

(passed 9-5)

ORDINANCE 07-06

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"

Re: To Correct Drafting Errors With Respect to Allowing Accessory Chicken Flocks in the Residential Core (RC) District; Establishing of Maximum Residential Density in the Business Park (BP) and Medical (MD) Districts, and Identification of Districts in Which Use of Dwelling Unit Equivalents is Permitted

WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance ("UDO"), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, "Zoning," and Title 19 of the Bloomington Municipal Code, entitled "Subdivisions;" and

WHEREAS, the development of the UDO entailed numerous drafts; one hundred thirty-nine (139) amendments to the hearing draft by the Plan Commission; and nineteen (19) amendments by the Common Council; and

WHEREAS, following final adoption of the UDO, drafting errors have been discovered that require correction in order to carry out the intent of the Plan Commission and Common Council with respect to accessory chicken flocks, multi-family uses in the Business Park (BP) and Medical (MD) Districts, and the use of Dwelling Unit Equivalents in calculating residential density;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 20.02.100 of the Bloomington Municipal Code entitled "Residential Core (RC); Permitted Uses" shall be amended to add "accessory chicken flocks" to the list of permitted uses and shall read as follows:

20.02.100 Residential Core (RC); Permitted Uses

\* Additional Requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- accessory chicken flocks\*
- artist studio\*
- dwelling, single-family (detached)
- group care home for the developmentally disabled\*
- group care home for mentally ill\*
- group/residential care home\*
- park
- utility substation and transmission facility\*

SECTION II. Section 20.05.092 of the Bloomington Municipal Code entitled "SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]" shall be amended to add references to the Residential Core [RC] District and shall read as follows:

20.05.092 SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks] This Special Conditions Standards section applies to the following zoning districts:

RE RS RC

(a) Crops and Pasturage — RE Zoning District:

(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

- (2) Animal units per animal shall be determined as follows:
- (A) All larger animals, including cattle, horses, swine, ponies, *etc.*, shall equal 1.0 animal unit;
  - (B) Goats, sheep, miniature horses, *etc.*, shall equal 0.5 animal unit;
  - (C) All smaller animals including fowl shall equal 0.2 animal unit; and
  - (D) All animals less than four (4) months of age shall be calculated at one-half (½) the unit value of their respective category above.
- (3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.
- (4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
- (5) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
- (A) Front Setback: Seventy-five (75) feet;
  - (B) Side Setback: Fifty (50) feet;
  - (C) Rear Setback: Seventy-five (75) feet.

(b) Accessory Chicken Flocks — RE, RS and RC Zoning Districts:

(1) One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

SECTION III. Section 20.02.480 of the Bloomington Municipal Code entitled “Business Park (BP); Development Standards” shall be amended to add a maximum density standard and shall read as follows:

20.02.480 Business Park (BP); Development Standards

Minimum Lot Area:

- 32,670 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 130 feet

Minimum Front Building Setback:

- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 20 feet

Minimum Rear Building Setback:

- 20 feet

Maximum Impervious Surface

Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 60 feet
- Accessory Structure: 30 feet

SECTION IV. Section 20.02.560 of the Bloomington Municipal Code entitled "Medical (MD) District; Development Standards" shall be amended to add a maximum density standard and shall read as follows:

20.02.560 Medical (MD) District; Development Standards

Minimum Lot Area:

- 10,890 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 65 feet

Minimum Front Building Setback:

- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Minimum Rear Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Maximum Impervious Surface

Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 80 feet
- Accessory Structure: 25 feet

SECTION V. Section 20.11.020 of the Bloomington Municipal Code entitled "Defined Words" shall be amended by amending the definition of "Dwelling Unit Equivalent (DUE)" to read as follows:

Dwelling Unit Equivalent (DUE): In the RM, RH, CL, CG, CA, BP, and MD Districts only, establishes a density value for dwelling units based upon the size of the unit and/or the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to calculate density and determine compliance with density maximums. Where allowed, the following proportions shall be used in calculating dwelling units per acre:

- (1) 3- or more bedroom unit = 1.0 unit;
- (2) 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- (3) 1-bedroom unit with less than 700 square feet = 0.50 of a unit;
- (4) Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.



