

ORDINANCE 22-36

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –**

**Re: Proposal to Amend Chapter 20.02 "Zoning Districts" and Related Sections to Establish
an Overlay District and Related Development Standards for the Hopewell Neighborhood**

WHEREAS, the Common Council, via Resolution 22-17, directed that a Unified Development Ordinance (UDO) text amendment proposal be considered by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution; and

WHEREAS, on November 14, 2022, the Plan Commission voted to favorably recommend an amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified the amendment proposal to the Common Council on November 22, 2022; and

WHEREAS, in preparing and considering the 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;

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

SECTION 1. Title 20, entitled "Unified Development Ordinance", is amended.

SECTION 2. An amended Title 20, 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-51-22, (hereinafter "Attachment A")
 - (B) Any Council amendments thereto ("Attachment B")

SECTION 3. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION 4. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 14 day of December, 2022.



SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:



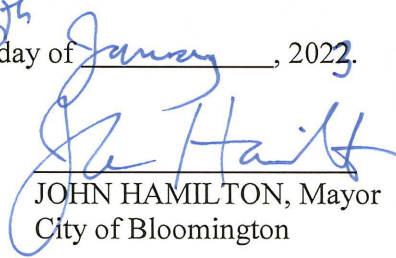
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 30
day of January, 2022. 2023 27



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 30th day of January, 2023.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains a text amendment that proposes to add the Transform Redevelopment Overlay (TRO) to the Unified Development Ordinance in order to address the charge in Resolution 22-17.

Note: At the December 14, 2022 Special Session, the Council adopted the following amendments:

- AM 01 – Correcting grammatical and technical errors in the ordinance.

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

Case # ZO-51-22 Memo (Ordinance 22-36)

To: Bloomington Common Council
From: Jackie Scanlan, AICP Development Services Manager
Date: November 22, 2022
Re: TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-51-22 on November 14, 2022 and voted to send the petition to the Common Council with a positive recommendation with a vote of 7-0. The packet of information provided to the Plan Commission for ZO-51-22 is below.

ZO-51-22 TRO – Transform Redevelopment Overlay (Hopewell Neighborhood Overlay) Text Amendments to Unified Development Ordinance

The Common Council initiated a proposal to amend Title 20 (the Unified Development Ordinance “UDO”). The resolution (22-17) directs that a that a UDO text amendment proposal be prepared by the Plan Commission to establish an overlay district and related development standards for the Hopewell neighborhood consistent with the guidance contained in the resolution. The resolution specifics the development standards that the Plan commission should address and provides policy guidance on how those standards should be adjusted from what exists in the base zoning districts.

The Planning and Transportation Department has drafted an amendment to the UDO for the Plan Commission’s review which creates an overlay which is designed to address the guidance in resolution 22-17. The specified development standards and proposed changes are as follows:

- Subdivision standards should require alleys in the area;
 - Table 02-30: IS Subdivision Development Standards requires that 100% of newly created lots are served by alleys and that all alleys are required to meet Transportation Plan guidance.
- Increase impervious surface maximums;
 - Table 02-29: TRO District Dimensional Standards allows for mixed-use & nonresidential zoned properties within the overlay to increase their impervious surface maximum by 25% percentage points above the underlying base zoning district. Residential zoned properties have an increase of 15% percentage points. Increases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)
- Reduce landscape area;

- Table 02-29 decreases the minimum required amount of landscape area to allow for the changes to impervious surface maximums.
- Reduce side and rear building setbacks;
 - Table 02-29 reduces side building setbacks to 0 feet within the overlay. Rear setbacks for mixed-use & nonresidential districts are reduced to 0 feet. In residential districts the minimum rear setback is 10 feet.
- Eliminate minimum parking requirements;
 - 20.02.050(8)(A) removes the minimum vehicle parking requirement for all properties within the overlay.
- Require drive access off alleys rather than streets;
 - 20.05.050(7)(A)(i) prohibits driveways accessing a street if a platted alley is adjacent.
- Reduce minimum lot sizes;
 - Table 02-29 reduces minimum lot width to 35 feet. There is no minimum lot area for mixed-use & nonresidential zoned properties. In residential districts the minimum lot area is 1,500 (0.034 acres).
- Require pedestrian-scale development standards for first-floor residential uses
 - 20.02.050(6)(A)(i) requires that multifamily dwellings be setback 20 feet behind each building façade facing identified streets, and the B-line Trail.
 - 20.02.050(6)(A)(ii) requires that any multifamily dwelling unit which has a front building wall facing a street be raised 2 to 5 feet above the sidewalk level.
 - 20.02.050(9)(B)(iv)(1) requires that front building setback not generate unusable or dead space. Front setbacks are required to be landscaped or provide outdoor commercial areas.
 - 20.02.050(9)(B)(iv)(2) requires that primary buildings include a courtyard visible from the sidewalk that provides an active and usable open space.
 - 20.02.050(9)(b)(v)(3)(a) requires that a minimum of 20% of the total wall/façade area of ground floor residential facades contain glass or framed facades.
 - 20.02.050(9)(b)(vi)(1) limits the maximum building floor plate to 5,000 square feet without incentives.

In addition the guidance of Resolution 22-17 the Planning and Transportation Department has included other proposed regulations to ensure that developments within the overlay meet the goals of the Comprehensive Plan, promotes redevelopment, encourages public and private investment, and provides desirable residential neighborhood. The proposed overlay also includes:

- A modification to the allowed use table within the overlay to expand the permitted uses, and exclude other uses;
- New use-specific standards for dwelling, multifamily and restaurant uses;
- A requirement for parking to be constructed solely of permeable pavers;
- A requirement for the installation of street lighting;
- A modification to expand building materials;
- New requirements for pedestrian entries;
- New regulations on exterior facades to prevent blank walls;

- A modification in landscaping standards to encourage interior plantings.

