

Passed 7-0 (Flaherty absent) (Zulich out of the room)

Bloomington Common Council Ordinance 2026-10 - Chapter 6: Administration & Procedures corrections to the Unified Development Ordinance

Preamble

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect March 21, 2018; and

Whereas, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled "Unified Development Ordinance" (UDO); and

Whereas, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

Whereas, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

Whereas, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

Whereas, on April 18, 2020, the Unified Development Ordinance became effective; and

Whereas, on April 13, 2026, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

Whereas, the Plan Commission certified this amendment proposal to the Common Council on April 23, 2026; and

Whereas, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) The Comprehensive Plan;
- 2) Current conditions and character of current structures and uses in each district;
- 3) The most desirable use for which land in each district is adapted;
- 4) The conservation of property values throughout the jurisdiction; and
- 5) Responsible development and growth.

Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:

Section 1:

Title 20, entitled "Unified Development Ordinance", is amended.

Section 2:

An amended Title 20 of the Bloomington Municipal Code, entitled "Unified Development Ordinance", including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - A. Z02026-02-0003 Chapter 6: Administration & Procedures (hereinafter "Attachment A")
 - B. Any Council amendment thereto (Attachment "B").

Section 3:

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

Section 4: Severability.

If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, or provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5: Effective Date.

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Section 6: The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

Passed

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the 20 day of May, 2026.

A handwritten signature in black ink, appearing to read "Isak Nti Asare".

Signature of Common Council President Isak Nti Asare

Attestation of Bloomington City Clerk:

A handwritten signature in blue ink, appearing to read "N. Bolden".

Signature of Bloomington City Clerk Nicole Bolden

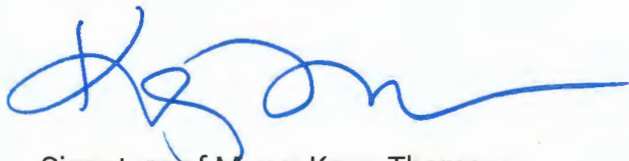
Presentation by Bloomington City Clerk:

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this 02 day of June , 2026.



Signature of Bloomington City Clerk Nicole Bolden

Approval by the Mayor:



Signature of Mayor Kerry Thomson

Retained with Mayor's signature on June 11, 2026 - NB

Synopsis:

This Ordinance contains corrections and amendments to Chapter 6: Administration & Procedures of the Unified Development Ordinance. There are 27 amendments in this petition.

Distributed to: Clerk, Council Attorney, Legal, Mayor, and Planning & Transportation.

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- (D) No application and inspection fees shall be required for any petition or permit by a not-for-profit community service organization with a current 501(c)(3) federal tax exemption or unit of government.
- (E) The Plan Commission may waive the application fee for any proposal that is actively being promoted by a unit of local government or quasi-public organization or that involves a local subsidy.
- (F) No refunds shall be permitted after a Plan Commission or plat committee hearing on the petition has been held, regardless of whether or not the Plan Commission or plat committee has taken action on the petition.
- (4) Completeness of Petition.
- (A) On receiving a petition, the Planning and Transportation Director shall determine whether the petition is complete. A complete petition is one that contains all information and materials required by the administrative manual and this UDO for submittal of the particular petition, and that has sufficient detail and readability to evaluate the petition for compliance with applicable review standards of this UDO.
- (B) No petition shall be considered complete until all pre-submittal requirements of Section 20.06.040(b) (Pre-Submittal Activities) have been satisfied and all required fees have been paid.
- (C) Upon determining that the petition is incomplete, the Planning and Transportation Director or designee, shall notify the petitioner of the submittal deficiencies. The petitioner may correct the deficiencies and resubmit the petition for a determination of completeness until the Planning and Transportation Director determines the petition is complete.
- (D) No development petition shall be reviewed for compliance with this UDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.
- (E) Upon determining that the petition is complete, the Planning and Transportation Director shall accept the petition for review in accordance with the procedures and standards of this Chapter 20.06 (Administration and Procedures).
- (5) Minor Petition Revisions.
- (A) A petitioner may revise a petition after receiving notice of compliance deficiencies following staff review according to Section 20.06.040(d) (Staff Review and Action), or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the petition.
- (B) Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the petition, as determined by the Planning and Transportation Director.
- (C) All other petition revisions shall be processed as a new petition.
- (6) Abandoned Petitions. If a petition has not been resubmitted to address staff-noted deficiencies within ninety days after notification of those deficiencies, the petition shall be deemed abandoned and all fees forfeited. The petitioner may request an additional ninety days to address staff-noted deficiencies. Restarting an abandoned petition shall require a new pre-submittal meeting and may be subject to additional fees.
- (7) Petition Withdrawal.

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- i. After expiration of the waiting period, which shall include early termination of the waiting period, a certificate of zoning compliance authorizing demolition shall be issued if the property owner has submitted a complete petition and all other requirements of the Bloomington Municipal Code and this UDO are met.
 - ii. For any structure that is exempt from the waiting period of this section, a certificate of zoning compliance authorizing release of a demolition or partial demolition permit shall be issued within a reasonable time following receipt by the Planning and Transportation Department of a complete petition, provided all other requirements of the Bloomington Municipal Code and this UDO are met.
 - iii. If within the ninety- or one-hundred-twenty-day waiting period the property is placed under interim protection or is locally designated as a historic or conservation district pursuant to Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition or partial demolition may be issued except:
 - 1. Upon termination of interim protection without historic or conservation district designation being placed upon the property; or
 - 2. Where historic or conservation district designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08 (Historic Districts and Standards) of the Bloomington Municipal Code.
- (F) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:
- i. The recipient of a permit or other approval subject to this section shall be bound to the details of the elevations, and the design, type, and location of materials depicted in the submission and may not deviate from such depiction, except as modified and approved at one or more public meetings of the Historic Preservation Commission, without applying for a new certificate of zoning compliance, petition for which shall commence a new waiting period.
 - ii. No action of the Historic Preservation Commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period. The demolition delay approval by the Historic Preservation Commission shall expire one year after the approval is issued.
- (d) Floodplain Development Permit.
- (1) Purpose. The floodplain development permit procedure is intended to minimize public and private losses due to flood conditions in specific areas and to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all floodplain development activities.
 - (2) Applicability.
 - (A) No development shall occur in any special flood hazard area (SFHA) and known flood prone areas, unless a required stormwater management permit per Title 13 (Stormwater) of the Bloomington Municipal Code for such activity has been issued. ~~In cases where a stormwater management permit is not required, no development shall occur unless a site development permit has been issued.~~
 - (B) Compliance with the standards in this UDO shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state

