

City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 28 April 2021

Committee of the Whole

at 6:30 pm

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE
WEDNESDAY | 6:30 PM
28 APRIL 2021

Per Executive Orders issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/92331162842?pwd=K1lvbnd2OGx6bzBqcyt1Ny94bi9rQT09>

Chair: Dave Rollo

- A. Ordinance 21-26 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

Asked to Attend: Michelle Wahl, Parking Services Director
RayeAnn Cox, Parking Enforcement Supervisor
Amir Farshchi, Long Range Planner

- B. 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

Asked to Attend: Jacqueline Scanlan, Development Services Manager
Scott Robinson, Director, Planning and Transportation

- C. Ordinance 21-24 - To Repeal and Replace the Official Zoning Map within Title 20 of the Bloomington Municipal Code Entitled "Unified Development Ordinance"

Asked to Attend: Jacqueline Scanlan, Development Services Manager
Scott Robinson, Director, Planning and Transportation

Note: Based on the length of time it takes to discuss each ordinance, it is possible the Committee may not deliberate or make a recommendation on all items listed on this agenda. Items not receiving a recommendation at this meeting may be discussed at a future meeting.

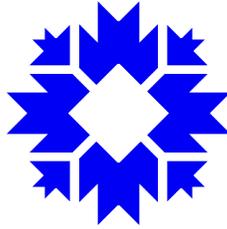
Posted: 23 April 2021

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

As a result of Executive Orders issued by Indiana Governor Eric Holcomb, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.



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

NOTICE

Wednesday, 28 April 2021
Committee of the Whole
at 6:30 pm

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Please check <https://bloomington.in.gov/council> for the most up-to-date information

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-26 - To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles And Traffic" - Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

Synopsis

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking and Traffic Commissions. The ordinance makes the following changes:

- It adds a penalty for using a residential neighborhood parking permit in an unauthorized manner.
- It adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone and adds that penalty to the list of Class G traffic violations.
- It requires permit holders to report stolen permits to the police before receiving a free replacement.
- It requires people whose cars have been towed because they have accumulated six or more unpaid citations to pay their unpaid citations before their car will be released to them.

Relevant Materials

- [Ordinance 21-26](#)
- Memo from staff
- Proposed amendments to BMC Title 15 shown in context

Summary

Ordinance 21-26 proposes amendments to various provisions in Bloomington Municipal Code (BMC) Title 15, which is entitled "Vehicles and Traffic." Title 15 can be accessed online here:

https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodeId=TIT15VETR



There are 5 sections of the ordinance that make text changes to Title 15. Included herein is a document that shows the additions and deletions in context by including each of the affected code sections with changes tracked. The changes made by the ordinance, in brief, are listed below.

Section 1 adds a new BMC 15.37.065 to state that using a neighborhood parking permit in any way contrary to BMC Chapter 15.37 is a Class B traffic violation subject to a fine of \$100. Staff may be able to clarify how this new section impacts the existing BMC 15.37.150, which states “Violations of this chapter shall constitute a Class D traffic violation and are subject to fines as listed in Section 15.64.010.” Base fines for Class D violations are \$30.

Section 2 adds a sentence to BMC 15.37.080 to state that failing to visibly display a neighborhood parking permit or visitor permit while parked in a neighborhood zone is a Class G traffic violation and subject to a fine of \$20. Staff may be able to clarify when an individual would be subject to this new fine as opposed to a Class D violation of \$30 for Parking in a residential permit area as currently listed in the table of violations in BMC 15.64.010(d).

Section 3 adds a sentence to BMC 15.37.100 to clarify that a permit holder whose permit is stolen can get a replacement permit at no charge by showing proof that the theft was reported to law enforcement.

Section 4 replaces BMC 15.48.010(a)(8). BMC 15.48.010(a)(8) lists one of 17 circumstances that detail when a vehicle is considered a public nuisance and subject to removal and impoundment. Currently, (a)(8) provides that any vehicle that has accumulated four or more parking tickets, all of which remain unpaid after sixty calendar days of issuance of the tickets, is subject to removal. The ordinance would delete and replace this passage. The proposed language would provide that any vehicle which has accumulated six or more unpaid citations would be subject to removal. It also provides that the owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials would also provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

Section 5 amends the title of BMC 15.64.010(h) and inserts the violation added by Section 1 of the ordinance into the appropriate table of violations.

