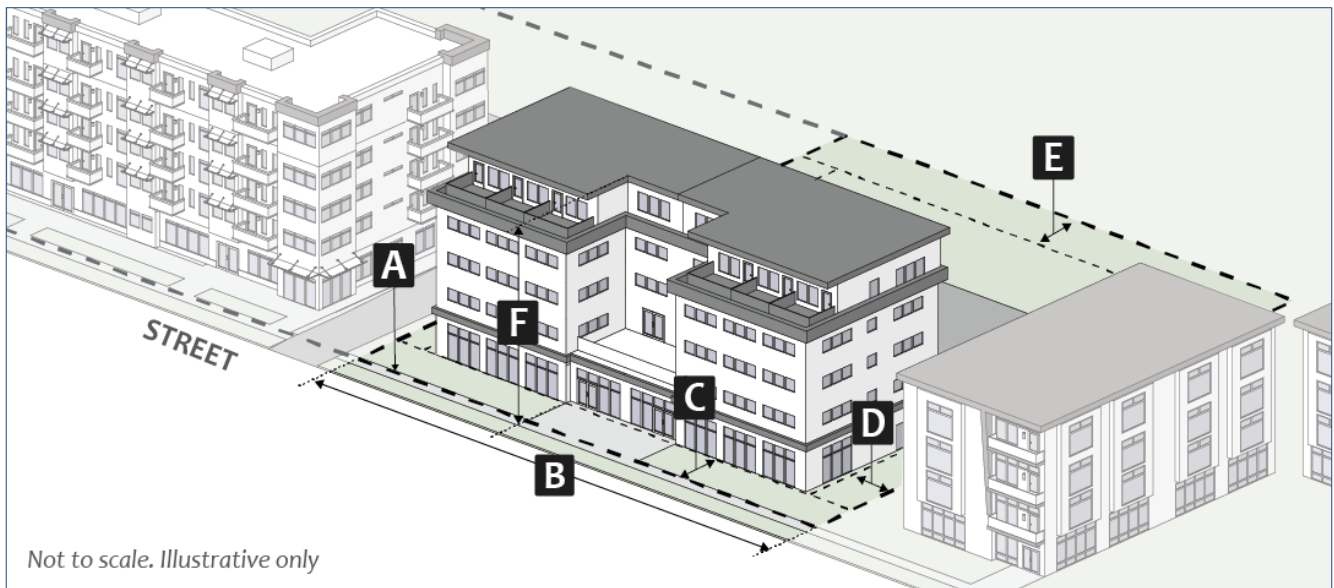


Figure 14: RH Dimensional Standards

(2) **Dimensional Standards**

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

Table 02-11: MN District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front build-to range	15 to 25 feet
	Front building façade at build-to range (minimum)	70%
D	Side	7 feet [1]
E	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	25% 40%
	Area of any individual commercial tenant (maximum)	5,000 square feet gross floor area
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	Accessory structure height (maximum)	20 feet

Notes:

