

**ORDINANCE 21-23**  
**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)**  
**OF THE BLOOMINGTON MUNICIPAL CODE –**  
**Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex**  
**Set Forth in BMC 20.03 and 20.04**

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-09-21, (“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.

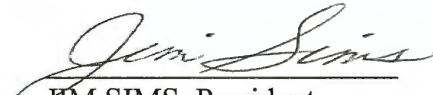
SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given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

SECTION V. Reporting. The Planning and Transportation Department will track requests and approvals for the uses amended in this Ordinance, and report those findings to the Plan Commission, Administration, and Common Council every six months from the effective date.


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

SECTION VII. 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 13 day of May, 2021.

  
JIM SIMS, President  
Bloomington Common Council

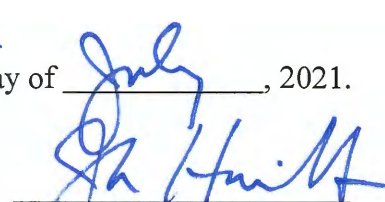
ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7 day of July, 2021.

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this 12<sup>th</sup> day of July, 2021.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This petition amends regulations related to the uses dwelling, duplex; dwelling, triplex; and dwelling, fourplex including in which districts they are permitted or conditional and their Use-Specific Standards.

*Note: At the May 5, 2021 Special Session, the Council adopted the following amendment:*

- *AM 02 – Amends the allowed use table to allow “Dwelling, duplex” as a conditional use in the R1, R2, and R3 zoning districts. It also makes changes to the conditional use permit process to require that conditional use permit petitions for the “Dwelling, duplex” use in the R1, R2, R3 zones include a pre-submittal neighborhood meeting and are reviewed by the Board of Zoning Appeals.*

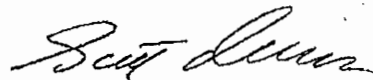
*At the May 6, 2021 Special Session, the Council adopted the following amendment:*

- *AM 03 – this Amendment places a 150 foot buffer around a duplex dwelling in the R1, R2, and R3 zoning districts. It also limits the total number of duplexes to not more than 15 each year.*

\*\*\*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 21-23. Ordinance 21-23 amended regulations related to the uses dwelling, duplex; dwelling, triplex; and dwelling, fourplex in 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-09-21 and approved the Unified Development Ordinance as amended by a 6-2 vote at a public meeting on June 14, 2021.

Date: June 25, 2021



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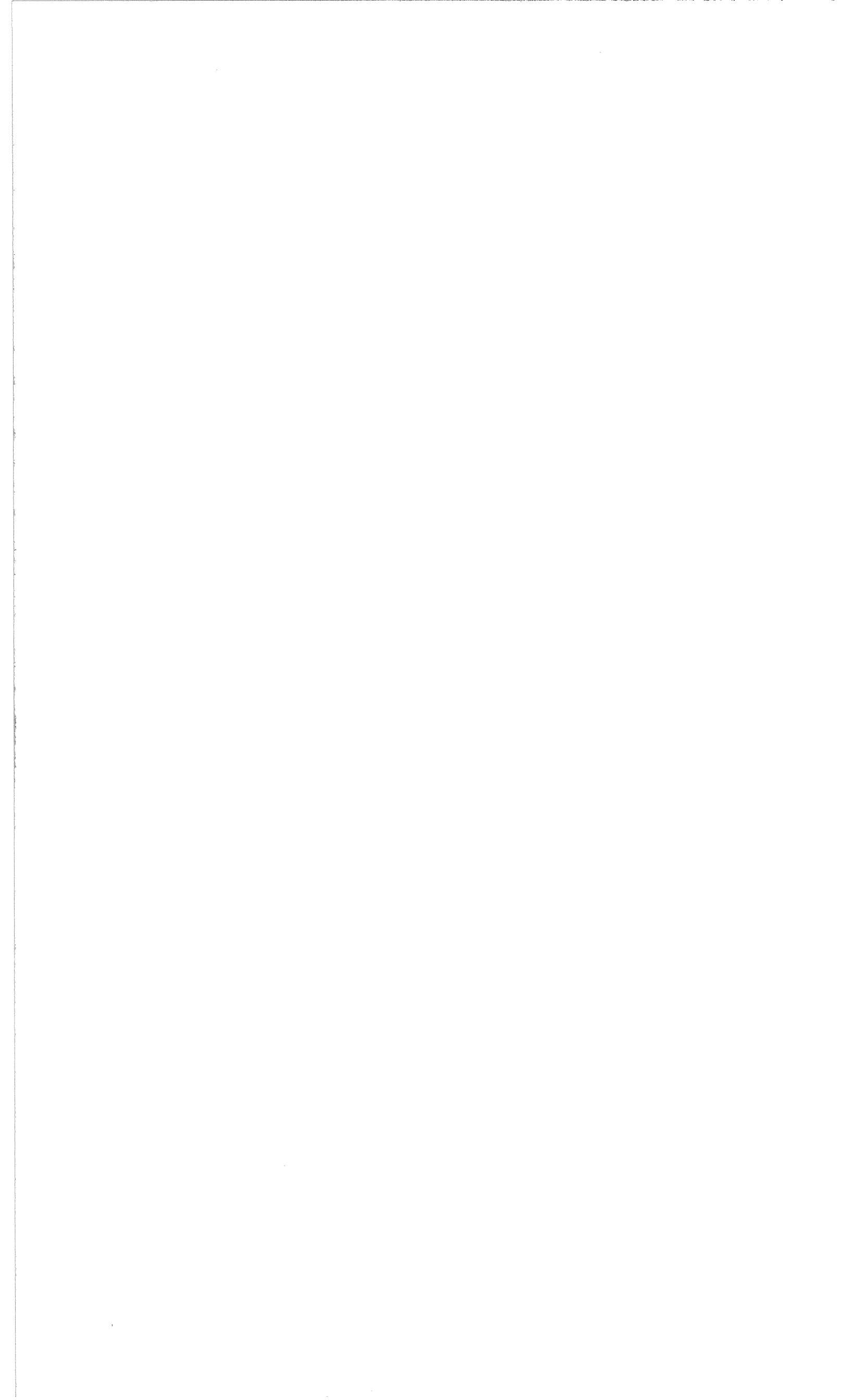
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 25th day of June, 2021.