TABLE OF CONTENTS

Chapter 20.01: Ordinance Foundation 1

| | | |
|------------------|--|----------|
| 20.01.010 | Title, Purpose, and Effective Date | 1 |
| (a) | Title | 1 |
| (b) | Purpose | 1 |
| (c) | Effective Date | 2 |
| 20.01.020 | Authority, Applicability, and Jurisdiction | 2 |
| (a) | Authority | 2 |
| (b) | General Applicability | 2 |
| (c) | Jurisdiction | 3 |
| (d) | Severability | 3 |
| (e) | Official Zoning Map | 3 |
| 20.01.030 | Interpretation and Conflicting Provisions | 3 |
| (a) | Rules of Interpretation | 3 |
| 20.01.040 | Transition from Prior Regulations | 5 |
| (a) | General Transition Rules | 5 |
| (b) | Effect of Change in the Law after Filing of Complete Petition | 8 |
| (c) | Petitions for Variance or Rezoning (Map Change Other Than PUD) | 9 |
| 20.01.050 | Comprehensive Plan | 9 |
| (a) | Purpose | 9 |
| (b) | Comprehensive Plan Incorporated | 9 |
| (c) | Transportation Plan | 9 |
| (d) | Relationship between Comprehensive Plan and this UDO | 9 |
| (e) | Relationship of Subarea Plans to the Comprehensive Plan | 10 |

Chapter 20.02: Zoning Districts 11

| | | |
|------------------|--|-----------|
| 20.02.010 | Zoning Districts Established | 11 |
| (a) | Summary Table of Zoning Districts | 11 |
| (b) | Base Zoning Districts | 12 |
| (c) | Planned Unit Development Districts | 12 |
| (d) | Overlay Zoning Districts | 12 |
| (e) | Official Zoning Map Revisions | 12 |
| (f) | Standards | 13 |
| (g) | Overlay District Applicability | 13 |
| (h) | R1: Residential Large Lot | 14 |
| (i) | R2: Residential Medium Lot | 16 |
| (j) | R3: Residential Small Lot | 18 |
| (k) | R4: Residential Urban | 20 |
| (l) | RM: Residential Multifamily | 22 |
| (m) | RH: Residential High-Density Multifamily | 24 |
| (n) | RMH: Manufactured/Mobile Home Park | 26 |
| 20.02.020 | Mixed-Use Zoning Districts | 28 |
| (a) | MS: Mixed-Use Student Housing | 28 |
| (b) | MN: Mixed-Use Neighborhood Scale | 30 |
| (c) | MM: Mixed-Use Medium Scale | 32 |
| (d) | MC: Mixed-use Corridor | 34 |
| (e) | ME: Mixed-use Employment | 36 |
| (f) | MI: Mixed-use Institutional | 38 |
| (g) | MD: Mixed-use Downtown | 40 |
| (h) | MH: Mixed-use Healthcare | 52 |
| 20.02.030 | Nonresidential Zoning Districts | 54 |
| (a) | EM - Employment | 54 |

| | | |
|------------------|--|-----------|
| (b) | PO – Parks and Open Space..... | 56 |
| 20.02.040 | Planned Unit Development (PUD) District | 58 |
| (a) | Purpose | 58 |
| (b) | Qualifying Standards..... | 58 |
| (c) | Permitted Uses | 59 |
| (d) | Development Standards | 59 |
| (e) | Review and Approval Procedures..... | 59 |
| 20.02.050 | Overlay Districts | 60 |
| (a) | DCO - Downtown Character Overlay District..... | 60 |
| (b) | TRO - Transform Redevelopment Overlay | 66 |

Chapter 20.03: Use Regulations 78

| | | |
|------------------|---|-----------|
| 20.03.010 | General..... | 78 |
| (a) | Organization of the Table..... | 78 |
| (b) | Allowed Use Table | 78 |
| (c) | Multiple Uses | 78 |
| (d) | Unlisted Uses..... | 79 |
| (e) | Additional Use Standards in the Downtown Character Overlays | 79 |
| (f) | Historic Adaptive Re-Use..... | 81 |
| (g) | Quarry Adaptive Re-Use..... | 81 |
| (h) | Required Licenses, Permits, and Operational Rules | 81 |
| 20.03.020 | Allowed Use Table..... | 82 |
| 20.03.030 | Use-Specific Standards | 86 |
| (a) | Generally | 86 |
| (b) | Residential Uses | 87 |
| (c) | Public, Institutional, and Civic Uses | 95 |
| (d) | Commercial Uses | 97 |
| (e) | Employment Uses | 102 |
| (f) | Utilities and Communication | 104 |
| (g) | Accessory Uses and Structures..... | 107 |
| (h) | Temporary Uses | 113 |

Chapter 20.04: Development Standards & Incentives 115

| | | |
|------------------|--|------------|
| 20.04.010 | Applicability | 115 |
| (a) | New Development | 115 |
| (b) | Activities That Trigger Compliance | 115 |
| 20.04.020 | Dimensional Standards..... | 116 |
| (a) | Purpose | 116 |
| (b) | Applicability..... | 116 |
| (c) | General Dimensional Standards | 116 |
| (d) | Lot and Space Requirements | 123 |
| (e) | Setbacks | 124 |
| (f) | Building Height..... | 125 |
| (g) | Building Floor Plate..... | 127 |
| (h) | Minor Modification..... | 127 |
| 20.04.030 | Environment | 127 |
| (a) | Purpose | 127 |
| (b) | Applicability..... | 127 |
| (c) | Steep Slopes | 127 |
| (d) | Siltation and Erosion Prevention..... | 128 |
| (e) | Drainage | 130 |
| (f) | Riparian Buffers | 132 |
| (g) | Karst Geology..... | 135 |
| (h) | Wetlands..... | 136 |