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- make correction required shall be cause to issue a stop-work order for the project.
- c. Upon completion of construction, an elevation certification (FEMA elevation certificate form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the floodplain administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA floodproofing certificate form 81-65 or any future updates) is required to be submitted by the applicant to the floodplain administrator.
3. Stop Work Orders.
- a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this UDO shall immediately cease.
- b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- iv. Revocation of Permits.
1. The floodplain administrator may revoke a permit or approval, issued under the provisions of this UDO, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
2. The floodplain administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.
- (e) Site Development Permit.
- (1) Purpose. The site development permit procedure is intended to provide a mechanism to ensure compliance with this UDO by providing a thorough permitting and inspection process for all site development activities.
- (2) Applicability. No site development activity shall occur on platted or unplatted lands in any zoning district, unless a site development permit for such activity has been issued.
- (A) Exemptions.
- i. Site development activity on lots containing the uses: dwelling, single-family (attached); dwelling, single-family (detached); dwelling, duplex; dwelling, triplex; or dwelling, fourplex.
- ii. Site development activity containing only new buildings or changes, alterations, or additions to an existing building or site, with no additional improvements required.
- iii. Site development activity containing only new signs, or changes, alterations, or additions to a sign.
- iv. Site development activity containing related to an approved temporary use.
- (3) Site Development Permit Review Process. Figure 06.05-6 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to site development permit review. Additions or modifications to the common review procedures are noted below.

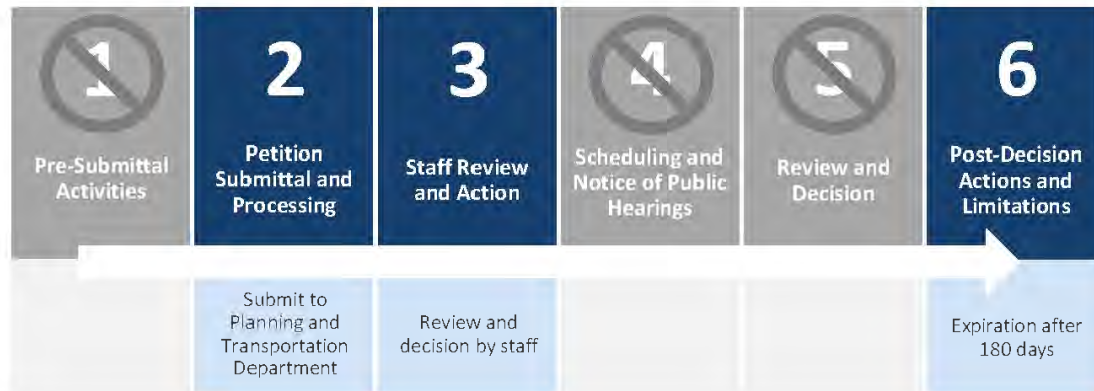


Figure 06.05-6: Summary of Site Development Permit Procedure

- (A) Petition Submittal and Processing. The site development permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing) with the following modifications:
- i. Petition Submittal Requirements. The petition shall include, but not be limited to, the following documents:
 1. Verification of site plan approval when such approval is required;
 2. Construction plan including all proposed site improvements;
 3. Topography of the site - proposed and existing two-foot contours;
 4. Identification of environmental features, including but not limited to karst, water, trees, and steep slopes.
- (B) Staff Review and Action. The planning and transportation staff shall review the site development permit petition and approve, approve with conditions, or deny the petition within twenty working days of the receipt of a complete petition and all supportive documents in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in 20.06.040(d)(6)(B) (General Compliance Criteria) and the following specific approval criteria.
- i. Construction Plan. The construction plans shall include all required and proposed environmental protections including but not limited to: tree protection zones, easements and setbacks from environmental features and conservation areas; as well as all required and proposed site improvements. The requirements are further detailed in the Administrative Manual.
 - ii. Planned Unit Development Approval. An approved final plan shall be in place prior to the issuance of a site development grading permit.
 - iii. Stormwater Permit. If required by Title 13 (Stormwater) in the Bloomington Municipal Code, petitioner must submit an application for a stormwater management permit to the City of Bloomington Utilities Department at the time of application for the site development permit.
- (C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:
- i. Duration.

