

**ORDINANCE 21-17
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.03**

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-03-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

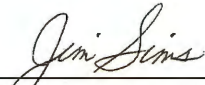
SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

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:



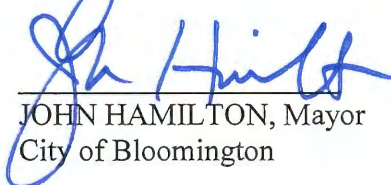
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4 day of June, 2021.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 7th day of June, 2021.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Use Regulations.

Note: At the April 21, 2021 Regular Session, the Council adopted the following amendments:

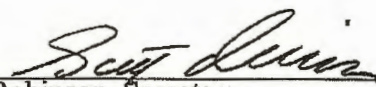
- *AM 01 - Providing that certain alternative standards apply to the "Student Housing or Dormitory" use if either the affordable housing incentive or the sustainable development incentive have been earned;*
- *AM 03 - Revising the use-specific standard for ground floor parking applicable to the "Student Housing or Dormitory" use to require a setback of at least 20 feet from the building façade for structured, vehicular parking.*

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

****ORDINANCE CERTIFICATION****

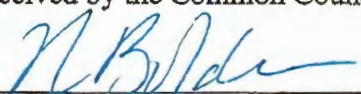
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-17 is a true and complete copy of Plan Commission Case Number ZO-03-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public 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-03-21 amends Chapter 3 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, 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-03-21 Red-Line Amendments With Plan Commission Amendments

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
 Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential									Mixed-Use							Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
Manufactured home park								P*											20.03.030(b)(9)
Group Living																			
Assisted living facility					C	P	P			C	P	P		P	P	P			
Continuing care retirement facility					C	P	P			C	P	P		P	P	P			
Fraternity or sorority house									P*					P*					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home					C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house						P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory						C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

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Chapter 20.03: Use Regulations
20.03.020 Allowed Use Table

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Use	Residential									Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO		
Amenity center	P*	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)	
Country club	C											P								
Recreation, indoor				P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)	
Recreation, outdoor	C											C	P	P			C			
Sexually oriented business											C*	P*					P*		20.03.030(d)(7)	
Stadium														C						
Food, Beverage, and Lodging																				
Bar or dance club									P		P	P			P					
Bed and breakfast	C*	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)	
Brewpub, distillery, or winery									P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)	
Hotel or motel									P			P	C		P					
Restaurant						C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)	
Office, Business, and Professional Services																				
Artist studio or workshop	A*	A*	A*	A*	A*	P	P			P	P	P	C	C	P				20.03.030(d)(11)	
Check cashing											C	C								
Financial institution									P		P	P	C		P		A			
Fitness center, small						A	A		P	P	P	P	A	A	P	A	A			
Fitness center, large									P	P	P	P			P	A				
Office										P	P	P	P	P	P	P*	P		20.03.030(d)(12)	
Personal service, small						A	A		P	P	P	P	P	C	P					
Personal service, large									C	C	P	P	P		P					
Tattoo or piercing parlor											P	P			P					
Retail Sales																				
Building supply store											P	P					P			
Grocery or supermarket						A	A		P	P	P	P	P		P					
Liquor or tobacco sales											P	P			P					
Pawn shop											P	P			P					
Retail sales, small						C	C		P	P	P	P	P		P					
Retail sales, medium									P		P	P	P		P					
Retail sales, large												P			P					
Retail sales, big box												P					P			
Vehicles and Equipment																				
Equipment sales or rental										P*	P*	P*			P*		P*		20.03.030(d)(13)	
Transportation terminal											P	P		P	P		P			
Vehicle fleet operations, small											P	P					P			

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Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Wind energy system, large														P*				P*	20.03.030(f)(4)
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
ACCESSORY USES																		20.03.030(g)(1)	
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through											A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display										T*	T*	T*			T*		A*	20.03.030(g)(7)	
Outdoor trash and recyclables receptacles						A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve						A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
TEMPORARY USES																			
Book buyback									T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales									T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(6)
Special event	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		T*	23.03.030(h)(7)

20.03.030 Use-Specific Standards

(a) Generally

- (1) The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(C) Design

- i. The front elevation building width of the triplex or fourplex dwelling structure shall not exceed 40 feet.
- ii. The following design elements of the triplex or fourplex dwelling shall be similar in general size, shape, and design with the majority of existing structures on the same block face on which it is located:
 1. Roof pitch;
 2. Front porch width and depth;
 3. Front building setback; and
 4. Vehicle parking access (i.e., front-, side-, or rear-access garage or parking area).
- iii. In the R1, R2, R3, and R4 zoning districts, no triplex dwelling structure shall contain more than nine bedrooms total, and no fourplex dwelling structure shall contain more than 12 bedrooms total.
- iv. Each individual dwelling unit shall have separate utility meters.