Chapter 20.02: Zoning Districts

20.02.010 Zoning Districts Established

(a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

Table 02-1: Summary Table of Zoning Districts

| Prior District Name | District Name |
|---|---|
| Residential | |
| RE – Residential Estate | R1 - Residential Large Lot [New] |
| RS - Residential Single-Family | R2 - Residential Medium Lot |
| RC - Residential Core | R3 - Residential Small Lot |
| --- | R4 - Residential Urban [New] |
| RM - Residential Multifamily | RM - Residential Multifamily |
| RH - Residential High-Density Multifamily | RH - Residential High-Density Multifamily |
| MH - Manufactured/Mobile Home Park | RMH - Manufactured/Mobile Home Park |
| Mixed-Use | |
| --- | MS - Mixed-Use Student Housing |
| CL - Commercial Limited | MN - Mixed-Use Neighborhood-Scale |
| CG - Commercial General | MM - Mixed-Use Medium-Scale |
| CA - Commercial Arterial | MC - Mixed-Use Corridor |
| BP - Business Park | ME - Mixed-Use Employment |
| IN - Institutional | MI - Mixed-Use Institutional |
| CD - Commercial Downtown | MD - Mixed-Use Downtown |
| MD - Medical | MH - Mixed-Use Healthcare |
| Nonresidential | |
| IG - Industrial General | EM - Employment |
| QY - Quarry | EM - Employment |
| --- | PO – Parks and Open Space [New] |
| Planned Development District | |
| PUD - Planned Unit Development | PUD – Planned Unit Development |
| Overlay Zoning Districts | |
| CSO - Courthouse Square | DCO - Downtown Character Overlay |
| DCO - Downtown Core Overlay | DCO - Downtown Character Overlay |
| UVO - University Village Overlay | |
| DEO - Downtown Edges Overlay | |
| DGO - Downtown Gateway Overlay | |
| STPO - Showers Technology Park Overlay | |
| --- | TRO – Transform Redevelopment Overlay [New] |

(b) TRO: Transform Redevelopment Overlay

(1) Purpose

The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition.

Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

(2) Applicability

The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

(3) Other Applicable UDO Sections

The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

(4) Dimensional Standards

The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

Table 02-29: TRO District Dimensional Standards

| Lot Dimensions (Only for lots created after the effective date) | | |
|---|---|---|
| | Lot area (minimum) | Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres) |
| | Lot width (minimum) | 35 feet |
| | Lot width (maximum) | Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet |
| Building Setbacks | | Single Family, Duplex, Triplex, or Fourplex Dwelling |
| C | Build-to range | Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet |
| | Building facade build-to percentage (minimum) | Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50% |
| D | Side (minimum) | 0 feet [1] |
| E | Rear (minimum) | Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1] |
| Other Standards | | |
| | Maximum impervious surface coverage increase | Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2] |
| | Minimum landscape area decrease | Mixed-Use & Nonresidential Zoning Districts: 25% percentage points [2] Residential Zoning Districts: 15% percentage points [2] |
| | Primary structure height (minimum) | 2 stories, not less than 20 feet |
| | | No minimum |

Notes:

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards)
- [2] In such cases a front setback is established
- [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)

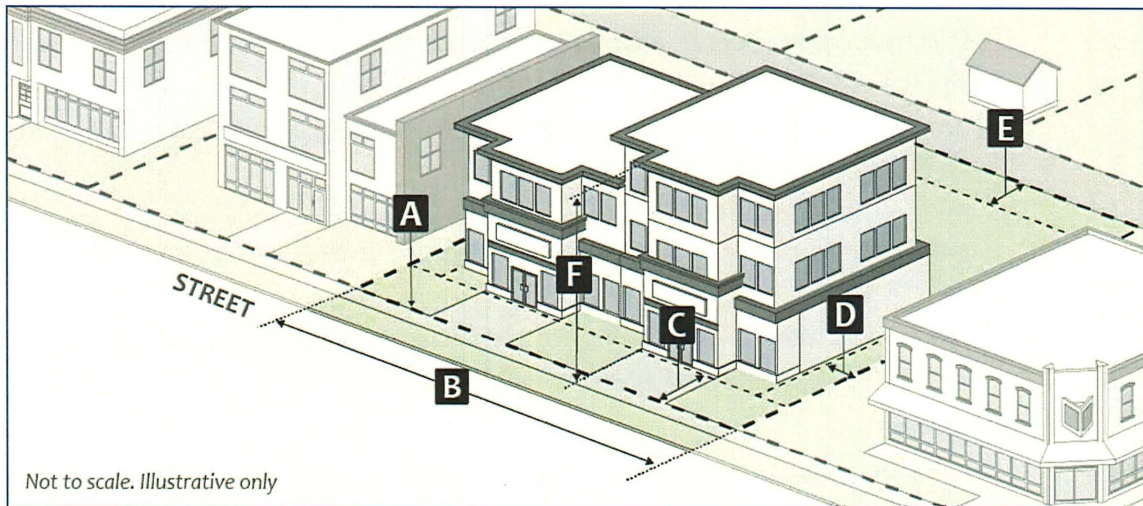


Figure 47: TRO Dimensional Standards

(5) **Allowed Use Table Modifications**

(A) **Excluded Uses**

The following uses are prohibited within the TRO: Fraternity or sorority house, Opioid rehabilitation home, small, Crematory, Mortuary, Methadone treatment facility, Kennel, Country club, Sexually oriented business, Check cashing, Building supply store, Firearm sales, Pawn shop, Liquor or tobacco sales, Retail sales, big box, Vehicle fuel station, Student housing or dormitory

(B) **Permitted Uses**

The following uses are permitted within the TRO: Dwelling, single-family (attached)*, Dwelling, duplex*, Dwelling, triplex*, Dwelling, fourplex*, Dwelling, multifamily**, Dwelling, live/work*, Restaurant**

* = base zoning district use-specific standards apply

** = overlay use-specific standards apply only

(6) **Use-Specific Standards**

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

(A) **Dwelling, Multifamily**

- i. Multifamily dwelling structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail

shall have ground floor dwelling units located at least 20 feet behind each building facade facing any public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

(B) Restaurant

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

(7) Access and Connectivity

(A) Driveways and Access

i. Alley Access:

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

ii. Surface Material:

Except for, single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

(8) Parking and Loading

(A) Minimum Vehicle Parking Requirement:

Minimum vehicle parking requirements shall not apply to developments in the TRO.

(B) Maximum Vehicle Parking Requirements:

i. Housing Living Uses:

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO. Except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

ii. All Other Uses:

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

(C) Surface Material:

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

(9) Site and Building Design

(A) Street Lighting Plans Generally:

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height.