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- a. Installation of required public and internal sidewalk improvements;
 - b. Installation of required parking areas surfaced and striped, including installation of upright ADA signage; and
 - c. Safe ingress and egress from all principal buildings.
2. All recommendations for a temporary certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.
 3. A recommendation for a final certificate of occupancy shall be obtained within six ~~months~~weeks of the date of the recommendation for the temporary certificate of occupancy. Due to weather or other circumstances, this period may be extended once for a period of up to six months at the discretion of the Planning and Transportation Director or designee.
- ii. Final Certificate of Occupancy.
 1. For a recommendation for a final certificate of occupancy to be issued, the installation of all required site lighting, landscaping, and elevations as approved by the certificate of zoning compliance(s) shall be successfully completed.
 2. All recommendations for a final certificate of occupancy are contingent upon approvals from the Monroe County Building Department, Monroe County Health Department, City of Bloomington Fire Department, City of Bloomington Housing and Neighborhood Development Department, City of Bloomington Engineering Department, and City utilities department, if applicable.
 - (C) Post-Decision Actions and Limitations. Post-decision actions and limitations shall be pursuant to Monroe County standards and procedures.

~~(h) Certificate of Final Acceptance.~~

- ~~(1) Purpose. The certificate of final acceptance procedure is intended to provide a mechanism for the City to ensure that public facility improvements and installations conform to the standards of this UDO.~~
- ~~(2) Applicability. A certificate of final acceptance shall be required for any project for which a performance bond has been submitted and upon the completion of any required public facility improvements and installations.~~
- ~~(3) Certificate of Final Acceptance Review Process. Figure 06.05-9 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to certificate of final acceptance review. Additions or modifications to the common review procedures are noted below.~~

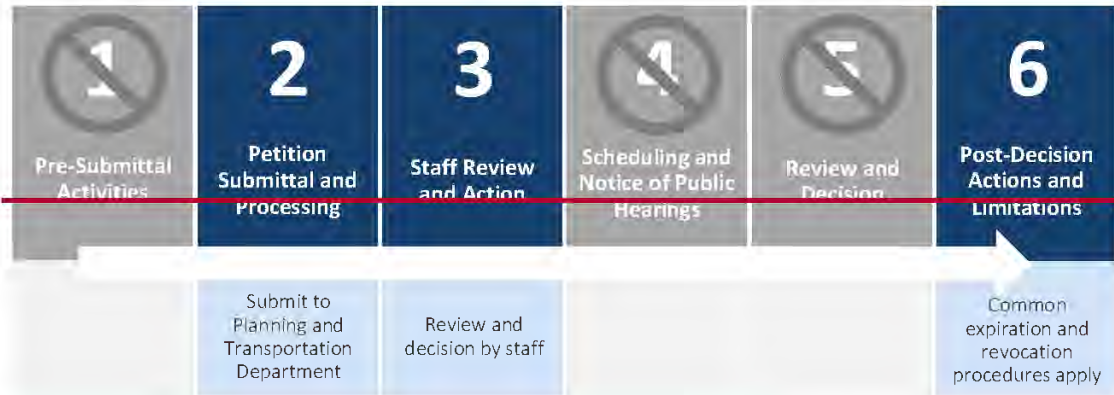
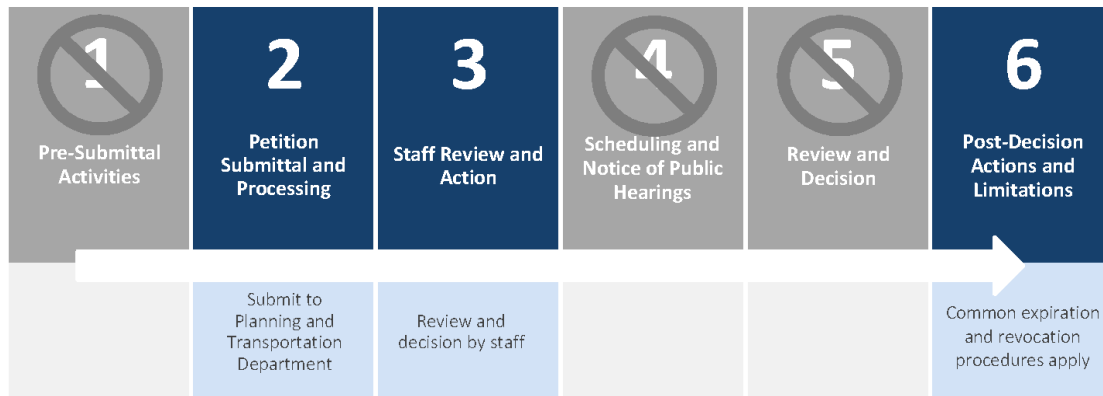


Figure 06.05-9: Summary of Certificate of Final Acceptance Procedure

- (A) ~~Petition Submittal and Processing. The certificate of final acceptance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).~~
- (B) ~~Staff Review and Action.~~
- i. ~~Inspection. The Planning and Transportation Department and Engineering Department staff shall inspect the improvements for compliance with this UDO and any other applicable City Planning and Transportation Department and City Engineering Department requirements.~~
 - ii. ~~Recommendation. The City Engineering Department shall recommend that the performance bond be released, extended, reduced, or declared in default based on the results of the inspection of improvements, and the City Engineer shall act on the recommended release, extension, reduction, or default of the performance bond after acceptance of the improvements by the Board of Public Works.~~
 - iii. ~~Improvements. The Board of Public Works will consider acceptance of public improvements that meet the following conditions:~~
 1. ~~The completed public improvements shall comply with this UDO; have been constructed in accordance with City Engineering Department standards and specifications; and have been installed in accordance with the approved plans; and~~
 2. ~~All inspections required by the Bloomington Municipal Code have been completed and the improvements found to be acceptable by the City Engineering Department.~~
- (C) ~~Post-Decision Actions and Limitations. The City Planning and Transportation Department and City Engineering Department shall maintain records of all petitions, plans, and permits filed for a certificate of final acceptance.~~
- (hi) 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 06.05-10 identifies the applicable steps from Section 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 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) (Post-Decision Actions and Limitations) shall apply with the following modifications:
- i. Effect of Approval.
 1. A certificate of nonconforming use authorizes the continuation of an existing use of a property or building with any additional terms and conditions of the certificate and shall be valid as long as the use of the building or land remains in effect and is not abandoned.
 2. The certificate of nonconforming use shall clearly state that the existing use of the building or property was legally established prior to the effective date of the current UDO.
 - ii. Revocation of a Certificate of Nonconforming Use.
 1. A certificate of nonconforming use may be revoked by the Planning and Transportation Director if the use of the property or building is inconsistent with the authorized use of the certificate of nonconforming use.
 2. The Planning and Transportation Director shall notify the certificate holder in writing and provide thirty days from the date of the letter for the certificate holder to bring the use of the property into compliance with the certificate of nonconforming use, or the certificate shall be revoked.