Contacts

Michelle Wahl, Parking Services Director, 812-349-3410,

michelle.wahl@bloomington.in.gov

RayeAnn Cox, Parking Enforcement Supervisor, 812-349-3436, coxr@bloomington.in.gov

Amir Farshchi, Long Range Planner, 812-349-3423, farshchs@bloomington.in.gov

ORDINANCE 21-26

**TO AMEND TITLE 15 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"VEHICLES AND TRAFFIC"**

- Re: Amending Chapter 15.37 (Residential Neighborhood Permit Parking) to add a penalty for using a residential neighborhood parking permit in an unauthorized manner; Section 15.37.080 (Proof of permit purchase required) to add a penalty for not displaying a neighborhood parking or visitor permit when parked in a residential neighborhood zone and adding that penalty to the list of Class G traffic violations; Section 15.37.100 (Replacement of permit) to require permit holders to report stolen permits to the police before receiving a free replacement; and Section 15.48.010 (General Provisions) to require people who have their cars towed after they have accumulated six or more unpaid parking citations to pay their unpaid citations before their car will be released to them

WHEREAS, the Parking Commission and City staff from the Planning and Transportation, Engineering, Parking Services division of Public Works, and Legal departments recommend certain changes be made in Title 15 of the Bloomington Municipal Code entitled "Vehicles and Traffic,"

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

SECTION 1. Chapter 15.37, entitled "Residential Neighborhood Permit Parking," shall be amended by adding a new section 15.37.065 as follows, and the additional section shall be reflected in the Table of Contents for the Chapter:

15.37.065 – Unauthorized use of neighborhood permits.

Using a neighborhood parking permit in any way contrary to this chapter constitutes an unauthorized use of a neighborhood permit, a Class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).

SECTION 2. Section 15.37.080, entitled "Proof of permit purchase required," shall be amended by adding the following after the last sentence:

Failure to visibly display a neighborhood parking zone permit or visitor permit while parked in a regulated area shall constitute a Class G Traffic Violation, subject to the penalty listed in Section 15.64.010(h).

SECTION 3. Section 15.37.100, entitled "Replacement of Permit," shall be amended by adding the following after the last sentence:

A permit holder whose permit is stolen may receive a replacement permit at no charge, upon presenting proof that the theft of the permit was reported to law enforcement.

SECTION 4. Section 15.48.010, entitled "General Provisions," shall be amended by deleting 15.48.010(a)(8) in its entirety and replacing it with the following:

(8) Any vehicle which has accumulated six or more unpaid citations. The owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials will provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

SECTION 5. Section 15.64.010(h), entitled “Class G Traffic Violations (Bicycle and motorized scooter safety violations),” shall be amended by replacing the current title of the subsection with a new title that shall read “Class G Traffic Violations (Bicycle, motorized scooter safety and failure to display vehicle permit violations),” and by adding the following to the table of violations:

Fine:		
Covers:	15.37.080	Failure to display vehicle permit

SECTION 6. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application 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 7. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

 JIM SIMS, President
 Bloomington Common Council

ATTEST:

 NICOLE BOLDEN, Clerk
 City of Bloomington

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

 NICOLE BOLDEN, Clerk,
 City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

This ordinance amends Title 15, "Vehicles and Traffic," of the Bloomington Municipal Code and comes forth at the request of City staff and the Parking Commission. The ordinance makes the following changes:

- It adds a penalty for using a residential neighborhood parking permit in an unauthorized manner.
- It adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone and adds that penalty to the list of Class G traffic violations.
- It requires permit holders to report stolen permits to the police before receiving a free replacement.
- It requires people whose cars have been towed because they have accumulated six or more unpaid citations to pay their unpaid citations before their car will be released to them.