- [1] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

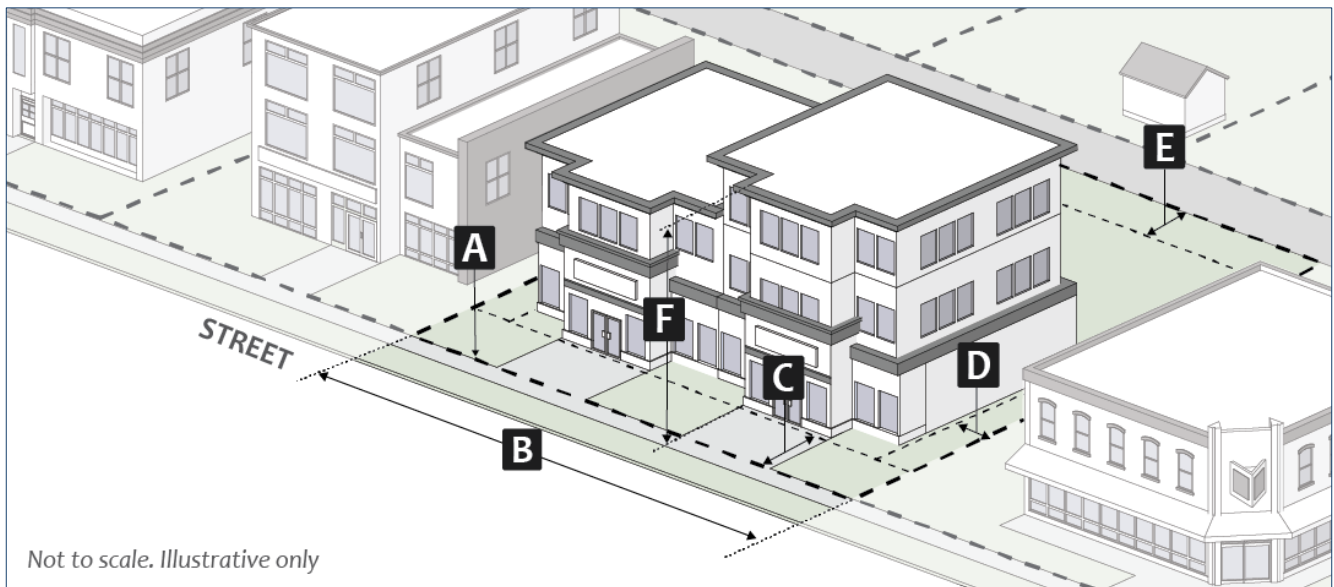


Figure 20: MN Dimensional Standards

- i. ~~Vary or repeat based on the maximum façade module lengths shown in the table below; and Are offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum of five feet, and the offset shall extend the length and height of its module; and~~
- ii. ~~Are offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum of five feet, and the offset shall extend the length and height of its module; Vary or repeat based on the maximum façade module lengths shown in the table below.~~

Table 02-28: Primary Building Articulation

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

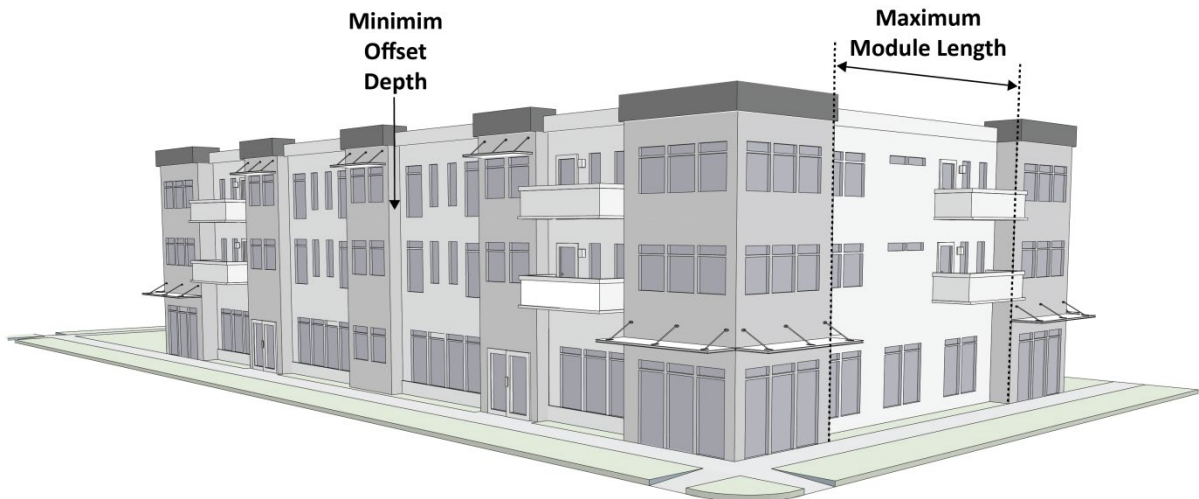


Figure 48: Primary Building Articulation

(9) Façade Materials

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

Chapter 20.04: Development Standards & Incentives

20.04.010 Applicability

(a) New Development

The requirements of this chapter shall apply to all new development pursuant to Section 20.01.020 (Authority, Applicability, and Jurisdiction), unless otherwise exempted in this Chapter.