(B) Building Design

i. Exceptions

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

ii. Materials

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials

1. **Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);or
- [h] Wood

2. **Secondary Exterior Finish Materials**

- [a] Stucco, plaster, or similar systems (excluding EIFS);
- [b] Split-faced block;or
- [c] Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. **Prohibited Exterior Finish Materials**

- [a] EIFS;
- [b] Vinyl; and
- [c] Highly reflective materials

iii. **Primary Pedestrian Entry**

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.
 - [a] Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.
 - [b] Pedestrian entrances located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade.
2. Pedestrian entries shall incorporate at least one of the following architectural design features:
 - [a] A portico;
 - [b] A buttress and arched entry;
 - [c] Pilasters or a facade module projecting from the exterior wall plane;
 - [d] A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;
 - [e] Rusticated masonry;
 - [f] A front porch; or

[g] Other architectural designs as approved by the staff.

iv. Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.
2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than 250 square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:
 - [a] A plaza space with ornamental paving and integral landscape planters;
 - [b] A landscaped patio area with outdoor seating for at least eight persons;
 - [c] A landscaped garden area; or
 - [d] Other landscaped areas as approved by the staff.

v. Exterior Facades

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 20% of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and
2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 60% of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and
 - [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 60% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and
3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

- [a] A minimum of 20% of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and
- [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 20% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

vi. Building Size Maximum

1. Building Floor Plate

The maximum building floor plate for a structure in the TRO shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.040.020(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 20.40.110(d) has been earned, the maximum building floor plate shall be 10,000 square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be 15,000 square feet per building.

2. Building Height

The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

[a] 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:

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

[b] Tier 1 Projects

Projects that meet the Tier 1 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).

[c] 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).

- [d] Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed 48 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).
- [e] Sustainable Development Bonus
 - i. Tier 1 Projects: 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.
 - ii. Tier 2 Projects: 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. The additional floor of building height granted under this subsection 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.

(10) Landscaping, Buffering, and Fences

(A) Buffer Yards

Developments within the TRO are not required to provide buffer yards.

(B) Landscaping

i. Interior Plantings

The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following

1. A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.
 - a. Tree location should maximize visibility between windows and the street.
2. A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.
3. Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

ii. **Parking Lot Perimeter Plantings**

See Section 20.04.080(h) (1)

iii. **Parking Lot Landscape Bumpouts, Islands, and Endcaps**

See Section 20.04080(h)(2)

(C) **Subdivision Standards**

All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

(D) **Development Standards**

Table 02-30: IS Subdivision Development Standards

| General Standards | |
|--|--|
| Parent tract size (minimum) | None |
| Lots served by alleys (minimum percentage) | 100% [1] |
| Block length (maximum) | 400 feet |
| Right of Way Standards | |
| On-street parking [1] | Per Transportation Plan guidance [2] |
| Tree plot width (minimum) | Per Transportation Plan, or 7 feet, whichever is greater |
| Sidewalk/multiuse path width (minimum) | Per Transportation Plan, or 8 feet, whichever is greater |

NOTES:

[1] Required to meet Transportation Plan guidance

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(E) Lots

i. Design

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(11) Departures

(A) Purpose

Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

(B) Applicability

- i. Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.
- ii. Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

(C) Limitations on Departures

- i. The departure procedure shall not apply to any proposed modification or deviation that results in:
 1. A change in permitted uses or mix of uses;
 2. A deviation from building or fire codes;
 3. A deviation from engineering standards;
 4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
 5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(D) Departure Review Process

i. Petition Submittal and Handling

A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall be considered a separate departure

request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

ii. Review and Decision

1. The Plan Commission shall review and decide the departure petition based on the following criteria:
 - [a] The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;
 - [b] Provides adequate public services and facilities;
 - [c] Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
 - [d] Is of a technical nature and is required to provide for an exceptional architectural design which will:
 - i. Significantly enhance the visual appeal of the building;
 - ii. Significantly enhance the perceived quality of the building facades visible from public streets; and
 - iii. Strengthen the public-private interaction at the street level.

Attachment B

*** Amendment Form ***

Ordinance #: 22-36
Amendment #: Am 01
Submitted By: Cm. Smith
Date: December 14, 2022
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 22-36 as "Attachment A" (ZO-51-22) shall be amended as depicted in the attached exhibit.

Synopsis and Reason for Amendment

This amendment makes the following technical corrections:

- fixes Table 02-29 so that all letters appear as they should;
- revises Table 02-29 to match corresponding footnotes;
- rewrites (6)(A)(i) to remove "shall", which would have forced structures to have ground floor dwelling units;
- changes "Maximum Vehicle Parking Requirements" to " Maximum Vehicle Parking Allowance" to match UDO;
- makes minor fixes to spacing throughout;
- replaces commas with semicolons in (5)(A)&(B);
- fixes indenting issues on (11) & (12); and
- corrects typographical errors in the ordinance.

Committee Recommendation: N/A
Special Session Action (12/14/2022): Adopted 9-0

TABLE OF CONTENTS

| | | |
|--|--|-----------|
| Chapter 20.01: Ordinance Foundation | | 1 |
| 20.01.010 | Title, Purpose, and Effective Date | 1 |
| (a) | Title | 1 |
| (b) | Purpose | 1 |
| (c) | Effective Date | 2 |
| 20.01.020 | Authority, Applicability, and Jurisdiction | 2 |
| (a) | Authority | 2 |
| (b) | General Applicability | 2 |
| (c) | Jurisdiction | 3 |
| (d) | Severability | 3 |
| (e) | Official Zoning Map | 3 |
| 20.01.030 | Interpretation and Conflicting Provisions..... | 3 |
| (a) | Rules of Interpretation..... | 3 |
| 20.01.040 | Transition from Prior Regulations..... | 5 |
| (a) | General Transition Rules | 5 |
| (b) | Effect of Change in the Law after Filing of Complete Petition | 8 |
| (c) | Petitions for Variance or Rezoning (Map Change Other Than PUD) | 9 |
| 20.01.050 | Comprehensive Plan | 9 |
| (a) | Purpose | 9 |
| (b) | Comprehensive Plan Incorporated | 9 |
| (c) | Transportation Plan | 9 |
| (d) | Relationship between Comprehensive Plan and this UDO | 9 |
| (e) | Relationship of Subarea Plans to the Comprehensive Plan..... | 10 |
| Chapter 20.02: Zoning Districts..... | | 11 |
| 20.02.010 | Zoning Districts Established | 11 |
| (a) | Summary Table of Zoning Districts..... | 11 |
| (b) | Base Zoning Districts | 12 |
| (c) | Planned Unit Development Districts..... | 12 |
| (d) | Overlay Zoning Districts..... | 12 |
| (e) | Official Zoning Map Revisions | 12 |
| (f) | Standards | 13 |
| (g) | Overlay District Applicability..... | 13 |
| (h) | R1: Residential Large Lot | 14 |
| (i) | R2: Residential Medium Lot..... | 16 |
| (j) | R3: Residential Small Lot..... | 18 |
| (k) | R4: Residential Urban..... | 20 |
| (l) | RM: Residential Multifamily..... | 22 |
| (m) | RH: Residential High-Density Multifamily..... | 24 |
| (n) | RMH: Manufactured/Mobile Home Park | 26 |
| 20.02.020 | Mixed-Use Zoning Districts | 28 |
| (a) | MS: Mixed-Use Student Housing | 28 |
| (b) | MN: Mixed-Use Neighborhood Scale..... | 30 |
| (c) | MM: Mixed-Use Medium Scale | 32 |
| (d) | MC: Mixed-use Corridor..... | 34 |
| (e) | ME: Mixed-use Employment | 36 |
| (f) | MI: Mixed-use Institutional | 38 |
| (g) | MD: Mixed-use Downtown..... | 40 |
| (h) | MH: Mixed-use Healthcare | 52 |
| 20.02.030 | Nonresidential Zoning Districts..... | 54 |
| (a) | EM - Employment | 54 |