(i) Sign Permit.

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- i. The planning and transportation staff shall review the sign permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria).
 - ii. A staff decision on the petition shall be made within thirty days of receipt of a complete petition.
 - iii. If a petition for a sign permit is denied, and the denial is appealed to the Board of Zoning Appeals pursuant to Section 20.06.080(d) (Administrative Appeal), the Board of Zoning Appeals shall make a decision on the appeal at the next regularly scheduled hearing.
- (C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:
- i. Duration. The sign authorized by a sign permit shall be completed and erected within six months of the date of issuance; otherwise, the sign permit shall lapse and become null and void, unless good cause for an extension of time for completion is approved by the Planning and Transportation Director.
 - ii. Extension. One extension of up to six months may be authorized by the Planning and Transportation Director for reason/cause. The petitioner shall submit the request for extension in writing to the Planning and Transportation Director, and the Planning and Transportation Director shall make a written determination regarding his or her decision to extend or deny extension. Both the request and the determination shall be made part of the sign permit record.
 - iii. Changes or Amendments. When a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the sign permit without prior approval of the Planning and Transportation Director. When granted, a written record of such amendment shall be entered upon the original sign permit petition and maintained in the files of the Planning and Transportation Department.

~~(j)~~ Temporary Use Permit.

- (1) Purpose. The temporary use procedure is intended to provide a mechanism for enforcement of the temporary use regulations of this UDO, in order to allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact surrounding properties and land uses, and which can be terminated and removed at will.
- (2) Applicability.
 - (A) Generally. A temporary use permit shall be required prior to the establishment of any temporary use, unless otherwise exempted in subsection (B) below.
 - (B) Exemptions. The following uses are permitted and shall not be regulated as temporary uses under this UDO.
 - i. Garage or yard sales, tent meetings, nonprofit events and political rallies, provided they meet the following standards:
 - 1. The event is allowed for a maximum of seven consecutive days;
 - 2. No property shall hold more than three such events in a single calendar year; and
 - 3. The hours of operation of such events shall be limited to between the hours of seven a.m. and eleven p.m.

- ii. Temporary structures used for collection of donation items by a non-profit organization, provided they are displayed for a maximum of ninety days.
- iii. Any business activity licensed by Title 4 (Business Licenses and Regulations), of the Bloomington Municipal Code.
- (3) Temporary Use Permit Review Process. Figure 06.05-12 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to temporary use permit review. Additions or modifications to the common review procedures are noted below.

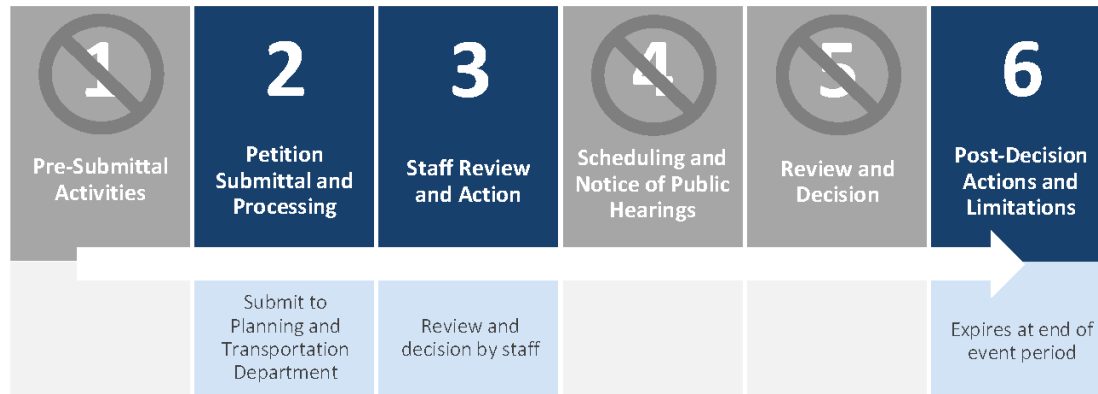


Figure 06.05-12: Summary of Temporary Use Permit Review Procedure

- (A) Petition Submittal and Processing. The temporary use permit petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).
- (B) Staff Review and Action. The planning and transportation staff shall review the temporary use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B)i. (Compliance with this UDO), and Section 20.03.030(h) (Temporary Uses).
- (C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations) shall apply with the following modifications:
 - i. Temporary uses shall be terminated and removed at the end of the event period unless otherwise specified in Section 20.03.030(h) (Temporary Uses).
 - ii. A temporary use permit may be granted only one time per year on any individual zoning lot and is nonrenewable. For purposes of this standard, fireworks, Halloween pumpkin, and Christmas tree sales are considered separate uses.

(k) Easements.

