

ORDINANCE 21-21
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.07

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on 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, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; 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; and

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, 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) ZO-07-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

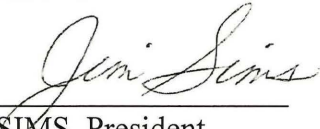
SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. 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, 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.


SECTION VI. 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 AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of April, 2021.




JIM SIMS, President
Bloomington Common Council

ATTEST:



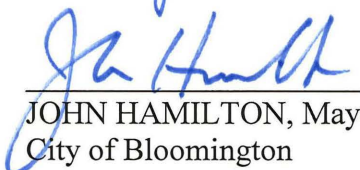
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of April, 2021.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 23rd day of April, 2021.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Definitions of the UDO.

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

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-21 is a true and complete copy of Plan Commission Case Number ZO-07-21 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.



Date: April 5, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-07-21 amends Chapter 7 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend definitions, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Building

Building (Generally)

For all other contexts, any structure having a roof supported by columns, walls or air pressure.

Building (Floodplain Regulations)

For purposes of floodplain regulations, see "Structure."

Building Base

The street level portion of a building facade. The building base is typically one or two stories tall in height and contains such features as display windows, kick plates, pedestrian entrances and a sign band.

Building Cap

The uppermost portion of a building facade. The building cap is typically located above the uppermost windows and contains a cornice that is integrated with the roof form and downspouts/gutters for stormwater diversion.

Building Code

The Indiana Building Code, which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Middle

The area of the facade of a building between the base and the cap. This area includes evenly spaced and similarly sized windows, as well as balconies and other architectural features.

Building or Structure, Accessory

Means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and that is customarily incidental to the primary building or structure or to the primary use of the land. This includes, but is not limited to, Automated Teller Machines (ATMs) and automated ice dispensers.

Building or Structure, Attached

A building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Building or Structure, Detached

A building or structure that has no structural connection with the primary building or structure or any other building or structure.

Building or Structure, Enclosed

A building or structure that is fully enclosed on all sides by solid walls and a roof that are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

Building or Structure, Lawful Nonconforming

Any building or structure that does not comply with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the building or structure does not comply.

Building or Structure, Primary

A building or structure in which is conducted ~~any~~ the primary use that is a permitted use of the lot on which it is located.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Dwelling, Multifamily

~~One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," "Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."~~ One or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-Family Detached", "Dwelling, Single-family Attached," "Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."

Dwelling, Short-Term Rental

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a "Bed and Breakfast," "Residential Rooming House," or "Hotel/Motel." This definition does not include offering the use of one's property where no fee is charged or collected.

Dwelling, Single-family Attached

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

Dwelling, Single-family Detached

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "Dwelling, Manufactured Home" but does not include "Dwelling, Mobile Home." A single-family detached dwelling may also include an "Accessory Dwelling Unit" if it meets the requirements for that additional use under this UDO.

Dwelling, Triplex

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

Easement

A nonpossessory interest in land granted by a property owner to the city, the general public, a corporation, or other persons for specific purposes including but not limited to the construction of utilities, drainage ways, and streets, or for the protection of natural features.

Easement, Conservancy

An easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for forest, recreational or open space use, and protecting natural resources.

Easement, Drainage

An easement that permits the unobstructed flow of upstream stormwater runoff. A drainage easement may include detention or retention ponds, swales, wetlands or underground pipes, and that allows the City Utilities Department access for installation, maintenance, repair or removal of drainage facilities.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Expansion to an Existing Manufactured Home Park or Subdivision

For purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior Finish Material, Primary

An exterior finish material that covers more than 20 percent of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

Exterior Finish Material, Secondary

An exterior finishing material that covers 20 percent or less of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

FAA

The United States Federal Aviation Administration.

Façade

That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The facade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a facade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one facade, and a facade may cross building lines, provided there is unitary ownership or control of both buildings.)

Facade Open Area

Areas within a building facade that provide voids or relief, such as windows or balconies.

Facade, Primary

Those portions of a facade that are adjacent to or front on a private or public street, park or plaza.

Family

An individual or group of persons that meets at least one of the following definitions.

- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
- 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
- 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
- 4) In the RE, R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit, ~~or a combination of a single family dwelling unit and an accessory dwelling unit.~~

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

- 5) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.
- 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

Farm Produce Sales

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, and baked goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Farmer's Market

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.

FCC

United States Federal Communications Commission.

FEMA

The United States Federal Emergency Management Agency.

FHA

The Fair Housing Act.

Final Plan, PUD

The detailed construction drawings for all or part of a Planned Unit Development.