(5) Dwelling, Multifamily

(A) Ground Floor Parking

Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building façade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

(A)(B) Size

In the MN and R4 zoning districts, no more than eight multifamily dwelling units shall be constructed on one single lot or parcel.

(B)(C) Ground Floor Units

- i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.
- ii. In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street.

(6) Dwelling, Live/Work

- (A) The residential unit shall be located above or behind the nonresidential areas of the structure.
- (B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.
- (D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the unit.
- (E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- (F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

- (E) Where minimum spacing is required by subsections (C) and (D) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(12) Residential Rooming House

- (A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.
- (B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

(13) Student Housing or Dormitory

(A) Ground Floor Parking

No more than 50% of the ground floor of a building adjacent to a public street can be used for parking.

(A)(B) Location

In the RM, RH, MN, MM, MC, and MI zoning districts, each student housing or dormitory use shall be separated from any other student housing or dormitory use by at least 300 feet,

- i. By at least 300 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and
- ii. By at least 300 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

However, if the affordable housing incentive codified at Section 20.04.110(c) has been earned, only the requirements of 20.03.030(b)(13)(A)(i) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.

(B)(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,5005,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).
- ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,00040,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~10,000~~~~20,000~~ square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.

~~(E)~~(D) **Building Height**

- i. In the RH zoning district, the maximum building height for a student housing or dormitory use shall be ~~four~~~~three~~ stories, not to exceed ~~40~~~~50~~ feet, except as necessary to accommodate additional height earned through the affordable housing incentive in Section 20.04.110(c).
- ii. In the MD-DC character area, the maximum building height for a student housing or dormitory use shall not exceed 40 feet.
- iii. In the MD-CS, MD-UV, MD-DE, MD-DG, and MD-ST Downtown Character Overlays, the maximum building height for a student housing or dormitory use shall not exceed 30 feet.

(c) **Public, Institutional, and Civic Uses**

(1) **Art Gallery, Museum, or Library**

In the R4 zoning district, art galleries, museums, and libraries shall be limited to 7,000 square feet gross floor area.

(2) **Community Center**

In the RM and RH zoning districts, community centers shall be a Permitted use when created through renovation of an existing building. If a community center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(3) **Day Care Center, Adult or Child**

- (A) When located in a Residential zoning district, an adult or child day care center shall not be located closer than 500 feet to any other adult or child day care center.
- (B) When a license is required by the state, proof of licensing shall be presented with the petition for the conditional use approval. Day care centers exempt from state licensing requirements shall provide proof of exemption.
- (C) The operation of the facility shall not include overnight occupancy by the clients.
- (D) A Level 3 buffer pursuant to Section 20.04.080(g)(3) (Buffer Yard Types), shall be established along the property line(s) separating a day-care center and any single-family detached, duplex, triplex, or fourplex dwellings.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

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(B) When a license is required by the state, proof of licensing shall be presented with the petition for the conditional use approval. Day care centers exempt from state licensing requirements shall provide proof of exemption.

(C) The operation of the facility shall not include overnight occupancy by the clients.

(D) A Level 3 buffer pursuant to Section 20.04.080(g)(3) (Buffer Yard Types), shall be established along the property line(s) separating a day-care center and any single-family detached, duplex, triplex, or fourplex dwellings,.

(4) Jail or Detention Facility

(A) Adequate access shall be provided to a street classified as a collector or arterial per the Transportation Plan.

(B) The design and intensity of the use, site, and structure shall be compatible with the surrounding area.

(C) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired

(5) Urban Agriculture, Noncommercial

(A) Structures

i. Greenhouses and hoop houses are limited to a maximum height of 15 feet, shall be located at least 10 feet from any lot line and may not cover more than 25 percent of the property.

ii. Cold frames are limited to a maximum height of four feet and shall be located at least 10 feet from any lot line.

iii. Agricultural stands are limited to a maximum height of 12 feet and shall be located at least 10 feet from any abutting lot with an occupied residential use.