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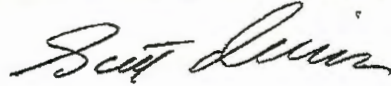
Nicole Bolden, City Clerk



\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

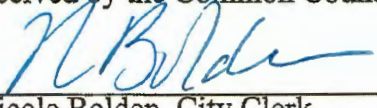
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-23 is a true and complete copy of Plan Commission Case Number ZO-09-21 which was given a recommendation of approval by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 1, 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-09-21 amends various chapters of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend the regulations related to duplexes, triplexes, and fourplexes, 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.)



## 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	
<b>RESIDENTIAL USES</b>																			
<b>Household Living</b>																			
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*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		*	*	*	C*	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)
<b>Group Living</b>																			
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)(1)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(1)
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			
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>																			
<b>Community and Cultural Facilities</b>																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

## ZO-09-21 Red-Line Amendments with Plan Commission Amendments

- (2) Any of the uses listed as Household Living uses in Table 03-1: *Allowed Use Table*, may be organized as cooperative housing, but shall be a permitted use or a conditional use only in those zoning districts where another Household Living use with the same layout and number of units would be allowed as a permitted use or conditional use, and shall be subject to those use-specific standards applicable to such Household Living use with the same layout and number of units. For example, a cooperative housing facility that meets the definition of "dwelling, multifamily" in terms of layout and number of units is a permitted use available only in those zoning districts where a "dwelling, multifamily" is a permitted use in Table 03-1: *Allowed Use Table*, and is a conditional use available only in those zoning districts where a "Dwelling, multifamily," is listed as a conditional use in Table 03-1: *Allowed Use Table*, and is subject to those Use-specific standards applicable to a "dwelling, multifamily" in Section 20.03.030(b)(5).

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### (b) Residential Uses

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#### (1) Dwelling, Single-Family (Detached)

- (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
- (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
- (C) Occupancy of a single-family detached dwelling unit is subject to the definition of "family" in Chapter 20.07: (Definitions).

#### (2) Dwelling, Single-Family (Attached)

##### (A) Access

- i. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- ii. Each dwelling shall have direct access to a street or alley.

##### (B) Design

In the R2 and R3 zoning districts, the maximum number of dwelling units allowed in one single-family attached structure shall be two, and each individual dwelling unit shall be located on a separate lot.

##### (C) Occupancy

Occupancy of single-family attached dwelling units is subject to the definition of "Family" in Chapter 20.07:: (Definitions).

#### (3) Dwelling, Duplex

##### (A) Generally

- ~~i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at application. For any property that has been rezoned to R1, R2, or R3 after 04/18/2020 that was not previously designated in the R1, R2, or R3 zoning districts, duplex dwelling uses shall be permitted by right and shall not require conditional use permit approval.~~



## ZO-09-21 Red-Line Amendments with Plan Commission Amendments

~~ii.~~

~~For any property zoned R1, R2, or R3 on 04/18/2020, duplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:~~

- ~~1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and~~
- ~~2. The proposed duplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.~~

### (B) **Occupancy**

Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).