Financial Institution

A federal or State-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term does not include "check cashing," except where separately permitted. Accessory uses may include automatic teller machines and offices.

Findings of Fact

The written findings of an approving body as required by Indiana Code 36-7-4-707 for subdivisions of land, Indiana Code 36-7-4-915 for actions of the Board of Zoning Appeals, and Indiana Code 36-7-4-1406 for site plans.

Firearm Sales

A business in which at least 10% of the gross floor area is used for or 10% of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. This does not include "Pawn Shop."

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Livestock, Small

Small livestock includes domesticated animals weighing less than 100 pounds including but not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

Lodging House

See "Residential Rooming House."

Lot

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this UDO, a lot may or may not coincide with a lot of record and shall be duly recorded.

Lot Area

The computed area contained within the boundary of all perimeter lot lines.

Lot Depth

The horizontal distance between the front and rear lot lines.

Lot Line, Corner

The point at which two lot lines meet.

Lot Line, Front

That portion of a lot that abuts and runs parallel to a street. For corner lots, both sides that abut a street are front lot lines.

Lot Line, Rear

The line dividing one lot from another and on the opposite side of the lot from the front lot line. In the case of an irregular or triangular shaped lot, a line 10 feet inside the lot boundary, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, a lot line that adjoins a front lot line and extends away from the street shall be considered side lot lines.

Lot Line, Side

Any lot line that is not a front lot line or a rear lot line.

Lot of Record

A lot that was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

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Multiuse Path

A hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other non-motorized traffic.

Multi-use Trail

A hard-surface, off-road pathway used by bicyclists, pedestrians, and other nonmotorized traffic typically located within or along a greenway.

Mural

A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Unified Development Ordinance. Murals that function as a sign are regulated in the Unified Development Ordinance as a wall sign.

MUTCD

The Manual on Uniform Traffic Control Devices.

National Flood Insurance Program (NFIP)

The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929

As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Native Species

Naturally occurring, indigenous plants within the City of Bloomington. Native species are adapted to the soil and climate in which they live and have evolved defenses to many diseases and pests.

Nature Preserve

Areas with environmental resources intended to remain in a predominately natural or undeveloped state to provide resource protection or passive recreation.

New Construction

For purposes of floodplain regulations, any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New Manufactured Home Park or Subdivision

For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Night Club

See "Bar or Dance Club."

Non-Boundary River Floodway

The floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88)

As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Porch

An uncovered, unenclosed, structure projecting from the main wall of a primary building. A roofed structure that is not more than 50 percent enclosed (except for removable screens, or screen doors), on at least two sides, that projects from the exterior wall of a building. If a porch extends from the front of a building or from any side of the building that faces a street, that side of the porch must be open, and the side(s) that faces the street must not be more than 50 percent enclosed (except for removable screens, or screen doors).

Preliminary Plan, PUD

A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Unit Development are to be met.

Premises

See "Property."

Preschool

See "School, Public or Private."

Preservation Area

Sites with environmental resources intended to be preserved in their natural state.

Primary School

See "School, Public or Private."

Property

A lot, parcel, tract, or plot of land and the improvements thereon.

Proposal

Any new construction, including accessory structures of at least eight hundred forty square feet, or any building addition larger than ten percent of the gross floor area of a structure.

Public Improvements

The erection, construction, alteration, operation, or maintenance of facilities serving the public interest that may include but is not limited to storm drainage facilities, streets, highways, parkways, sidewalks, pedestrian-ways, transportation corridors, trees, lawns, landscaping, parking areas, lot improvements, or utilities.

Public Place

Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public Safety and Nuisance

For purposes of floodplain regulations, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Way

Any street, alley, channel, tunnel, bridge, easement, right-of-way, or other way that is dedicated or granted for public use.

Substantial Demolition

The moving or razing of a building including the removal or enclosure of 50 percent or more of the structure.

Substantial Improvement

For purposes of floodplain regulations, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Substantial Removal

As used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places.

Supermarket

See "Grocery or Supermarket."

Supportive Housing

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this UDO. This use does not include an "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large," but includes and is not limited to:

- 1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
- 2) A [temporary or permanent](#) shelter for persons experiencing temporary homelessness. [For persons experiencing homelessness, there is no requirement that the persons live in a single housekeeping unit or that the shelter provide care exclusively to persons requiring medical, correctional, or other mandated supervision or a protective environment.](#)
- 3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

Supportive Housing, Large

A facility designed for and occupied by eight or more residents living together.

Supportive Housing, Small

A facility designed for and occupied by no more than seven residents living together.

Suspension

For purposes of floodplain regulations, the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.