~~iii. Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.~~

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(B) Location

- i. Structures containing large or medium livestock or any structures containing livestock waste (except chicken coops) shall meet the following minimum setbacks:
 - 1. Front setback: 75 feet;
 - 2. Side setback: 50 feet;
 - 3. Rear Setback: 75 feet.
- ii. Structures containing small livestock shall meet the following minimum setbacks:
 - 1. Front setback: 35 feet;
 - 2. Side setback: 15 feet;
 - 3. Rear Setback: 25 feet.

(C) Number of Livestock

- i. Domesticated livestock are permitted in accordance with the requirements indicated in Table 03-3 below, unless otherwise prohibited or limited by this UDO or other regulation.
- ii. The maximum number of livestock per acre shall be cumulative between the categories of domesticated animals.
- iii. ~~Animals less than four months of age shall be calculated at one-half the unit value.~~

Table 03-3: Number of Animals Allowed

Animal Type	Pasture Size Area Required (minimum)	Livestock per Acre (maximum)
Large Livestock	1 acre <u>of pasturage</u>	1 per acre of pasturage
Medium Livestock	0.5 acres <u>of pasturage</u>	1 per 0.5 acre of pasturage [1]
<u>Small Livestock</u>	<u>Lot size equals district minimum</u>	<u>2 per minimum area required</u>

Notes:

~~[1] Hybrid or miniaturized medium livestock that weight less than 100 pounds when fully grown shall count as one-third each towards the maximum animals per acre allowed.~~

(2) Kennel

- (A) The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
- (B) Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use, except where the adjoining property is owned or occupied by the operator of the kennel.
- (C) The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:
 - i. Minimum depth underground: 12 inches.
 - ii. Height: Eight feet from grade.
 - iii. Minimum gauge of chain-link fence: 11

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.
- (C) In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (D) In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (E) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) In the ME zoning district:
 - i. All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials;
 - ii. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; and
 - iii. At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(15) Vehicle Impound Storage

Vehicle impound storage lots shall be screened with a solid fence or wall at between eight and 10 feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(16) Vehicle Parking Garage

In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Downtown Character Overlays, a freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(17) Vehicle Repair, Major or Minor

- (A) All major overhaul, body and fender work, upholstery and welding, and spray painting shall be conducted within a completely enclosed building.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

- (B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- (C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- (D) The storage of hazardous materials is prohibited.
- (E) Security fencing shall not include razor wire or barbed wire.
- (F) Where the site is adjacent to a Residential zoning district or a portion of a PUD zoning district designated for single-family residential uses:
 - i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m) (Screening);
 - iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
- (G) If the facility is located in an MN, MM or MD district, all storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways. ~~storage units on upper floors with access doors to storage units accessed from interior hallways.~~
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

(3) Gravel, Cement, or Sand Production, or Quarry

Each facility shall be screened with a solid fence or wall between eight and 10 feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(f) Utilities and Communication

(1) Communication Facility

(A) Purpose

These standards are intended to provide sensible and reasonable development standards that comply with the requirements of state and federal law for public and private telecommunication service and to:

- i. Maximize the use of any communication facilities in order to reduce the total number of facilities needed to serve the communications needs of the area;
- ii. Minimize the adverse, undesirable visual effects of communication facilities; and
- iii. Provide for the reasonable location of communication facilities in the city.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

Chapter 20.03: Use Regulations

20.03.030 Use-Specific Standards

- (D) In the MN, MM, and MC zoning districts, brewpubs, distilleries, or wineries shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.
- (E) In the MD zoning district, brewpubs, distilleries, or wineries shall maintain at least 50 percent of the gross floor area of the facility for public use as a tavern, restaurant, or tasting area.
- (F) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that:
 - i. The location and flow of shipping traffic does not impact access by other users; and
 - ii. The proposed shipping routes are designed to accommodate the weight of the delivery vehicles.

(10) Restaurant

- (A) In the ~~current-RM and, RH, and ME~~ zoning districts, the restaurant shall contain no more than 2,500 gross square feet of floor area. Such smaller establishments typically include but are not limited to cafes, coffee shops, delis, and small restaurants. In the ME zoning district, the restaurant shall contain no more than 5,000 gross square feet of floor area.
- (B) In the RM and RH zoning districts, structures containing this use shall be similar in appearance to the surrounding buildings with respect to architectural style, roof pitch, color and materials.