(b) Activities That Trigger Compliance

- (1) Construction of any new primary structure on a lot shall require compliance with all standards in this Chapter unless an exception is stated in this UDO.
- (2) Table 04-1 identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 04-1 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.
- (3) Section 20.06.090(f) (Nonconforming Site Features) identifies activities that trigger full and limited compliance for lawful nonconforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives).
- (4) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 04-1: Development Standards Compliance Thresholds For Conforming Sites and Structures

UDO Standard	UDO Section	Change of Use		New Development		Redevelopment			
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Minor Site Plan		Major Site Plan	
						Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional Standards	20.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and Connectivity	20.04.050	✓		✓		✓		✓	
Parking and Loading	20.04.060	✓		✓		✓		✓	
Site and Building Design	20.04.070		✓	✓			✓	✓	
Landscape, Buffering, and Fences	20.04.080		✓	✓		✓		✓	
Outdoor Lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

Table 04-2: Residential District Dimensional Standards

sq. ft. = square feet

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

Notes:

- [1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards.
- [2] See Section 20.04.110 (Incentives) for alternative standards.
- [3] Or the median front setback of abutting residential structures, whichever is less.
- [4] Or equal to the setback of the primary structure, whichever is greater.
- [5] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		MS	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (Minimum, only for lots created after the effective date)									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		
Building Setbacks (Minimum)									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building façade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1]			10 feet						
Other Standards									
Front parking setback (minimum)		20 feet behind the primary structure's front building wall						See Table 04-4	20 feet behind the primary structure's front building wall
Side parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Rear parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Impervious surface coverage (maximum)		70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum)		30%	25% 40%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)		None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]		6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)		20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet

Notes:

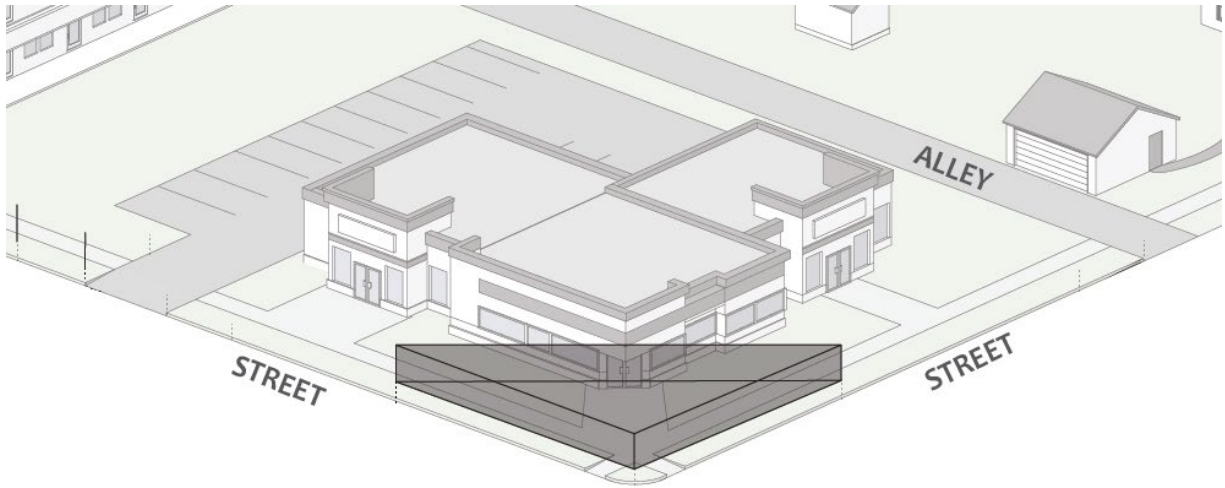


Figure 51: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths

The vision clearance triangle leg lengths shall be as specified in the most current edition of the policy on geometric design of highways and streets published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Planning and Transportation Department.