### (C) **Design**

In the R1, R2, R3, and R4 zoning districts the following shall apply:

- ~~i. Each unit in a newly constructed duplex dwelling shall have a separate exterior entrance facing a public or private street. Duplex dwellings created through renovation or expansion of existing structures shall have at least one exterior entrance facing a public or private street. Each individual dwelling unit shall have a separate exterior entrance facing a public or private street.~~
- ~~ii. The front elevation building width of the duplex dwelling structure shall not exceed 40 feet.~~
- iii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex 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).
- iv. No duplex dwelling structure shall contain more than six bedrooms total.
- v. Each individual dwelling unit shall have separate utility meters.



## ZO-09-21 Red-Line Amendments with Plan Commission Amendments

### (4) Dwelling, Triplex and Fourplex

#### (A) Generally

- ~~i. The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at the time of Conditional Use application. For any property that has been rezoned to R1, R2, or R3 after 04/18/2020 that was not previously designated in the R1, R2, or R3 zoning districts, triplex dwelling uses shall be permitted by right and shall not require conditional use permit approval.~~
- ~~ii. For any property that has been rezoned to R4 after 04/18/2020 that was previously designated in the R1, R2 or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.~~
- ~~iii. For any property zoned R1, R2, or R3 on 04/18/2020, triplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:
  - ~~1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and~~
  - ~~2. The proposed triplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.~~~~

#### (B) Occupancy

Occupancy of each unit in a triplex and fourplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).

#### (C) Design

- ~~i. The front elevation building width of the triplex or fourplex dwelling structure shall not exceed 40 feet.~~
- ~~i. Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.~~
- 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) Size

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

(5) **Affordable Housing Incentives**

(A) **Reduced Bulk Requirements**

The following dimensional standards shall apply to single-family ~~and~~ duplex, ~~triplex, and~~ ~~fourplex~~ residential lots in the R1, R2, and R3 zoning districts that meet either of the two criteria in subsection (2) above:

- i. The minimum lot area for subdivision may be reduced up to 30 percent.
- ii. The minimum lot width for subdivision may be reduced up to 20 percent.
- iii. The side building setbacks may be reduced to five feet regardless of the number of stories.
- iv. The rear building setback may be reduced to 15 feet.
- v. Where these standards conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern.

(B) **Primary Structure Height**

i. **Eligibility**

In addition to the eligibility criteria in 20.04.110(c)(2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

1. The building shall contain six or more dwelling units; and
2. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

ii. **Tier 1 Projects**

Projects that meet the Tier 1 affordability standards may increase the primary structure height by one floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iii. **Tier 2 Projects**

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iv. **Sustainable Development Bonus**

1. Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
2. The additional floor of building height granted under this subsection (iv) shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(6) **Other Standards**

The following standards shall apply to all affordable housing projects seeking incentives under this section 20.04.110(c).



- i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;
- ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;
- iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or
- iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;
- v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections (i.) through (iv.) above, as determined by the Planning and Transportation Director.

### (3) Sustainable Development Incentives

#### (A) Single-Family, Duplex, Triplex, and Fourplex Uses

- i. Single-family ~~and~~ duplex, ~~triplex, and fourplex~~ residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).
- ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in Option 1 or Option 2 above shall not be eligible for additional primary structure height.

#### (B) All Other Uses

Projects that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for additional primary structure height as established below:

- i. One floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in 20.04.110(d)(2) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv.

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## 20.04.120 Operation and Maintenance