(11) Artist Studio or Workshop

In the RE, R1, R2, R3, and R4 zoning districts:

- (A) The artist studio shall be accessory to a residential use.
- (B) No retail activity shall be permitted in association with the artist studio.
- (C) No display of art pieces for public viewing, such as within a gallery, shall be permitted.
- (D) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

(12) Office

In the MH zoning district, only office uses performing services related to the medical or health care industries are permitted.

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. _____
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(1) Generally

Accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to site plan requirements, all necessary permits and approvals, and other applicable requirements.

(A) Compliance Required

Accessory structures shall comply with all dimensional and development standards for the subject zoning district regardless of whether a temporary use permit or certificate of zoning compliance is required.

(B) Exemptions

The installation of flag poles and/or detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed.

(C) Prohibitions

A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, or motor vehicle shall not be used as an accessory structure in any zoning district.

(D) Timing

Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure or for agricultural purposes.

(E) Number and Size Permitted

The maximum number (per lot or parcel) and maximum footprint (cumulative total per parcel) of [enclosed](#) accessory structures permitted is indicated in the table below:

Table 03-4: Number and Size of [Enclosed](#) Accessory Structures Permitted

Zoning District	Maximum Number	Maximum Footprint (cumulative total)
RE	None	50 percent of the square footage of the primary structure
R1	2	1,000 square feet or 50 percent of the square footage of the primary structure, whichever is less [1]
R2		840 square feet
R3		580 square feet
R4		400 square feet
RM, RH, RMH	None	840 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint, whichever is greater.
MS, MN, MM, MD, MC, ME, MH		1000 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint, whichever is greater.
MI, EM, PO	None	None

NOTES:

[\[1\] Agricultural accessory structures are exempt from the size limitations.](#)

(F) Location

- i. Unless otherwise authorized in this UDO, accessory structures shall be located no closer than 35 feet from the front property line and five feet from side and rear property lines.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

Chapter 20.03: Use Regulations

20.03.030 Use-Specific Standards

(3) Detached Garage Design

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) Drive-Through

- (A) In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.
- (B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(5) Dwelling, Accessory Unit

(A) Purpose

These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

(B) Generally

- i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- ~~iii. ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.~~
- ~~iv.iii.~~ ADUs shall not contain more than two bedrooms.
- ~~v.iv.~~ No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date.
- ~~vi.v.~~ A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department.

(C) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) Standards for Attached ADUs

- i. The maximum square footage of any attached ADU shall be 840 square feet.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

~~iv.~~ No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date.

~~v.~~ A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department.

(C) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) Standards for Attached ADUs

- i. The maximum square footage of any attached ADU shall be 840 square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

(E) Standards for Detached ADUs

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(3) (Residential).

- i. The maximum gross floor area of ~~the detached ADU portion of any accessory structure~~~~any detached ADU~~ shall be 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.
- ii. The detached ADU shall not exceed 25 feet in height.
- iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.
- iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures). Where one or more of the standards in Section 20.03.030(g) (Accessory Uses and Structures) conflict with these use-specific standards, these use-specific standards shall govern.
- v. A detached ADU shall be set back from any side or rear property ~~line that does not abut an alley by at least 10 feet, and from any side or rear property line that abuts an alley~~ by at least five feet.
- vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(F) **Historic Districts**

If located within a historic district, any exterior changes or new construction shall be in compliance with the historic district's guidelines and any required certificate of appropriateness shall be obtained pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(G) **Owner Occupancy**

- i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property.
- ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.
- iii. Any primary dwelling or ADU used as a rental unit shall register with the Department of Housing and Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.

~~(H) **Noticing**~~

- ~~i. The petitioner shall be responsible for mailing notice to all persons owning land within 300 linear feet from any property line of the parcel for which an ADU is being requested.~~
- ~~ii. Mailed notices shall be postmarked and sent via first class mail at least 10 days prior to final action by the Director. A notarized affidavit shall be submitted stating compliance with this section before any permits are issued.~~
- ~~iii. The mailed notice shall include:
 - ~~1. The physical address, zoning designation, and primary use of the subject property;~~
 - ~~2. A brief narrative summarizing the request and demonstrating compliance with this Section 20.03.030(g)(5);~~
 - ~~3. The location and hours where a copy of the petition is on file for examination; and~~
 - ~~4. Any other information relevant to the petition required by the Director.~~~~