(C) Vertical Clear Area

No primary or accessory structures, landscaping, fences, walls or signs shall be placed in or to project into the vision clearance triangle between the heights of two and one-half feet and nine feet above the crown of the adjacent street.

(d) Pedestrian and Bicycle Circulation**(1) Purpose**

To reduce greenhouse gas emissions and improve the health and quality of life of city residents by providing safe, convenient, and attractive pedestrian and bicycle transportation paths, sidewalks, trails, and other facilities throughout the City.

(2) Applicability

Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities, and additions to existing residential structures; and except that culs-de-sac less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

20.04.060 Parking and Loading

(a) Purpose

This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Providing necessary access for service and emergency vehicles;
- (3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;
- (4) Encouraging multi-modal transportation options and enhanced pedestrian safety;
- (5) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the city;
- (6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and
- (7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

(b) Applicability

Compliance with this Section 20.04.060 (Parking and Loading) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.060(d) through 20.04.060(l).

(c) Parking Calculations

(1) Generally

- (A) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.
- (B) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.
- (C) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated. Businesses with parking areas designed exclusively for vehicle display shall provide a minimum of one van accessible ADA parking space.
- ~~(D)~~ When measurements of the minimum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number.
- ~~(E)(D)~~ When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded down to the next lowest whole number.
- ~~(F)(E)~~ Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 20.04.060(g)(1).

(D) Building Expansions or Changes ~~of~~in Use

Building expansions or changes in use that require additional vehicle parking spaces pursuant to Section 20.04.060(b) shall also require additional bicycle parking spaces based on the percentages in Table 04-13: Minimum Bicycle Parking Requirements, as applied to the building expansion area or the additional parking required by the change ~~of~~in use.

(E) When No On-Site Vehicle Spaces are Provided

Where no vehicle parking spaces are provided on site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

(F) Existing Public Bicycle Parking Spaces

Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change ~~of~~in use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

(G) Bicycle Parking Reduction

Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if:

- i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or
- ii. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on site.

(m) Bicycle Parking Location and Design

(1) Location**(A) Rights-of-way**

Bicycle parking spaces shall not be located fully or partially within a public right-of-way without prior approval of the City.

(B) Access and Pedestrian Obstruction

All required bicycle parking spaces shall be located so that a minimum three-foot clear pedestrian passage space is provided to all sides of a standard six-foot bicycle parked in each required space, and so that there is at least 54 inches of clearance remaining for ADA compliance on pedestrian pathways.

(C) Design and Proximity

Required bicycle parking spaces shall be designed to allow bicycles to be secured with a lock to a fixed object and shall be located within 50 feet of the main entrance of each primary building on site.

(D) Collocation

Bicycle parking facilities may be located in a non-required vehicular automobile parking space so long as it is not a parking space required to comply with the Americans with Disabilities Act and the location meets the other provisions of this section.

- iii. The pedestrian entry shall contain at least three of the following architectural details:
 - 1. Pilasters or facade modules;
 - 2. Public art display;
 - 3. Prominent building address, building name, and lighting;
 - 4. Raised corniced entryway parapet; or
 - 5. Buttress and arched entry.

(I) Windows on Primary Facades

All first-story windows on the primary façade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) Anti-Monotony Standards

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

(K) Street Addresses

- i. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
- ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) Residential

(A) Applicability

The following standards shall apply to the construction, expansion, addition, or alteration of any building in the RE, R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) Materials

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. V-grooved tongue-and-groove siding;
- iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- iv. Cedar or other wood materials ~~(excluding EIFS);~~
- v. Stucco, plaster, or similar systems ~~(excluding EIFS);~~
- vi. Stone;
- vii. Split face block, ground face block, or brick;

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

(n) Fences and Walls

(1) Applicability

Unless otherwise provided below, this Section 20.04.080(n) shall apply to all new development.