| | | |
|------------------|--|-----------|
| (b) | PO – Parks and Open Space..... | 56 |
| 20.02.040 | Planned Unit Development (PUD) District | 58 |
| (a) | Purpose | 58 |
| (b) | Qualifying Standards..... | 58 |
| (c) | Permitted Uses | 59 |
| (d) | Development Standards | 59 |
| (e) | Review and Approval Procedures..... | 59 |
| 20.02.050 | Overlay Districts..... | 60 |
| (a) | DCO - Downtown Character Overlay District..... | 60 |
| (b) | TRO - Transform Redevelopment Overlay | 66 |

Chapter 20.03: Use Regulations 78

| | | |
|------------------|---|-----------|
| 20.03.010 | General..... | 78 |
| (a) | Organization of the Table..... | 78 |
| (b) | Allowed Use Table..... | 78 |
| (c) | Multiple Uses | 78 |
| (d) | Unlisted Uses..... | 79 |
| (e) | Additional Use Standards in the Downtown Character Overlays | 79 |
| (f) | Historic Adaptive Re-Use..... | 81 |
| (g) | Quarry Adaptive Re-Use..... | 81 |
| (h) | Required Licenses, Permits, and Operational Rules | 81 |
| 20.03.020 | Allowed Use Table..... | 82 |
| 20.03.030 | Use-Specific Standards | 86 |
| (a) | Generally | 86 |
| (b) | Residential Uses..... | 87 |
| (c) | Public, Institutional, and Civic Uses | 95 |
| (d) | Commercial Uses | 97 |
| (e) | Employment Uses..... | 102 |
| (f) | Utilities and Communication | 104 |
| (g) | Accessory Uses and Structures..... | 107 |
| (h) | Temporary Uses | 113 |

Chapter 20.04: Development Standards & Incentives 115

| | | |
|------------------|--|------------|
| 20.04.010 | Applicability..... | 115 |
| (a) | New Development | 115 |
| (b) | Activities That Trigger Compliance | 115 |
| 20.04.020 | Dimensional Standards..... | 116 |
| (a) | Purpose | 116 |
| (b) | Applicability..... | 116 |
| (c) | General Dimensional Standards..... | 116 |
| (d) | Lot and Space Requirements | 123 |
| (e) | Setbacks | 124 |
| (f) | Building Height..... | 125 |
| (g) | Building Floor Plate..... | 127 |
| (h) | Minor Modification..... | 127 |
| 20.04.030 | Environment | 127 |
| (a) | Purpose | 127 |
| (b) | Applicability..... | 127 |
| (c) | Steep Slopes | 127 |
| (d) | Siltation and Erosion Prevention..... | 128 |
| (e) | Drainage | 130 |
| (f) | Riparian Buffers | 132 |
| (g) | Karst Geology..... | 135 |
| (h) | Wetlands..... | 136 |

Chapter 20.02: Zoning Districts

20.02.010 Zoning Districts Established

(a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

Table 02-1: Summary Table of Zoning Districts

| Prior District Name | District Name |
|---|---|
| Residential | |
| RE – Residential Estate | R1 - Residential Large Lot [New] |
| RS - Residential Single-Family | R2 - Residential Medium Lot |
| RC - Residential Core | R3 - Residential Small Lot |
| --- | R4 - Residential Urban [New] |
| RM - Residential Multifamily | RM - Residential Multifamily |
| RH - Residential High-Density Multifamily | RH - Residential High-Density Multifamily |
| MH - Manufactured/Mobile Home Park | RMH - Manufactured/Mobile Home Park |
| Mixed-Use | |
| --- | MS - Mixed-Use Student Housing |
| CL - Commercial Limited | MN - Mixed-Use Neighborhood-Scale |
| CG - Commercial General | MM - Mixed-Use Medium-Scale |
| CA - Commercial Arterial | MC - Mixed-Use Corridor |
| BP - Business Park | ME - Mixed-Use Employment |
| IN - Institutional | MI - Mixed-Use Institutional |
| CD - Commercial Downtown | MD - Mixed-Use Downtown |
| MD - Medical | MH - Mixed-Use Healthcare |
| Nonresidential | |
| IG - Industrial General | EM - Employment |
| QY - Quarry | EM - Employment |
| --- | PO – Parks and Open Space [New] |
| Planned Development District | |
| PUD - Planned Unit Development | PUD – Planned Unit Development |
| Overlay Zoning Districts | |
| CSO - Courthouse Square | DCO - Downtown Character Overlay |
| DCO - Downtown Core Overlay | DCO - Downtown Character Overlay |
| UVO - University Village Overlay | |
| DEO - Downtown Edges Overlay | |
| DGO - Downtown Gateway Overlay | |
| STPO - Showers Technology Park Overlay | |
| --- | TRO – Transform Redevelopment Overlay [New] |

(b) TRO: Transform Redevelopment Overlay

(1) Purpose

The TRO is intended to promote redevelopment that establishes a brand new identity for land use and natural attributes in order to significantly change the area from its current condition.