~~(H)~~ **Recorded Documents**

- i. Prior to receiving a building permit for an ADU, the petitioner shall record a deed or title restriction with the Monroe County Recorder, in a form acceptable to the City, stating that:
 1. The ADU shall not be sold separately from the primary unit; and
 2. Either primary dwelling unit or the ADU shall be occupied by the owner(s) of record as their primary residence.
- ii. If at any time the City determines that the subject property is in violation of this UDO or in violation of the deed or title restriction, the ADU approval shall be withdrawn. In addition, the City may require that the ADU be removed from the property, which may include but is not limited to removal of any second kitchen on the property, including all kitchen appliances and cabinets.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(G) **Maximum Floor Area**

- ~~i. No more than 15 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation. However, no Home Occupation shall be limited to less than 200 square feet, nor shall the area of a Home Occupation exceed 500 square feet.~~
- i. For Home Occupations located within a primary structure no more than 50 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation.
- ~~ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 15 percent or 500 square feet of the dwelling unit, whichever is less.~~
- ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 50 percent of the dwelling unit.
- ~~iii. Area used for storage of materials or products used in the Home Occupation shall be included in this calculation.~~
- iii. Area used for storage of material or products used in the Home Occupation shall be included in this calculation.
- ~~iv. For Home Occupations located within an accessory structure no more than 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.0309(g) (Accessory Uses and Structures), whichever is less maybe be used in connection with the Home Occupation.~~
- v. Exempted Uses are excluded from square footage limitations in Section 20.03.030 (g)(6)(A)

(H) **Multiple Home Occupations**

- i. More than one Home Occupation may be permitted within an individual dwelling unit.
- ii. Where multiple Home Occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all Home Occupation activities, not to each Home Occupation individually.

(I) **Residential Character**

There shall not be any interior or exterior, structural or aesthetic alterations that change the residential character of the dwelling unit within which the Home Occupation operates.

(J) **Location and Entrance**

- ~~i. The Home Occupation shall be conducted entirely within the primary structure or attached garage.~~
- ii.i. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.

(K) **Outdoor Display and Storage**

Outdoor display of goods, materials, supplies, or equipment is prohibited.

ZO-03-21 Red-Line Amendments With Plan Commission Amendments

(C) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

(4) **Farm Produce Sales**

A temporary use permit is not required to operate a farm produce sales use, but such use shall comply with the standards of this UDO, in addition to the following standards:

- (A) Temporary tents, structures, or stands used for the sale of farm produce shall not exceed 150 square feet;
- (B) Farm produce sales operations shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the principal use in this UDO;
- (C) Farm produce sales shall not operate on the same lot for more than 180 ~~consecutive~~ days in a calendar year; and
- (D) The Bloomington Community Farmers' Market and any other farmers' market approved by the City shall be exempt from this requirement.

(5) **Real Estate Sales or Model Home**

Real estate sales or model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.

(6) **Seasonal Sales**

- (A) Fireworks sales shall be permitted only at locations within the MC zoning district.
- (B) A temporary use permit shall be required and shall be valid for a maximum of 30 consecutive days.
- (C) No property shall be issued more than three temporary use permits in a calendar year.
- (D) The temporary use shall be located on a lot that fronts on a collector or arterial street.
- (E) The temporary use shall be located at least 50 feet from any residential district.

(7) **Special Event**

- (A) A temporary use permit is required for a special event and is permitted for 15 days. No property shall be issued more than one special event permit per calendar year.



**City of Bloomington
Office of the Common Council**

April 26, 2021

City of Bloomington Plan Commission
401 North Morton, Room 160
P.O. Box 100
Bloomington, IN 47402

Dear Plan Commissioners,

This letter is being written pursuant to I.C. 36-7-4-607(e), which requires the Council, in the event it amends a proposal to amend the text of the City's zoning ordinance, to return the proposal and amendments to the Plan Commission, with a statement of reasons for the amendments. On April 5, 2021, the Common Council received certification of the Plan Commission's action on the proposal to amend certain provisions of the Unified Development Ordinance, which came forward as Ordinance 21-17 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.03.