- (A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.
- (B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).
- (C) Retaining walls are exempt from the height standards but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.
- (D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.
- (E) Fences and walls located in the RE, ~~IN~~PO, and MI zoning districts are exempt from height standards.
- (F) Decorative features of fences such as post tops are exempt from height requirements provided, they extend no more than 12 inches from the top of the fence and are spaced at least eight feet apart.
- (G) Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(2) Fence and Wall Location

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

(3) Fence and Wall Height

(A) Interior Lots

- i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in Subsection (1)(G) above.
- ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

(B) Corner Lots

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

(B) Plan Commission, Board of Zoning Appeals, or Common Council Decision

Any person that has standing to obtain judicial review of a zoning decision as established in Indiana Code 36-7-4-1603: Standing may appeal a zoning decision made by the Plan Commission according to the judicial review process established in Indiana Code 36-7-4-1600: Judicial Review. Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located and shall be filed no later than 30 days after the date of the zoning decision.

(C) Plat Committee Decision

A Plat Committee decision may be appealed to the Plan Commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within 10 days of the Plat Committee's decision.

(D) Time of Expiration during Appeals

If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under subsection (A) through (C).

20.06.050 Development Permits and Procedures

(a) Site Plan Review

(1) Purpose

The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:

- (A) Promote well-planned and well-designed use of property;
- (B) Promote a high character of community development;
- (C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;
- (D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;
- (E) Determine compliance with the standards of this UDO;
- (F) Protect environmental quality; and
- (G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) Applicability

(A) Activities Subject to Site Plan Review

Site plan review is required prior to the issuance of a building permit and/or construction of physical site improvements. Site plan review is required for all development and changes [in](#) [of](#) use subject to this UDO, including the following, unless exempted by subsection B below:

(f) **Certificate of Zoning Compliance**

(1) **Purpose**

The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) **Applicability**

(A) **Generally**

- i. A Certificate of Zoning Compliance shall be required for any of the following activities:
 1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;
 2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change ~~of~~in Use);
 3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;
 4. Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.
 5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section 20.06.050(a) (Site Plan Review), and shall comply with the requirements of Section 20.04.030(i) (Tree and Forest Preservation).
 6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of Historic Preservation Commission or its staff.
- ii. A single Certificate of Zoning Compliance may be issued for a combination of such actions if they occur together. Any petition for a Certificate of Zoning Compliance, permit, or other approval for an action described in subsection (A)(i.6) above shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit).

(B) **Exemptions**

Activities involving the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning and Transportation Department, are exempt from receiving a Certificate of Zoning Compliance, unless such removal decreases the baseline canopy cover.