Development principles include mixed-use, green building, grid circulation, higher densities, diversity of housing types, and workforce/affordable housing. The overlay is intended to encourage public and private investment to improve and stimulate the economic vitality and social character of areas within the TRO.

(2) Applicability

The Transform Redevelopment Overlay may be established in a district other than R1, R2, R3, RMH, MS, MD, or PUD subject to 20.06.070(b) Zoning Map Amendment. In no case shall the TRO overlap with another overlay district.

(3) Other Applicable UDO Sections

The Transform Redevelopment Overlay shall supersede the regulations of the underlying base zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying base zoning district shall apply.

(4) Dimensional Standards

The following table is a summary of the Transform Redevelopment Overlay dimensional standards. Additional Standards from the underlying base zoning district from Section 20.40.010 (Dimensional Standards) shall apply if no specific standard is included below.

Table 02-29: TRO District Dimensional Standards

| Lot Dimensions (Only for lots created after the effective date) | | |
|---|---|---|
| A | Lot area (minimum) | Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 1,500 square feet (0.034 acres) |
| B | Lot width (minimum) | 35 feet |
| | Lot width (maximum) | Mixed-Use & Nonresidential Zoning Districts: None Residential Zoning Districts: 70 feet |
| Building Setbacks | | Single-Family, Duplex, Triplex, or Fourplex Dwelling |
| C | Build-to range | Mixed-Use & Nonresidential Zoning Districts: 0 to 15 feet Residential Zoning Districts: 10 to 20 feet |
| | Building facade build-to percentage (minimum) | Mixed-Use & Nonresidential Zoning Districts: 75% Residential Zoning Districts: 50% |
| D | Side (minimum) | 0 feet [1] |
| E | Rear (minimum) | Mixed-Use & Nonresidential Zoning Districts: 0 feet [1] Residential Zoning Districts: 10 feet [1] |
| | | R4 district standards apply [2] |
| Other Standards | | |
| | Maximum impervious surface coverage increase | Mixed-Use & Nonresidential Zoning Districts: 25% percentage points ± [3] Residential Zoning Districts: 15% percentage points ± [3] |
| | Minimum landscape area decrease | Mixed-Use & Nonresidential Zoning Districts: 25% percentage points ± [3] Residential Zoning Districts: 15% percentage points ± [3] |
| | Primary structure height (minimum) | 2 stories, not less than 20 feet No minimum |

Notes:

- [1] Buildings abutting a property in the R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards)
- [2] In such cases a front setback is established
- [3] Increases and decreases are in addition to the standards of the underlying base zoning district. (e.g. a property with the underlying base zoning district MM (60% base) would be allowed a 85% maximum impervious surface coverage)

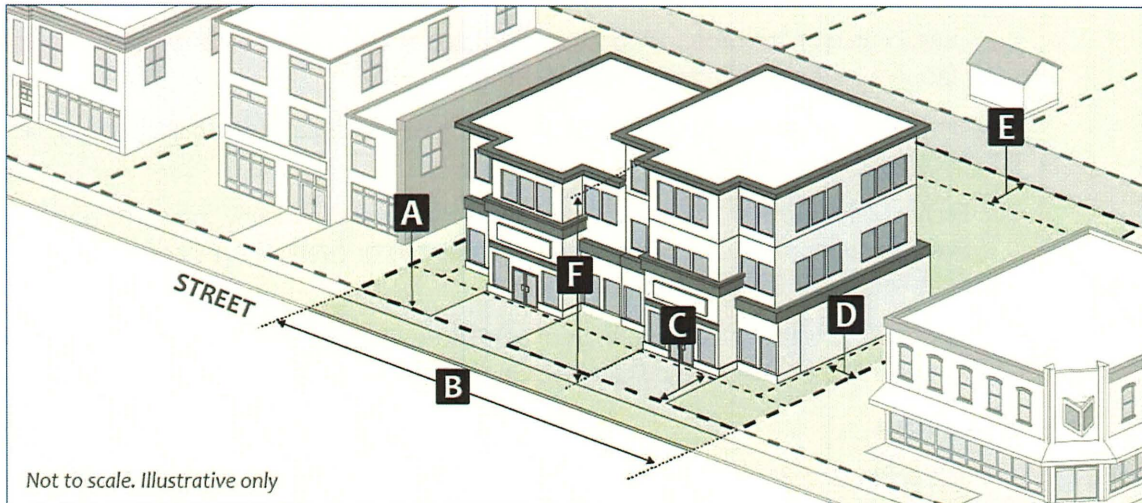


Figure 47: TRO Dimensional Standards

(5) **Allowed Use Table Modifications**

(A) **Excluded Uses**

The following uses are prohibited within the TRO: Fraternity or sorority house; Opioid rehabilitation home, small; Crematory; Mortuary; Methadone treatment facility; Kennel; Country club; Sexually oriented business; Check cashing; Building supply store; Firearm sales; Pawn shop; Liquor or tobacco sales; Retail sales, big box; Vehicle fuel station; Student housing or dormitory.

(B) **Permitted Uses**

The following uses are permitted within the TRO: Dwelling, single-family (attached)*; Dwelling, duplex*; Dwelling, triplex*; Dwelling, fourplex*; Dwelling, multifamily**; Dwelling, live/work*; Restaurant**.

* = base zoning district use-specific standards apply

** = overlay use-specific standards apply only

(6) **Use-Specific Standards**

The lists of Permitted, Conditional, Accessory, Conditional Accessory, and Temporary uses listed in Table 3-1 (Allowed Use Table) are modified within the TRO as follows:

(A) **Dwelling, Multifamily**

- i. ~~Multifamily dwelling structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail shall have ground floor dwelling units located at least 20 feet behind each building facade facing any public street, or the B-Line Trail.~~
- i. For structures with frontage along a street, identified in the Transportation Plan as Main Street, Shared Street, or General Urban, and structures along the B-Line Trail, each dwelling

unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street, or the B-Line Trail.

