

9. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district or such project does not contain more than 50 dwelling units.

ii. **Major Site Plan Review**

Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B):

1. Development located within 500 feet, measured radially, from the centerline of State Road 37;
2. Development that contains more than 15,000 square feet of gross floor area;
3. Development that contains more than 5030 dwelling units;
- ~~4. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 10,000 square feet or more than 25 percent, whichever is less;~~
- ~~5. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by 10 percent or more;~~
- ~~6.4.~~ Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in paragraphs (2), (3), (4), or (5) above;
- ~~7.5.~~ Projects that qualify for affordable housing or sustainable development incentives on parcels located adjacent to one or more lots in an R1, R2, R3, or R4 district that contain more than 50 dwelling units;
- ~~8.6.~~ Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the city or surrounding neighborhoods; or
- ~~9.7.~~ Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.

(3) **Minor Site Plan Review Process**

Figure 06.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).
- ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the city or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).

(D) Abandonment of Residential Occupancy

Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to city staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

(d) Nonconforming Structures

(1) Authority to Continue

A lawfully nonconforming structure may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth in Section 20.06.090(f)(2) and the following provisions. No increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(2) Nonconforming Structures in Regulated Floodplains

(A) Changes to Structures

Any structure or use located in a regulated floodplain shall be governed by the general regulations of this Section 20.06.090 to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed ~~only on a one-time basis and only~~ where:

- i. A permit is issued by the Department of Natural Resources for such modifications; and
- ii.

~~ii. Such modifications may not increase the value of the structure, excluding the value of land, by more than 40 percent of its pre-improvement market value unless such structure is brought into compliance. If the addition, in combination with all other additions to the abode or residence that have been constructed since the abode or residence was originally built, would increase the market value of the abode or residence to an amount more than fifty percent (50%) greater than: (1) the market value of the abode or residence if no additions have been constructed since the abode or residence was originally built; or (2) the approximate market value the abode or residence would have in the form in which the abode or residence was originally built if at least one (1) addition has already been constructed. (d) For the purposes of subsection (c), the market value of an abode or a residence does not include the value of the land on which the abode or residence is built.~~

(B) Replacement of Structures

A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood elevation; all necessary permits must be obtained from the Department of Natural Resources and all other applicable requirements of state law are met; and that application for a building permit must be made within six months of the date of destruction or removal.

(3) Restoration and Repairs

A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions of this Section 20.06.090 have been met regardless of other regulations in this UDO. Replacement, restoration, and repairs shall conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

(4) Structure Damaged or Destroyed

- (A) A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the owner or agent makes application for a building permit within six months of the date of destruction or removal.
- (B) The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this UDO, to the extent possible and to the extent permitted by building code or other applicable regulation.

(e) Nonconforming Lots

A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (Nonconformities).