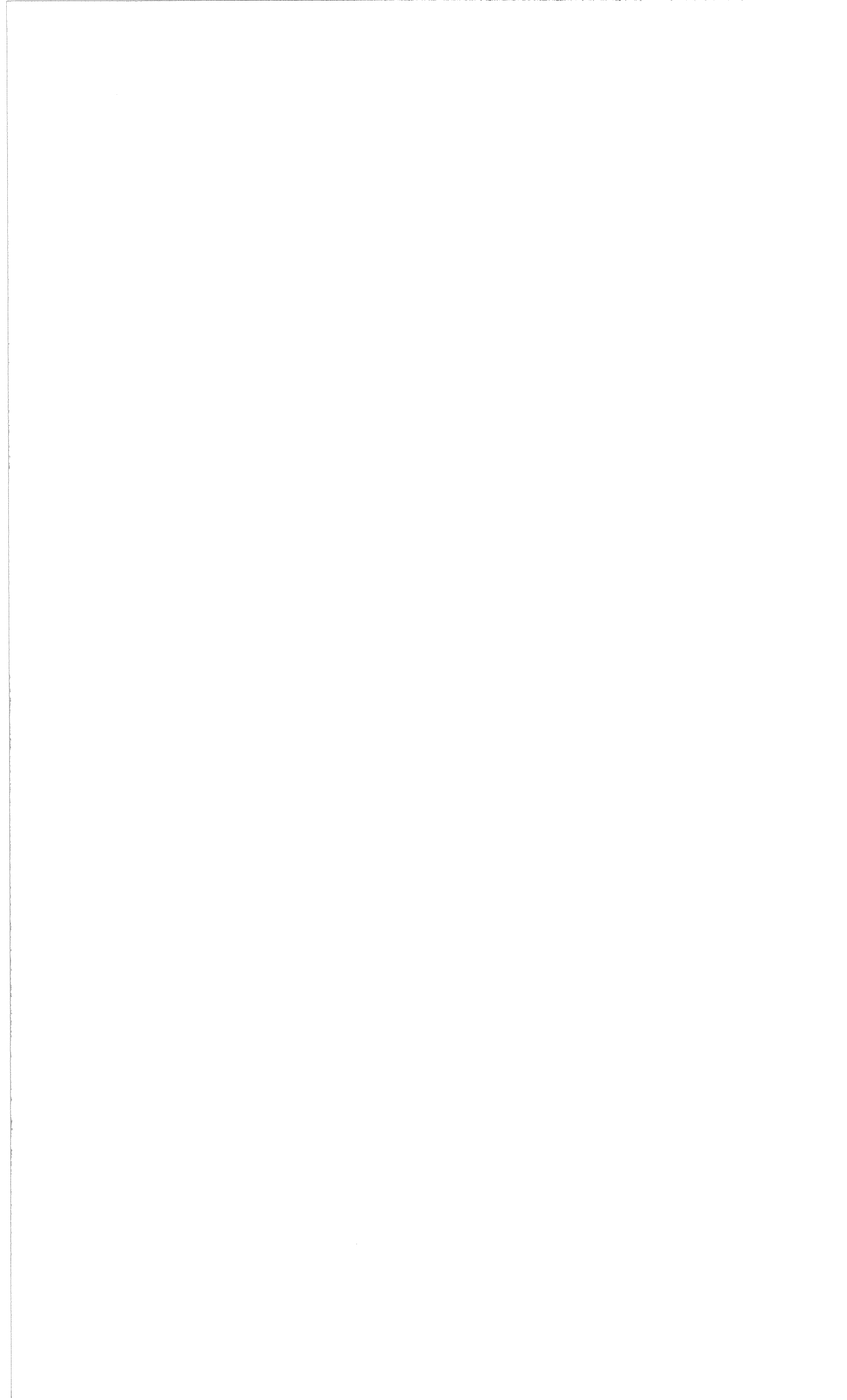
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### (a) Siltation and Erosion

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- (1) Sedimentation basins and other control measures necessary to meet the requirements of Section 20.04.030(d) (Siltation and Erosion Prevention) shall be maintained by the property owner during construction.
- (2) Any site stabilization measures shall be maintained by the property owner in perpetuity.
- (3) Sediment shall be removed to maintain a depth of three feet.





**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 21-23  
**Amendment #:** Am 02  
**Submitted By:** Cms. Piedmont-Smith, Sims  
**Date:** April 28, 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 21-23 as "Attachment A" (ZO-09-21) shall be amended as follows (only affected portions of the proposal are shown below):

**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	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
<b>RESIDENTIAL USES</b>																		
<b>Household Living</b>																		
Dwelling, duplex	<del>P*</del> <b>C*</b>	<del>P*</del> <b>C*</b>	<del>P*</del> <b>C*</b>	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	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)

**20.06.050 Development Permits and Procedures**

**(b) Conditional Use Permit**

**(3) Conditional Use Permit Review Process**

**(A) Pre-Submittal Activities**

- iii. For petitions subject to review and decision by the zoning board of appeals, a Development Review Committee meeting and pre-submittal neighborhood meeting may be required by the Planning and Transportation Director, in accordance with Section 20.06.040(b)(2) (Development Review Committee (DRC) Meeting) and Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting). **The requirements of Section 20.06.050(b)(3)(D) and 20.06.050(b)(3)(E)(v) apply to conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2, or R3 zoning districts.**

**(D) Scheduling and Notice of Public Hearings**

The conditional use permit petition shall be scheduled for a public hearing before the Board of Zoning Appeals or Hearing Officer and noticed in accordance with 20.06.040(e) (Scheduling and Notice of Public Hearings).