(i) Certificate of Nonconforming Use

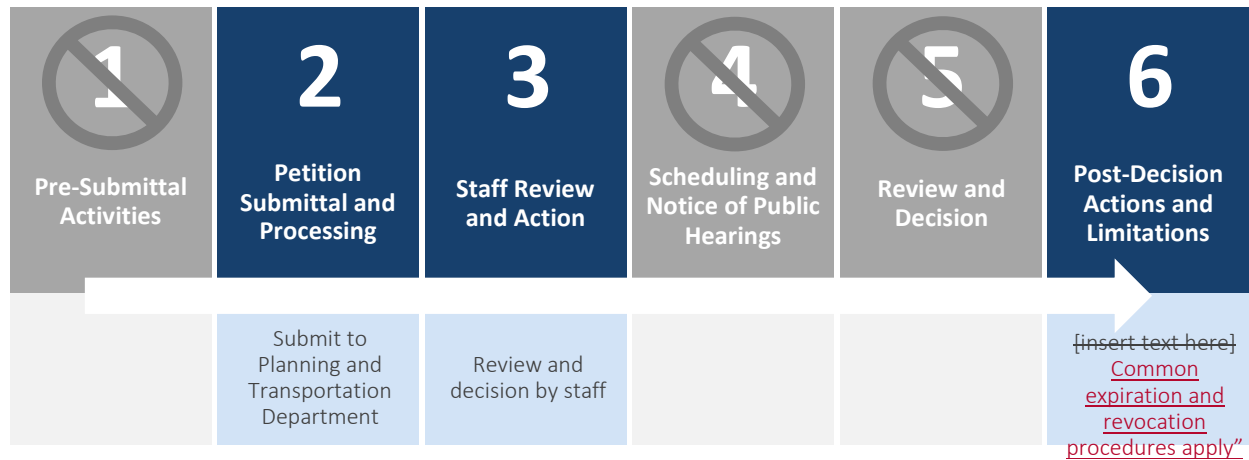
(1) Purpose and Applicability

A person who owns or operates a nonconforming use that has not been deemed abandoned pursuant to Section 20.06.090(c)(3) (Abandonment of a Nonconforming Use), may request a Certificate of Nonconforming Use to protect the lawful nonconforming status.

(2) Certificate of Nonconforming Use Review Process

Figure 06.05-11 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-10: Summary of Certificate of Nonconforming Use Review Procedure



(A) Petition Submittal and Processing

The Certificate of Nonconforming Use petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) Staff Review and Action

The Planning and Transportation Director shall review the Certificate of Nonconforming Use petition, and shall and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following criteria:

- i. The petitioner shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

(C) Post-Decision Actions and Limitations

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

(7) Compliance to the Maximum Extent Practicable

Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental features, the petitioner shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning and Transportation Director.

(c) Nonconforming Uses

Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses

- (A) A nonconforming use may be extended throughout a conforming building or structure, provided that:
 - i. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
 - ii. No additional dwelling units shall be permitted in the building;
 - iii. No additional nonresidential units and/or uses shall be permitted; and
 - iv. Such extension would not result in a violation of the parking standards pursuant to Section 20.04.060 (Parking and Loading).
- (B) Any existing occupied conforming single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.
- (C) A nonconforming use that is located in a nonconforming building or structure or on a lot with nonconforming site features shall comply with the requirements of Sections 20.06.090(d) and 20.06.090(f) as applicable.
- (D) No additional structure not conforming to the requirements of this UDO shall be erected in connection with the nonconforming use of land or structure.
- (E) Whenever a nonconforming use of land or a building has been discontinued for a period of one-year, future use of land or building shall comply with this UDO.

(2) Change of Use

- (A) A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.
- (B) A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this UDO.
- (C) A lawful nonconforming use which has been abandoned, including a use involving occupancy by four or five adults which has been voluntarily waived and relinquished pursuant to Section 20.06.090(c)(4) (Residential Occupancy), shall not be resumed or replaced by another nonconforming use.

Dwelling, Accessory Unit

An additional residential dwelling unit, but not a mobile home, camper, or recreational vehicle, that is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Without limiting the generality of the previous sentence, this definition includes a transportable living unit that meets either the applicable City building code or the construction standards of the federal Manufactured Housing Act, contains less than 500 square feet of gross floor area, is mounted on a permanent foundation, and is connected to City utilities as required for other types of dwelling units.

Dwelling, Cottage Development

A cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings containing less than 500 square feet of gross floor area, commonly referred to as Tiny Homes, provided that each home meets either the Indiana Building Code or the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to city water, sewer, and electric services. This definition shall not include a "Manufactured Home Park."

Dwelling, Duplex

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

Dwelling, Fourplex

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

Dwelling, Live/Work

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

Dwelling, Manufactured Home

Means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds 950 square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, [MobileManufactured Home](#)."

Dwelling, Mobile Home

Any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and that is not a "Dwelling, Manufactured Home" as defined by this UDO.