- (1) Purpose. The purpose of this section is to outline the procedures for obtaining and recording easements, modifying platted or unplatted easements, terminating unplatted easements, and vacating platted easements and to ensure that the statutory requirements of the Indiana Code are met.
- (2) Applicability. This Section 20.06.050(l) (Easements) governs easements that are:
 - (A) Required and/or granted pursuant to a provision of this UDO;
 - (B) Permitted or required as a commitment;
 - (C) Permitted or required as a condition of approval; or

- (1) Purpose. The secondary plat procedure provides a mechanism for the City to review a petition for the secondary platting of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.
- (2) Applicability. No secondary plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded in the office of the Monroe County Recorder until the plat has been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the president of the Plan Commission, chair of the plat committee, or the Planning and Transportation Director.
- (3) Secondary Plat Review Process. Figure 06.06-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to secondary plat review. Additions or modifications to the common review procedures are noted below.

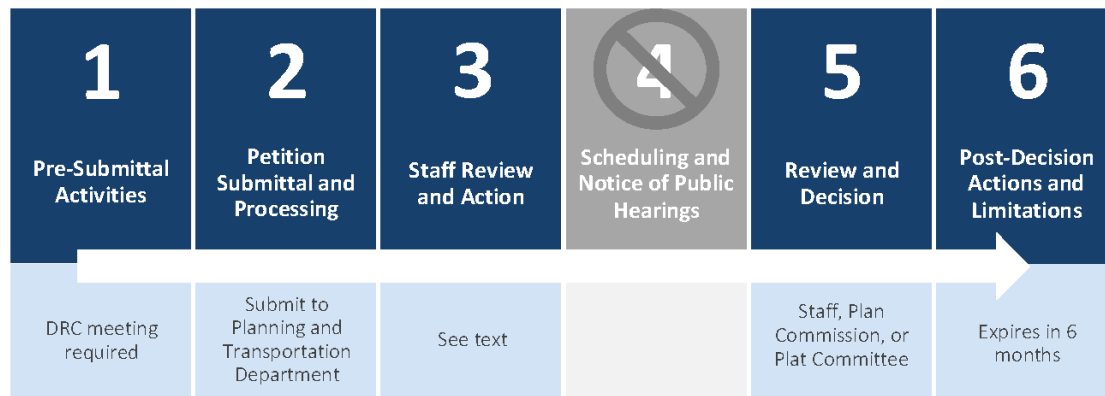


Figure 06.06-2 to be edited to remove “DRC meeting required” from the first step.

Figure 06.06-2: Summary of Secondary Plat Procedure

- (A) Pre-Submittal Activities. ~~A development review committee meeting shall be held in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).~~
- (B) Petition Submittal and Processing. The secondary plat petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).
- (C) Staff Review and Action. Staff review and action standards in Section 20.06.040(d) (Staff Review and Action) shall apply with the following modifications:
 - i. Review and Decision by Staff.
 1. If Table 06-1 (Summary Table of Review Procedures) authorizes the plat committee or Plan Commission to make a decision on a secondary plat, and the plat committee or Plan Commission determines that the application is not unusually complex or does not raise potentially unique or serious impacts on the City or the surrounding neighborhoods, the plat committee or Plan Commission may, at their discretion, refer the decision to the staff for decision pursuant to the same criteria that the plat committee or Plan Commission would have been required to apply to that decision.
 2. Prior to approval of a secondary plat, the Plan Commission or plat committee shall have approved the primary plat; and the primary plat must not be expired.

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1. Purpose. In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that ~~all~~ public facility improvements and installations required under the provisions of this UDO and Planning and Transportation and Engineering Departments requirements shall be completed.
 2. Applicability.
 - a. A performance agreement between the petitioner and the City, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.
 - ~~b. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.~~
 - b.e. The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the City. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).
 - c.d. The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.
 3. Review. The ~~City~~ Engineering Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Engineering Department shall verify that the performance bond or letter of credit shall:
 - a. Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost ~~of the project~~ in order to be sufficient to complete the improvements and installations in compliance with this UDO and ~~City~~ Engineering Department requirements;
 - ~~b. Provide bond satisfactory to the City or to the county;~~
 - b.e. Run to and be in favor of the City ~~or the county~~;
 - c.d. Specify the time for the completion of the improvements and installations (both on site and off site);
 - d.e. Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years;
 - e.f. Notwithstanding any partial release of the performance bond or letter of credit pursuant to subsection [d]e- above, the City shall require a maintenance bond to remain in effect for a period of two years after the certificate of final acceptance is approved by the Board of Public Works. The maintenance bond shall be in the amount of five percent of the

original performance bond, or ten thousand dollars, whichever is greater, or as determined by the City Engineer; and

fg.

Be in a form approved by the ~~City~~-Legal Department.

4. Report. The ~~City~~-Engineering Department shall recommend approval or rejection of the performance bond to the Board of Public Works.
5. Record. The ~~City~~-Planning and Transportation and Engineering Departments shall maintain records of all petitions, plans, and permits filed for a performance bond.
6. Time Limit. The completion of public facility improvements and installations shall be within two years of the approval of the project. The approval date of the project is the date of the Plan Commission or Plat Committee hearing at which the Secondary Plat was approved or the date the Planning and Transportation Director signed the Secondary Play (if the Plat was delegated to staff approval).
7. Extension of Completion Time. Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the ~~City Planning and Transportation~~ Engineering Department may approve the petitioner's written request for an extension of time for up to one additional year, ~~granted at six month intervals and conditioned in every case upon extension or renewal of the bond accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.~~ Additional one year extensions beyond the effective period of three years may be considered by the Board of Public Works based on the following criteria:
 - a. The petitioner remains responsive and responsible;
 - b. The petitioner continues to make progress on the required public facility improvements;
 - c. There are no other approved subdivisions that require use of the public facility improvements;
 - d. There are no other property owners or residents within the subdivision that are served by insufficient public facilities as determined by the Engineering Department;
 - e. The extension is in the public's best interest and will not jeopardize the health, safety, or welfare of the public.