**Conditional use permit petitions for the "Dwelling, Duplex" use in the R1, R2 or R3 zoning districts shall be scheduled for a public hearing before the Board of Zoning Appeals and noticed in accordance with 20.06.040(e)**

**(E) Review and Decision**

[A new Section 20.06.050(b)(3)(E)(v) shall be inserted and subsequent subsections shall be renumbered accordingly.]

v. Dwelling, Duplex in R1, R2, or R3 Zoning Districts

Conditional use permit petitions for the "Dwelling, Duplex use in the R1, R2, or R3 zoning districts shall require a pre-submittal neighborhood meeting in accordance with Section 20.06.040(b)(3) (Pre-Submittal Neighborhood Meeting).

**Synopsis and Reason for Amendment**

This amendment is sponsored by Councilmembers Piedmont-Smith and Sims. It presents a compromise by allowing some carefully reviewed duplexes in residential neighborhoods. The text amends the allowed use table to allow "Dwelling, duplex" as a conditional use in the R1, R2, and R3 zoning districts. It also makes changes to the conditional use permit process to require that conditional use permit petitions for the "Dwelling, duplex" use in the R1, R2, or R3 zones include a pre-submittal neighborhood meeting and are reviewed by the Board of Zoning Appeals.

Allowing duplexes in R1, R2, and R3 zones through careful review of each unique case is supported by the following policies in the Comprehensive Plan:

- **Policy 5.1.3:** Encourage a wide range of housing types to provide a more diverse mix of housing opportunities and household income levels, preferably within neighborhoods and multi-family housing developments.
- **Policy 5.4.1:** Promote and maintain housing options within neighborhoods to ensure that a diversity of housing types, a mix of household incomes, and a variety of homeownership and rental opportunities exist...

This amendment is also supported by the following goal of the Bloomington Housing Study (2020):

- Maintain neighborhood character while adding housing options to existing neighborhoods

**Committee Recommendation:**

N/A

**Special Session Action:**

Passed 9-0



\*\*\* Amendment Form \*\*\*

**Ordinance #:** 21-23  
**Amendment #:** Am 03  
**Submitted By:** Cm. Rollo; Cm. Sandberg  
**Date:** May 5, 2021  
**Proposed Amendment:** (additions are shown in **bold** and deletions in ~~strikethrough~~)

The proposal forwarded to the Common Council by the Plan Commission and attached to Ordinance 21-23 as "Attachment A" (ZO-09-21) shall be amended as follows (only affected portions of the proposal are shown below):

1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and
2. The proposed duplex structure does not exceed the total gross square footage of the original structure that was demolished or removed by more than 25 percent.

**(B) Occupancy**

Occupancy of each dwelling unit in a duplex dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions).

**(C) Design**

In the R1, R2, R3, and R4 zoning districts the following shall apply:

- i. Each individual dwelling unit shall have a separate exterior entrance facing a public or private street.
- ii. The front elevation building width of the duplex dwelling structure shall not exceed 40 feet.
- iii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design with the majority of existing single-family or duplex 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).
- iv. No duplex dwelling structure shall contain more than six bedrooms total.
- v. Each individual dwelling unit shall have separate utility meters.

**(D) Approval**

**In the R1, R2, and R3 zoning districts, upon Conditional Use approval, a 150 foot buffer shall be created around the approved duplex dwelling. No newly created or expanded (through addition or habitable space) duplex dwellings shall be allowed in said buffer in the R1, R2, and R3 zoning districts for a period of 2 years after the date of the Conditional Use approval. For purposes of this section, the 150 feet shall be measured from the property lines of the parcel receiving approval.**

**(E) Maximum Number**

**In the R1, R2, and R3 zoning districts, the BZA shall approve a maximum of 15 duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.**

### Synopsis and Reason for Amendment

This Amendment is sponsored by Councilmembers Rollo and Sandberg. This Amendment places a 150 foot buffer around a duplex dwelling in the R1, R2, and R3 zoning districts. Additionally, this Amendment provides that the BZA shall approve a maximum of 15 duplex dwellings (newly created or expanded through addition or habitable space) per calendar year.

*Note: This Amendment was revised after distribution in the Legislative Packet Addendum but before being introduced at the May 6, 2021 Special Session. The revision added a period of 2 years to section (D) Approval; and revised the maximum number of duplexes the BZA shall approve per calendar year to 15 in section (E) Maximum Number.*

**Committee Recommendation:**

N/A

**Council Action:**

**Passed 7-2**