- ii. Ground floor dwelling units with a front building wall facing a street shall be raised 2 to 5 feet above the sidewalk level.
- iii. Each dwelling unit shall have direct access to a covered balcony, patio, or porch with an average depth of at least 5 feet located adjacent to or overlooking a common open space, right-of-way, or B-Line Trail.
- iv. Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street.

(B) Restaurant

- i. In the RM and RH zoning districts, the restaurant shall contain no more than 5,000 gross square feet of floor area.

(7) Access and Connectivity

(A) Driveways and Access

i. Alley Access:

A driveway accessing the street shall be prohibited if the side or rear setback is adjacent via a platted alley.

ii. Surface Material:

Except for single-family, duplex, triplex, and fourplex uses, entrances and drives shall be constructed solely of permeable pavers.

(8) Parking and Loading

(A) Minimum Vehicle Parking Requirement:

Minimum vehicle parking requirements shall not apply to developments in the TRO.

(B) Maximum Vehicle Parking Requirements Allowance:

i. Housing Living Uses:

Maximum vehicle parking allowance listed in Table 04-10: Maximum Vehicle Parking Allowance, shall apply to developments in the TRO, except multifamily uses, which shall be limited to a maximum of 0.5 spaces per bedroom.

ii. All Other Uses:

The maximum vehicle parking allowance, listed in Table 04-10: Maximum Vehicle Parking Allowance, shall be reduced by 50% in the TRO.

(C) Surface Material:

Except for single-family, duplex, triplex, and fourplex residences and parking structures all vehicle parking shall be constructed solely of permeable pavers.

(9) **Site and Building Design**

(A) **Street Lighting Plans Generally:**

- i. Pedestrian scaled street lighting shall be provided as approved by the Board of Public Works.
- ii. Pedestrian scaled street lighting shall not exceed 15 feet in height.

(B) **Building Design**

i. **Exceptions**

1. Single-family, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this section 20.02.050(b). Such residential dwellings units shall be subject to the architectural standards of Section 20.04.070(d)(3) (Building Design).
2. Restoration and rehabilitation of structures designated as "Notable" or "Outstanding" on the City of Bloomington Survey of Historic Sites and Structures or those buildings in local historic districts shall not be subject to the architectural standards of this section 20.02.050(b). Such buildings shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit) as required.

ii. **Materials**

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finished materials:

1. **Primary Exterior Finish Materials**

- [a] Masonry;
- [b] Brick;
- [c] Natural Stone;
- [d] Transparent Glass;
- [e] Cementitious siding;
- [f] Precast concrete;
- [g] Metal (except corrugated);-or
- [h] Wood

2. **Secondary Exterior Finish Materials**

- [a] Stucco, plaster, or similar systems (excluding EIFS);
- [b] Split-faced block;-or
- [c] Other products that replicate the appearance and durability of the above materials, as approved by staff.

3. **Prohibited Exterior Finish Materials**

- [a] EIFS;
- [b] Vinyl; and
- [c] Highly reflective materials

iii. **Primary Pedestrian Entry**

1. At least one primary pedestrian entrance shall be provided from a sidewalk adjacent to every facade facing a street, public park, or the B-Line trail.
 - [a] Public access to nonresidential uses shall be provided at sidewalk grade via a sidewalk adjacent to a facade facing a street, public park, or the B-Line trail.
 - [b] Pedestrian entrances located within 0 to 5 feet of the front property line shall be recessed a minimum of four feet into the front building facade.
2. Pedestrian entries shall incorporate at least one of the following architectural design features:
 - [a] A portico;
 - [b] A buttress and arched entry;
 - [c] Pilasters or a facade module projecting from the exterior wall plane;
 - [d] A raised corniced entryway parapet (which may exceed building height by up to three feet) or a gable;
 - [e] Rusticated masonry;
 - [f] A front porch; or

[g] Other architectural designs as approved by the staff.

iv. Landscaped Frontage and Courtyards

1. Landscaped Frontage: Front building setbacks shall not generate unusable or dead space. Portions of a property between the right-of-way and the primary facade of a structure shall include a landscaped space which screens blank walls and is planted with grass or other vegetative ground cover. Landscaped outdoor commercial space, including outdoor seating, may be utilized to meet this requirement when contiguous with a commercial use. Landscaped private yards or patio areas may be utilized to meet this requirement when adjacent to a dwelling unit.
2. Courtyards: Primary buildings shall include courtyards equal to five percent of the building's total footprint. In no case shall a required courtyard be less than 250 square feet. The courtyard shall be visible from a sidewalk. Pedestrian entrances are permitted and encouraged to access from the courtyard. Mixed-use structures which feature a commercial use on the ground floor are exempt from this requirement. Reconfiguration of open space required by this UDO does not satisfy this requirement. Courtyards shall include one of the following features:
 - [a] A plaza space with ornamental paving and integral landscape planters;
 - [b] A landscaped patio area with outdoor seating for at least eight persons;
 - [c] A landscaped garden area; or
 - [d] Other landscaped areas as approved by the staff.

v. Exterior Facades

1. Generally: All facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 20% of the total wall/facade area of all upper floor facades shall contain transparent glass or framed facade openings; and
2. Primary buildings with frontage along streets identified in the Transportation Plan as Main Street, Shared Street, or General Urban or along the B-Line Trail; or portions of primary buildings containing ground floor nonresidential uses shall incorporate the following design elements to avoid blank, uninterrupted walls:
 - [a] A minimum of 60% of the total wall/facade area of all ground floor facades shall contain transparent glass or framed facade open areas consisting of display windows, or entries and doors; and
 - [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 60% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement; and
3. All other facades of a primary building shall incorporate the following design elements to avoid blank, uninterrupted walls:

- [a] A minimum of 20% of the total wall/facade area of all ground floor residential facades shall contain transparent glass or framed facade open areas consisting of entries and doors; and
- [b] A canopy, awning, or other roof-like cover intended to protect from the weather with an average depth of at least 5 feet is required along at least 20% of the first floor of all primary facades. Retractable awnings may be used to meet this requirement.

vi. **Building Size Maximum**

1. Building Floor Plate

The maximum building floor plate for a structure in the TRO shall be 5,000 square feet per building, pursuant to the measurement standards in Section 20.040.020(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 20.40.110(d) has been earned, the maximum building floor plate shall be 10,000 square feet per building. If both the affordable housing incentive codified at Section 20.04.110(c) and the sustainable development incentive codified at Section 20.040.10(d) have been earned, the maximum building floor plate shall be 15,000 square feet per building.