To: Common Council
MEMO

Ordinance #: 21-26
Date: April 16, 2021

From: Raye Ann Cox, Parking Enforcement Manager; Amir Farshchi, Long Range Planner; Barbara E. McKinney, Assistant City Attorney; Beth Rosenbarger, Planning Services Manager; Michelle Wahl, Parking Services Director

Request: Title 15 Amendments

REPORT

The City staff from the Planning and Transportation, Parking Services division of Public Works, and Legal departments have compiled recommendations for changes to Title 15, the vehicle and traffic section of the Bloomington Municipal Code. Link to the current Title 15 of the Bloomington Municipal Code:
https://library.municode.com/in/bloomington/codes/code_of_ordinances?nodetid=TIT15VETR

The purpose of these recommendations is to address issues that have come to staff's attention through public requests and commissions' recommendations. The ordinance amending Title 15 is included in the meeting packet. This request for changes to Title 15 was presented to the Parking Commission on February 25, March 11, and March 25, 2021. The Parking Commission voted to forward with a positive recommendation to the Common Council on March 25, 2021.

The ordinance includes the following changes:

- Section 1 adds a penalty for using a residential neighborhood parking permit in an unauthorized manner. *Michelle Wahl and Raye Ann Cox*
- Section 2 adds a penalty for not properly displaying a neighborhood parking permit when parked in a residential neighborhood zone. *Michelle Wahl and Raye Ann Cox*
- Section 3 requires permit holders to report stolen permits to the police before receiving a free replacement. *Michelle Wahl and Raye Ann Cox*
- Section 4 requires people whose cars have been towed because they have accumulated six or more unpaid citations which remain unpaid to pay their unpaid citations before their car will be released to them. *Michelle Wahl and Raye Ann Cox*
- Section 5 adds a new Class G traffic violation, failure to display vehicle permit. *Michelle Wahl and Raye Ann Cox*

Recommendation: Staff recommends that the Common Council adopts the changes to Title 15.

Amendments to Bloomington Municipal Code Title 15 proposed by Ordinance 21-26 in context (additions are shown in **Bold**, deletions are show in ~~strikeout~~)

Section 1 of Ordinance 21-26

[New Section]

15.37.065 – Unauthorized use of neighborhood permits.

Using a neighborhood parking permit in any way contrary to this chapter constitutes an unauthorized use of a neighborhood permit, a class B Traffic Violation subject to the penalty listed in Section 15.64.010(b).

Section 2 of Ordinance 21-26

15.37.080 Proof of permit purchase required.

Residential neighborhood permit parking zone permits and visitor permits shall be visibly displayed in a manner determined by the parking services director or his or her designee. A valid license plate shall be required to be affixed to a vehicle registered in the residential neighborhood permit parking zone in a manner consistent with Indiana law. **Failure to visibly display a neighborhood parking zone permit or visitor permit while parked in a regulated area shall constitute a Class G Traffic Violation, subject to the penalty listed in Section 15.64.010(h).**

Section 3 of Ordinance 21-26

15.37.100 Replacement of permit.

If the make, model or license tag number of a permitted vehicle changes during the year, an applicant may bring in the new information along with the previously-issued permit to the parking services director, or his or her designee, to obtain a replacement permit. The fee for a replacement permit will be \$10.00. **A permit holder whose permit is stolen may receive a replacement permit at no charge, upon presenting proof that the theft of the permit was reported to law enforcement.**

Section 4 of Ordinance 21-26

15.48.010 General provisions.

(a) Vehicles parked in any of the following circumstances are declared public nuisances and shall be subject to removal and impoundment in accordance with this chapter, as well as any fines set by state law or city ordinance:

~~(8) Any vehicle which has accumulated four or more parking tickets all of which remain unpaid after sixty calendar days of issuance of the tickets;~~

(8) Any vehicle which has accumulated six or more unpaid citations. The owner of the vehicle must provide proof that the parking citations have been paid before the vehicle will be released. Parking officials will provide notice to the vehicle owner when issuing a fifth parking citation to the owner who has four unpaid citations.

Section 5 of Ordinance 21-26

(h) ~~Class G Traffic Violations (Bicycle and motorized scooter safety violations).~~

Class G Traffic Violations (Bicycle, motorized scooter safety and failure to display vehicle permit violations).