Extensions beyond an effective period of three years may require an increase in the bond amount and may require modifications to the public facility improvements in order to ensure compliance with current standards. All extension requests must be made in writing at least 3 months prior to the end of the approved effective period.
8. Nonperformance. Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the ~~Engineering City Planning and Transportation~~ Department, the City may take the necessary steps to

proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

9. Expiration. The performance bond or letter of credit shall be in effect and shall not terminate until ~~thirty calendar days~~ after the certificate of final acceptance is approved ~~by the City Engineering Department~~, and the maintenance bond has been accepted.

10. Performance Bond Reductions.

- a. ~~PAnnual~~ partial releases of performance sureties held by the City ~~may~~shall be approved by the ~~Board of Public Works~~City Engineering Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the City Engineer or his or her designee, and the developer or his or her designee.

- b. The following standards shall apply to any request for a bond reduction:

- i. No more than three reductions shall be permitted within any twenty-four-month period.
- ii. No performance bond shall be reduced beyond seventy-five percent of the original bond amount.
- iii. Periodic partial releases shall not occur before completion of at least thirty percent of the improvements covered by the performance bond.

- (d) Vacating Plat.

- (1) Purpose. The vacating plat procedure provides a mechanism for the City to review a petition for the vacation of a subdivision and ensures that the statutory requirements established in the Indiana Code for the subdivision of land are met.

- (2) Applicability.

- (A) Secondary Plat.

- i. The owner of land in a secondary plat may file with the Plan Commission or plat committee a petition to vacate all or part of the secondary plat pertaining to the land owned by the petitioner.
- ii. In a case in which not all the owners of land in a secondary plat are in agreement regarding a proposed vacation, one or more owners of the land in the secondary plat may file with the Plan Commission or plat committee a petition to vacate all of the secondary plat or only that part of the secondary plat that pertains to land owned by the petitioner or petitioners. A petition under this subsection shall:
1. State the reasons for and the circumstances prompting the request;
2. Specifically describe the property in the secondary plat proposed to be vacated; and
3. Give the name and address of every other owner of land in the secondary plat.

- (B) Rights-of-way. This plat vacation procedure shall not be used to vacate rights-of-way, regardless of whether they are platted. Rights-of-way shall be vacated pursuant to Indiana Code § 36-7-3-12.

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- (B) Petition Submittal and Processing.
- i. Only the members of the Common Council or the Plan Commission shall have standing to initiate a proposal to amend the text of this UDO.
 - ii. The staff shall prepare the proposal upon the direction of either the Plan Commission or the Common Council. The staff shall prepare the proposal so that it is consistent with Indiana Code § 36-7-4-601.
- (C) Staff Review and Action. The Planning and Transportation Director shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).
- (D) Scheduling and Notice of Public Hearings. Within sixty days of initiating a proposal to amend the text of this UDO or of receiving a proposal from the Common Council, the zoning text amendment petition shall be scheduled for a public hearing before the Plan Commission and Common Council, and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).
- (E) Review and Decision.
- i. Plan Commission Review and Recommendation. The Plan Commission shall review the zoning text amendment petition and shall forward its recommendation to the Common Council in accordance with Section 20.06.040(g) (Review and Decision), based on the specific approval criteria in Section 20.06.070(d)(4) (Approval Criteria for Zoning Text Amendment).
 1. The Plan Commission shall certify and forward the proposal to the Common Council with:
 - a. A favorable recommendation;
 - b. A negative recommendation;
 - c. No recommendation; or
 - d. Continue the proposal to a definite future meeting date.
 - ii. Common Council Review and Decision. The Common Council shall vote on the proposal within ninety days of certification by the Plan Commission in accordance with Indiana Code § 36-7-4-607.5, which governs whether the proposal is adopted or defeated.
- (F) Post-Decision Actions and Limitations. If the proposal is adopted by the Common Council pursuant to Indiana Code § 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in this UDO printed by the City.
- (4) Approval Criteria for Zoning Text Amendment. In reviewing the proposal, the Plan Commission and Common Council shall pay reasonable regard to:
- (A) The Comprehensive Plan;
 - (B) Current conditions and the character of current structures and uses in each zoning district;
 - (C) The most desirable use of land in each zoning district;
 - (D) The conservation of sensitive environmental features;
 - (E) The conservation of property values throughout the jurisdiction; and
 - (F) Responsible development and growth.

20.06.080 Flexibility and relief procedures.

(a) Minor Modification.

- (1) Purpose. The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this UDO where strict application of the UDO would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the UDO. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this UDO and shall not be used to circumvent the variance procedure.

(2) Applicability.

- (A) Other Incentives are Prerequisite. All available incentives and allowances in this UDO shall be used before a minor modification may be considered, including but not limited to the exceptions in Section 20.04.020 (Dimensional Standards). (For example, a petitioner shall apply all available alternate standards for increased height before applying for a minor modification for increased height.)
- (B) Table of Allowable Minor Modifications. A petition for a minor modification that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 06-2 (Allowable Minor Modifications).