2. Building Height

The maximum building height shall not exceed the underlying base zoning district, except as necessary to accommodate additional height earned through this section:

[a] 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:

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

[b] Tier 1 Projects

Projects that meet the Tier 1 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).

[c] 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).

- [d] Projects achieving both Tier 1 and Tier 2 affordability standards may increase the primary structure height of four floors of building height, not to exceed 48 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).
- [e] Sustainable Development Bonus
 - i. Tier 1 Projects: 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.
 - ii. Tier 2 Projects: 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. The additional floor of building height granted under this subsection 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.

(10) Landscaping, Buffering, and Fences

(A) Buffer Yards

Developments within the TRO are not required to provide buffer yards.

(B) Landscaping

i. Interior Plantings

The minimum landscape area on a site, as established in this section or areas not covered by an impervious surface or required buffer yard shall be planted with the following

1. A minimum of one canopy tree per 500 square feet. Open areas less than 10 feet in width may substitute ornamental trees for required canopy trees.
 - a. Tree location should maximize visibility between windows and the street.
2. A minimum of eight shrubs per 500 square feet. One ornamental tree may be substituted for every four shrubs; however, a substitution shall not exceed 50 of the required shrubs.
3. Shrubs and ornamental trees along foundation walls of a structure shall be planted no closer than two feet and eight feet respectively from the foundation wall.

ii. **Parking Lot Perimeter Plantings**

See Section 20.04.080(h) (1)

iii. **Parking Lot Landscape Bumpouts, Islands, and Endcaps**

See Section 20.04080(h)(2)

(11) Subdivision Standards

All subdivisions within the Transform Redevelopment Overlay shall be designed according to the Infill Subdivision (IS) type specified in this Chapter and Chapter 20.05.

(A) Development Standards

Table 02-29: IS Subdivision Development Standards

| General Standards | |
|--|--|
| Parent tract size (minimum) | None |
| Lots served by alleys (minimum percentage) | 100% [1] |
| Block length (maximum) | 400 feet |
| Right-of-Way Standards | |
| On-street parking [1] | Per Transportation Plan guidance [2] |
| Tree plot width (minimum) | Per Transportation Plan, or 7 feet, whichever is greater |
| Sidewalk/multiuse path width (minimum) | Per Transportation Plan, or 8 feet, whichever is greater |

NOTES:

[1] Required to meet Transportation Plan guidance

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(B) Lots

i. Design

1. All new lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.

(12) Departures

(A) Purpose

Departures are provisions that allow for form based adjustment or deviations from the dimensional, numeric, or building and site design standards of this UDO for properties within the Transform Redevelopment Overlay. Such departures are intended to meet the goals of the specific standard while providing exceptional architectural design which would not otherwise be permitted. Departures are intended to provide an alternative means of compliance by providing greater flexibility when necessary to achieve the goals of the Comprehensive Plan and the Transform Redevelopment Overlay. Departures are not variances and are not intended to circumvent the variance process.

(B) Applicability

- i. Any site plan, or portion of a site plan, as determined by the Planning and Transportation Director to offer a unique and beneficial design under the criteria in this section may be considered for a departure.
- ii. Any project that would qualify for minor site plan review but would require a departure as allowed in this section shall be required to undergo major site plan review.

(C) Limitations on Departures

- i. The departure procedure shall not apply to any proposed modification or deviation that results in:
 1. A change in permitted uses or mix of uses;
 2. A deviation from building or fire codes;
 3. A deviation from engineering standards;
 4. Requirements for public roadways, utilities, or other public infrastructure or facilities; or
 5. A change to a development standard where that same standard was already modified through a separate administrative adjustment or variance.

(D) Departure Review Process

i. Petition Submittal and Handling

A petition for departure shall only be submitted and reviewed concurrently with a petition for a major site plan review. Each UDO standard shall be considered a separate departure

request as it relates to the approval criteria, but multiple departures may be considered in one departure petition.

ii. Review and Decision

1. The Plan Commission shall review and decide the departure petition based on the following criteria:
 - [a] The proposed departure and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies;
 - [b] Provides adequate public services and facilities;
 - [c] Will not create a hardship or adverse impacts on adjacent properties unless adequately mitigated;
 - [d] Is of a technical nature and is required to provide for an exceptional architectural design which will:
 - i. Significantly enhance the visual appeal of the building;
 - ii. Significantly enhance the perceived quality of the building facades visible from public streets; and
 - iii. Strengthen the public-private interaction at the street level.



City of Bloomington
Office of the Common Council

December 15, 2022

City of Bloomington Plan Commission
401 North Morton Street, 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 the amendment(s) to the Plan Commission, with a statement of reasons for the amendment(s). On November 22, 2022, 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 22-36 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Proposal to Amend Chapter 20.02 "Zoning Districts" and Related Sections to Establish an Overlay District and Related Development Standards for the Hopewell Neighborhood.

At a Special Session on December 14, 2022, after having first introduced the ordinance at a Regular Session on December 7, 2022, the Common Council approved Ordinance 22-36 by a vote of 9-0, with one amendment. Attached to this correspondence are copies of the following records:

- Ordinance 22-36, signed by the Council President;
- Attachment A to Ord 22-36, consisting of ZO-51-22, the proposal forwarded to the Council by the Plan Commission;
- Attachment B to Ord 22-36, consisting of Council amendments to ZO-51-22, which includes:
 - Amendment 01, 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 22-36 and is looking forward to your response to these proposed amendments. Please forward any questions to your staff and your attorney.

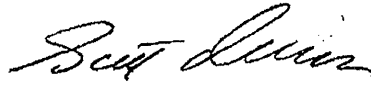
Sincerely,

Susan Sandberg, President
Bloomington Common Council

****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 22-36. Ordinance 22-36 amended regulations 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-51-22 and approved the Unified Development Ordinance as amended by a 5-0 vote at a public meeting on January 9, 2023.

Date: January 20, 2023



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 20th day of January, 2023.



Nicole Bolden, City Clerk