Fine:	\$20.00	
Covers:	15.37.080	Failure to display vehicle permit
	15.56.020	Operating Bicycles
	15.56.025	Regulation of Coasters
	15.56.100(a), (b), and (c)	Bicycle helmet and restraining seat use
	15.56.110	Violations with penalties not otherwise specified in BMC 15.56
	15.58.060	Motorized scooter use
	15.58.070	Shared-use motorized scooter, age
	15.58.080	Shared-use motorized scooter, single rider



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-23 and Ordinance 21-24 – 2 proposals certified to the Council by the Plan Commission to amend the text and official zoning map of Title 20 of the Bloomington Municipal Code (BMC) entitled “Unified Development Ordinance” (UDO)

Background

In March and April 2021, the Plan Commission considered 10 proposals brought forward by city staff to make various changes to the UDO. On April 21, 2021, the Council voted on 8 of those proposals. The following table lists each of the 10 proposals and relevant information for each:

Council Ordinance #	Corresponding Plan Com. Case #	Plan Com. Vote	90 days from certification	Council Vote
Ord 21-15 Technical Corrections	ZO-01-21	9-0	June 20, 2021	9-0
Ord 21-16 Ch. 2 - Zoning Districts	ZO-02-21	9-0	June 20, 2021	9-0
Ord 21-17 Ch. 3 - Use Regulations	ZO-03-21	9-0	July 4, 2021	9-0 (as amended; per statute, will be returned to PC for further consideration)
Ord 21-18 Ch. 4 - Development Standards & Incentives	ZO-04-21	9-0	July 4, 2021	9-0
Ord 21-19 Ch. 5 - Subdivision Standards	ZO-05-21	9-0	June 20, 2021	9-0
Ord 21-20 Ch. 6 - Administration & Procedures	ZO-06-21	9-0	July 4, 2021	9-0
Ord 21-21 Ch. 7 - Definitions	ZO-07-21	8-0	July 4, 2021	9-0
Ord 21-22 Deletion of RE Zoning District	ZO-08-21	9-0	July 4, 2021	9-0
Ord 21-23 Duplex, Triplex, and Fourplex	ZO-09-21	6-3	July 4, 2021	Pending
Ord 21-24 Proposed Zoning Map	ZO-10-21	7-1	July 6, 2021	Pending



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

This memo addresses relevant procedures and considerations applicable to the last two ordinances (Ord 21-23 and Ord 21-24), which were introduced by the Council on April 14, 2021 and referred to the Committee of the Whole on April 28, 2021. Planning staff has prepared individual memos that explain each of the proposals, along with red-line amendments that show the proposed changes in context.

Relevant Materials

- [Ordinance 21-23](#) and [Ordinance 21-24](#)
- Certification forms from Plan Commission for each ordinance
- Staff memo for each ordinance
- Red-line amendments showing text changes proposed
- Proposed Zoning Map
- Amendment 01 to [Ordinance 21-23](#) - amendment to [Ord 21-23](#) prepared in anticipation of April 28 Committee of the Whole discussion
 - Concept Plan for Growing Housing Diversity in Bloomington provided by sponsors of AM 01
 - Map showing proposed R1-R3 Zone District locations

Contacts

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423, robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423, scanlanj@bloomington.in.gov

Summary

The city administration has been working to bring forward several proposals to amend the text of the city's UDO and to amend the official zoning map incorporated by reference. This is the latest step in a process that began several years ago to repeal and replace the prior UDO. General information about the UDO, including the complete text of the current UDO, can be found here: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site: <https://bloomington.in.gov/council/plan-schedule>. Information about this most recent effort to bring forward text amendments and a new zoning map can be found here: <https://bloomington.in.gov/planning/udo/map>. Finally, councilmembers and the public can find the city's Comprehensive Plan online here: <https://bloomington.in.gov/planning/comprehensive-plan>.



Proposals to amend either the text or the zoning map contained in the UDO are governed by state law¹. As a threshold matter, state law provides that the purpose of the local planning and zoning laws are “to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”²

Further, in considering UDO text amendments and zoning map changes, state law requires “the legislative body [to] pay reasonable regard to:

1. the comprehensive plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the jurisdiction; and
5. responsible development and growth.”³

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. ⁴

¹ See [IC 36-7-4-600](#) et seq. (“600 Series – Zoning Ordinance”)

² [IC 36-7-4-201\(b\)](#)

³ [IC 36-7-4-603](#)

⁴ Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).