At a Regular Session on April 21, 2021, after having met in Committee of the Whole on April 14, 2021, the Common Council approved Ordinance 21-17 by a vote of 9-0, with two amendments. Attached to this correspondence are copies of the following records:

- Ordinance 21-17, signed by the Council President;
- Attachment A to Ord 21-17, consisting of ZO-03-21 (the proposal forwarded to the Council by the Plan Commission);
- Attachment B to Ord 21-17, consisting of Council amendments to ZO-03-21, which includes:
 - Amendment 01, including a written statement of the reasons for the amendment;
 - Amendment 03, including a written statement of the reasons for the amendment.

The Council extends its deep appreciation for the work of the Plan Commissioners and staff on Ordinance 21-17 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney, Mike Rouker.

Sincerely,

/s/Jim Sims

Jim Sims, President
Bloomington Common Council

*** Amendment Form ***

Ordinance #: 21-17
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith
Date: April 21, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-17 as "Attachment A" (ZO-03-21) shall be amended as follows (only affected portions of the proposal are shown below):

(13) Student Housing or Dormitory

(B) Location

In the RM, RH, MN, MM, MC, and MI zoning districts, each student housing or dormitory use shall be separated from any other student housing or dormitory use:

- i. By at least 300 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and
- ii. By at least 300 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

However, if **either** the affordable housing incentive codified at Section 20.04.110(c) **or the sustainable development incentive codified at Section 20.04.110(d)** has been earned, only the requirements of 20.03.030(b)(13)~~(B)(A)~~(i) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.

(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,500 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if **either** the affordable housing incentive codified at Section 20.04.110(c) **or the sustainable development incentive codified at Section 20.04.110(d)** has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

- ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if **either** the affordable housing incentive codified at Section 20.04.110(c) **or the sustainable development incentive codified at Section 20.04.110(d)** has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).
- iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if **either** the affordable housing incentive codified at Section 20.04.110(c) **or the sustainable development incentive codified at Section 20.04.110(d)** has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However, if **either** the affordable housing incentive codified at Section 20.04.110(c) **or the sustainable development incentive codified at Section 20.04.110(d)** has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.

Synopsis and Reason for Amendment

This amendment is sponsored by Cm. Piedmont-Smith and affects the use-specific standards that apply to the Student Housing or Dormitory use. The amendment provides an additional method by which the Student Housing or Dormitory use can be subject to alternative use-specific standards affecting the location and the building floor plate size. The amendment provides that the alternative standards would apply if *either* the affordable housing incentive or the sustainable development incentive had been earned, instead of only listing the affordable housing incentive as an option. The amendment is meant to increase the likelihood that the sustainable development incentive is utilized.

Committee Recommendation:	N/A
Regular Session Action (04/21/21):	9-0

*** Amendment Form ***

Ordinance #: 21-17
Amendment #: Am 03
Submitted By: Cm. Piedmont-Smith
Date: April 21, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~strikethrough~~)

1. The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-17 as "Attachment A" (ZO-03-21) shall be amended as follows (only affected portions of the proposal are shown below):

(13) Student Housing or Dormitory

(A) Ground Floor Parking

~~No more than 50% of the ground floor of a building adjacent to a public street can be used for parking.~~

All portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building façade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

Synopsis and Reason for Amendment

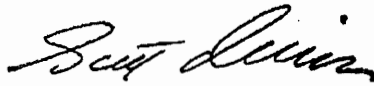
This amendment is sponsored by Cm. Piedmont-Smith and replaces a proposed use-specific standard addressing ground floor parking for the Student Housing or Dormitory use. The amendment would replace the proposed standard with the same ground floor parking standard proposed for the Dwelling, Multifamily use. This amendment addresses potential concerns about the feasibility of building structured parking on the ground floor of a multistory building if only 50% of the ground floor surface area could be parking.

Committee Recommendation: N/A
Regular Session Action (04/21/21): 9-0

****REPORT TO THE COMMON COUNCIL****

In accordance with Indiana Code 36-7-4-606(g), I hereby file this Report to the Common Council of the action of the Plan Commission in regard to Ordinance 21-17. Ordinance 21-17 amended Chapter 3 of the City's Unified Development Ordinance as amended by the Common Council and was accompanied by the amendments and a statement of reasons for those amendments. I certify that the Plan Commission considered the aforementioned materials via Case Number ZO-03-21 and approved the Unified Development Ordinance as amended by a unanimous vote at a public meeting on May 10, 2021.

Date: June 1, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 1 day of June, 2021.



Nicole Bolden, City Clerk