Table 06-2. Allowable Minor Modifications

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
<u>Lot width, minimum</u>	<u>10</u>
Lot area, minimum	10
Lot Dimensional Standards	
Front building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building facade at build-to range, minimum	25
Side building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Rear building setback, minimum	Lots 6,000 square feet or smaller, 25
	Lots larger than 6,000 square feet, 15
Encroachment into setback pursuant to Table 04-6	10
Impervious surface coverage, maximum	5
Building Standards	
Primary structure height, maximum	10
Primary structure height, minimum	10

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- iii. For petitions subject to review and decision by the board of zoning appeals, a development review committee meeting may be required at the discretion of the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting).
- (B) Petition Submittal and Processing. The variance petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).
- (C) Staff Review and Action. The planning and transportation staff shall review the petition and prepare a staff report and recommendation in accordance with Section 20.06.040(d) (Staff Review and Action).
- (D) Scheduling and Notice of Public Hearings. The variance petition shall be scheduled for a public hearing before the Board of Zoning Appeals or hearing officer and noticed in accordance with Section 20.06.040(e) (Scheduling and Notice of Public Hearings).
- (E) Review and Decision. The hearing officer or Board of Zoning Appeals shall review the variance petition and approve, approve with conditions or commitments, or deny the petition in accordance with Section 20.06.040(g) (Review and Decision), based on the following approval criteria.
- i. Development Standards Variance. Pursuant to Indiana Code § 36-7-4-918.5, the Board of Zoning Appeals or hearing officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:
1. General Approval Criteria.
- a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- b. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
- c. The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.
2. Affordable Housing Incentive Criteria. In addition to the general approval criteria in subsection (1) above, the Board of Zoning Appeals or hearing officer may grant a variance from Section 20.04.070(d)(5) (Neighborhood Transition Standards) for any project that qualifies for the affordable housing incentives established in Section 20.04.110(c) (Affordable Housing) if the petitioner can demonstrate that:
- a. The neighborhood transition standards substantially reduce or eliminate the building height incentive that would otherwise be allowed through the affordable housing incentive; and
- b. The development impact to abutting and adjacent properties is minimized through building placement, design, and massing.
3. ~~Determinate Sidewalk Variance Approval Criteria. While not to be included as separate findings of fact, items to consider when determining the practical~~

~~difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:~~

- ~~a. That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right of way make it impractical for construction of a sidewalk; or~~
- ~~b. That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or~~
- ~~c. The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or~~
- ~~d. The location of the lot or tract is such that a complete pedestrian network is present on the other side of the street on the same block; or~~
- ~~e. Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.~~

ii. Floodplain Variance.

- 1. Review Considerations. In reviewing floodplain variance requests, the Board of Zoning Appeals or the hearing officer shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the following:
 - a. The danger of life and property due to flooding or erosion damage.
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - c. The importance of the services provided by the proposed facility to the community.
 - d. The necessity of the facility to a waterfront location, where applicable.
 - e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - f. The compatibility of the proposed use with existing and anticipated development.
 - g. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - i. The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.
 - j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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2. Review Criteria. The Board of Zoning Appeals or the hearing officer may grant a floodplain variance if, after a public hearing, it makes findings of fact in writing, that there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship;
 - c. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - iii. Commitments.
 1. The board of zoning appeals or the hearing officer may allow or require the owner of a parcel of real property to make a written and recorded zoning commitment concerning use and/or development of that parcel in connection with approval of a variance pursuant to Section 20.06.040(d)(8) (Commitments).
 - ~~2. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the office of the Monroe County Recorder before a certificate of zoning compliance is issued.~~
 23. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the Board of Zoning Appeals.
 - (F) Post-Decision Actions and Limitations.
 - i. Effect of Approval.
 1. The granting of a variance from the development standards authorizes the development and establishes the terms of use.
 2. Variances are also subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits shall be obtained before any grading, construction, or use commences.
 - ii. Signature and Notice.
 1. Generally.
 - a. The findings of fact shall be signed by the chair of the Board of Zoning Appeals or the hearing officer.
 - b. The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or hearing officer.
 2. Floodplain Variance.

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- a. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:
 - i. Specifies the difference between the flood protection grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;
 - ii. Clarifies the issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and
 - iii. Such construction below the flood protection grade increases risks to life and property.
 - b. The floodplain administrator shall maintain a record of all variance actions, including justification for their issuance.
- iii. Duration. Unless otherwise specified at the time of approval or before expiration, any variance granted by the Board of Zoning Appeals or hearing officer shall expire:
- 1. In cases where new construction or modifications to an existing structure are required, three years after the date that the variance was granted, unless a building permit has been obtained and construction of the structure or structures has commenced; or
 - 2. In cases where new construction or modifications to an existing structure are not required, three years after the date that the variance was granted, unless a certificate of occupancy has been obtained and the use commenced; or
 - 3. At the date of termination as established by the Board of Zoning Appeals or hearing officer as a condition or commitment if different from (iii)(1) or (iii)(2) above.
- (c) Administrative Interpretation.
- (1) Purpose. The administrative interpretation procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this UDO.
 - (2) Authority. Responsibility for making interpretations of provisions of this UDO is assigned as follows:
 - (A) The Planning and Transportation Director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this UDO, including, but not limited to: interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDO and other provisions of the Bloomington Municipal Code; interpretations of compliance with a condition of approval; and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district. The Planning and Transportation Director shall also be responsible for interpretations of the zoning district boundaries on the Official Zoning Map.
 - (B) The City engineer shall be responsible for all interpretations of the floodplain and engineering provisions in the text of this UDO.
 - (3) Interpretation Procedure. Figure 06.08-2 identifies the applicable steps from Section 20.06.040 (Common Review Procedures) that apply to administrative interpretation review. Additions or modifications to the common review procedures are noted below.

Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

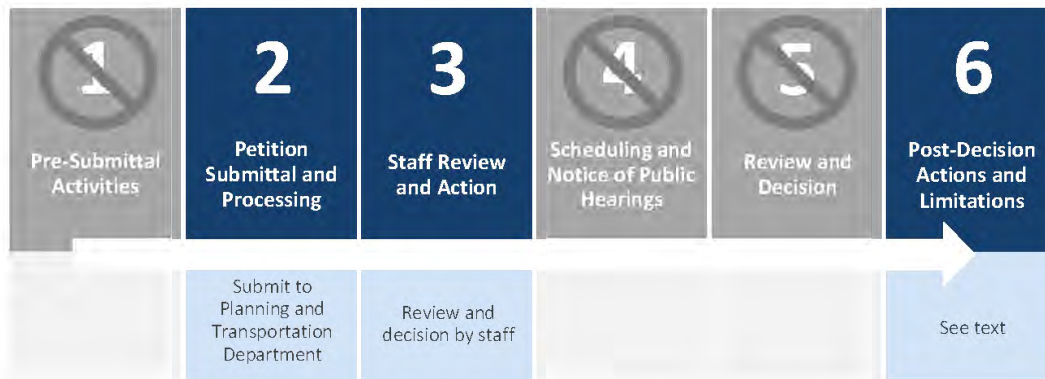


Figure 06.08-2: Summary of Administrative Interpretation Review Procedure

- (A) Petition Submittal and Processing.
- i. A request for administrative interpretation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).
 - ii. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.
- (B) Staff Review and Action. The ~~Planning and Transportation~~ Director ~~staff or City traffic and transportation~~ Engineer (as applicable) shall review the request for interpretation, shall consult with the Legal Department ~~City attorney~~ and affected City officials, and shall render a decision based on the following specific approval criteria:
- i. General Interpretation. The interpretation shall be consistent with:
 1. The purposes of this UDO; and
 2. The purposes of the zoning district (and overlay district(s), if applicable) in which the property is located; and
 3. If the interpretation is based on the meaning of specific words that are not defined in this UDO, adopted City regulations, or the Indiana Code, with common use of words in the English language; and
 4. Prior interpretations of the UDO on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria 1. through 3. above.
 - ii. Use Interpretation.
 1. The Planning and Transportation Director shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.

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2. When determining the level of permission or associated Use-Specific Standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.
 3. The Planning and Transportation Director shall consult with the City attorney and affected City officials before rendering the interpretation.
- (C) Post-Decision Actions and Limitations. Post-decision actions and limitations in Section 20.06.040(h) (Post-Decision Actions and Limitations), shall apply, with the following modifications:
- i. Notice.
 1. The Planning and Transportation Director shall inform the petitioner in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.
 2. The decision shall be in the form of a written interpretation and shall be made available to the public.
 - ii. Effect of Approval.
 1. The interpretation shall be binding on subsequent decisions by the Planning and Transportation Director, ~~City Engineer-traffic or transportation engineer~~, or other City administrative officials (as applicable) in applying the same provision of this UDO or the Official Zoning Map in the same circumstance, unless the decision-making body makes a different interpretation, or this UDO is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Board of Zoning Appeals or a court of law.
 2. No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of petitions for any permits and approvals that may be required by the ordinances of the City.
 3. A land use determination finding a particular use to be permitted, or allowed as a Conditional Use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.
 - iii. Official Record of Interpretations. The Planning and Transportation Department shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.
 - iv. Board of Zoning Appeals. The Board of Zoning Appeals shall, pursuant to Section 20.06.080(d) (Administrative Appeal), hear and decide appeals from any administrative interpretation by the Planning and Transportation Director or ~~City Engineer-traffic and transportation engineer~~ acting pursuant to his or her authority and duties under this UDO.
- (4) Criteria for Interpretations.
- (A) Text Provisions. Interpretation of text provisions and their petition shall be based on the following considerations:

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- is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.
- vi. Bicycle Parking. All required bicycle parking must be installed per Section 20.04.060(1) (Minimum Bicycle Parking Required) and Section 20.04.060(m) (Bicycle Parking Location and Design).
 - vii. Landscaping. If full compliance with Section 20.04.080 (General Landscaping) cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.
 - viii. Pedestrian Facilities. Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that curb ramps shall comply with the Americans with Disabilities Act.
 - ix. Signage. All signage must be brought into compliance with Section 20.04.100 (Signs) to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted vision clearance area.
 - x. Dumpster Enclosures. All outdoor waste collection facilities must be brought into compliance with Section 20.04.080(m) (Screening).
 - xi. Lighting. All lighting shall be brought into compliance with Section 20.04.090 (Outdoor Lighting).
 - xii. Entrances and Drives. All entrances and drives shall be brought into compliance with Section 20.04.050(c) (Driveways and Access), with the exception of driveway location requirements.
 - xiii. Minimum Landscape Area. If a site can be brought closer to compliance with the Minimum Landscape Area standards through the removal of excess asphalt gravel, parking, or other impervious surfaces necessary to achieve the minimum amount of landscape area requirement, then such impervious area shall be removed and landscape area and vegetation installed.
 - xiv. Fencing. Any fence or wall that contains prohibited components as outlined in Section 20.04.080(n)(4)(A) must remove the prohibited components only.
- (g) Nonconforming Signs.
- (1) Generally.
 - (A) Notwithstanding any other provision of this chapter or this UDO, a lawful nonconforming sign may not be altered, relocated or expanded, which includes any increase in height or area or change in sign face type to electronic reader board, except as expressly provided in this Section 20.06.090(g) (Nonconforming Signs).
 - (B) Ordinary maintenance is permitted and shall include replacement of supports with different materials or design from the previous supports but shall not include any increase in the dimensions or numbers of supports.
 - (C) A lawful nonconforming sign may be relocated only where the sign cannot be left in its existing location as a result of right-of-way acquisition and/or construction, widening or other improvement to any public sidewalk, path, trail, street, road, alley, or other public right-of-way or facility, by the City. For purposes of this section, a sign cannot be left in its existing location where it would be within the new public right-of-way; or would physically obstruct the public