UDO Text Amendments (Ordinance 21-23)

Indiana Code provides the following procedure that applies to a proposal to amend or partially repeal the text (not zone maps) of the UDO.⁵

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. All 10 proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider these recommendations before acting on the proposal.⁶
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification (deadlines listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

⁵ [IC 36-7-4-607](#)

⁶ [IC 36-7-4-605\(d\)](#)



UDO Map Amendment (Ordinance 21-24)

Indiana Code provides the following procedure that applies to change the zone maps incorporated by reference into the UDO.⁷ Note that many of the procedures are the same as a text amendment.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. In this case, the proposal to replace the official zoning map received a positive recommendation (7-1) by the Plan Commission. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt or reject the proposal (but not amend). The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on the proposal within 90 days after certification (deadline listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within 90 days after the proposal was certified, the Council can either adopt or reject the proposal. If the Council adopts (as certified) the proposal, it takes effect as other ordinances of the Council. If the Council rejects the proposal, it is defeated.

⁷ [IC 36-7-4-608](#)

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 ____ day of _____, 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 __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 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.

****ORDINANCE CERTIFICATION****

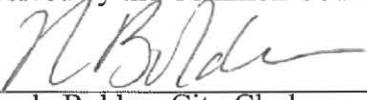
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-23 is a true and complete copy of Plan Commission Case Number ZO-09-21 which was given a recommendation of approval by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public 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.)

Case # ZO-09-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance and Draft Zoning Map

The Plan Commission heard case ZO-09-21 on March 25, 2021, March 29, 2021, and April 1, 2021. The Plan Commission voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 6-3 (Cate, Herrera, Sandberg). The Plan Commission voted on three additional amendments and two were approved and added to the petition. The two that were approved made duplexes Permitted in R1-R4 and removed the Use-Specific Standard related to a 150 foot separation requirement for two years for new and remodeled duplexes in the R1-R3 zoning districts.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter, and one (1) is discussed below. That petition is as follows:

9. ZO-09-21 | Duplex, Triplex, and Fourplex

ZO-09-21 | Duplex, Triplex, and Fourplex

Background and Purpose

Bloomington feels housing pressure related to its proximity to and relationship with Indiana University, but also exists as part of a larger regional and national housing market. According to the National Association of Realtors, a tight housing supply is fueling an increase in home

prices. The median price of an existing home sold during the month of February 2021 was \$313,000. That is the highest February price on record. The number of sales were in decline for the month, but those on the market move quickly and the prices are climbing. There is a national housing supply issue. Regionally, per Zillow.com, the value of a typical home for sale in the 47401 zip code area is \$20,000 more than it was at this time last year, at just under \$300,000, and predicted to continue to rise by almost 10% over the next year. The opportunity to add plexes as an option across the City can increase our local housing supply, potentially offering some less expensive units in desirable locations.

The question of whether or not duplexes can provide a more affordable option than a detached single-family unit was explored by streets.mn using Minneapolis, MN data. In Minneapolis, which added duplex and triplex options across the City, Assessor Parcel data showed that a typical duplex per-unit value was 52% of the value of an average single family detached home. While there is concern that duplexes will not offer traditional affordable housing options, it is clear that they can offer cheaper per-unit costs than a detached unit. Additionally, duplexes can be created through renovation and addition of existing structures, as opposed to new construction in greenfield areas.

According to the American Community Survey, Bloomington's vacancy rate is almost 9%. However, according to the Bloomington Housing Study completed in July 2020, the vacancy rate might be closer to 2%. We have a tight housing market both for owners and renters, and the opportunity to add plexes as an option across the City can increase our ability to provide varied housing options to both owners and renters.

We are currently at roughly 35% owner-occupied housing and 65% rental housing. We have been at that breakdown since at least the 2000 decennial Census, just five years after the 1995 zoning code update. While these figures are often quoted and accurate, the opportunity to re-allow plexes as conditional uses in our existing neighborhoods is not directly correlated with the rental market, as both sides of a duplex can be owner-occupied. The option to add duplexes increases the opportunity for units, units that can be either rental or owner-occupied.

Bloomington currently devotes large percentages of both its total acreage and total parcels to strictly single-family housing. Our current RE, R2, and R3, and single-family PUD zoning districts comprise 51% of our non-MI (Mixed-Use Institutional) land. That means that excluding IU and some governmental parcels, more than half of the acreage in Bloomington is devoted to single-family housing. By parcels, the percentage is 73%. These are not districts where single-family housing is permitted, but districts where single-family residential is the only Residential Use allowed, other than conditionally allowed cottage development which requires the same density as single-family detached units.

Additionally, all zoning districts allow the use single-family (detached) by-right, except the Mixed-Use Downtown, Mixed-Use Institutional, Employment, and Parks and Open Space zoning districts. Said another way, single-family detached is Permitted in 14 of 18 zoning districts. The proposal does not change any districts where single-family is allowed, does not change any Use-Specific Standards of single-family, or restrict single-family zoning.

Use	Residential								Mixed-Use								Non-Residential		Use-Specific Standards
	RE	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*				P*			20.03.030(b)(1)

This proposal seeks to add plexes as an option across Bloomington, in order to encourage additional residential units in walkable, bikeable, established neighborhoods that are transit and amenity adjacent, and served by existing public infrastructure. The proposal would work in concert with a myriad of other tools to help address Bloomington’s housing crunch. Other zoning code tools include the new Mixed-Use Student (MS) zoning district, existing Accessory Dwelling Unit regulations, reduced lot sizes for better utilization of land in new development, live/work units, and cottage development. There are other tools outside of planning as well such as down payment assistance programs. The proposal seeks to increase housing type options in the UDO in order to benefit a larger swath of the community than is currently benefited.

Proposal

This petition amends the locations where the uses ‘dwelling, duplex’ (duplex) and ‘dwelling, triplex’ (triplex) are allowed (as either Permitted or Conditional) and amends the Use-Specific Standards associated with those uses and the use ‘dwelling, fourplex’ (fourplex).

The petition drafted by the Planning and Transportation Department proposed the use duplex as a Conditional Use in the R1-R4 zoning districts, and triplex as Conditional Use in the R4 zoning district. The Plan Commission amended the proposal such that duplex is proposed as a Permitted Use in the R1, R2, R3, and R4 zoning districts. Triplex remains proposed as Conditional in the R4 zoning district. The existing UDO, effective April 2020, allows the duplex use in the RE zoning district as Conditional and in the R4 district as Permitted with Use-Specific Standards. The current code also allows triplexes in the R4 as permitted. The current UDO also has the Use-Specific Standards asterisk (*) for duplexes and triplexes in the R1-R3 zoning districts without denoting that the uses are either Permitted, Conditional, Accessory, or Temporary. The asterisk with no use allowance designated does not make sense and cannot be administered. Both the Plan Commission proposal and the original Department proposal correct that situation. No other changes to the R1-R4 uses or locations of duplex, triplex, or fourplex are proposed with this petition.

The proposal would add the option for duplexes in the R1-R3 areas in Bloomington. The proposal does not mandate the building of duplexes, and includes multiple Use-Specific Standards so that duplexes can be sensitively re-introduced as an option in the current primarily single-family zoning districts.

	RE	R1	R2	R3	R4
RESIDENTIAL USES					
Household Living					
Dwelling, single-family (detached)	P	P	P	P	P
Dwelling, single-family (attached)			P*	P*	P*
Dwelling, duplex	C	*	*	*	P*
Dwelling, triplex		*	*	*	P*
Dwelling, fourplex					C*
Dwelling, multifamily					C*
Dwelling, live/work					C*
Dwelling, cottage development		C*	C*	C*	C*

Duplex and Triplex Highlighted in Current Allowed Use Table RE-R4

Use	R1	R2	R3	R4
RESIDENTIAL USES				
Household Living				
Dwelling, single-family (detached)	P	P	P	P
Dwelling, single-family (attached)		P*	P*	P*
Dwelling, duplex	P*	P*	P*	P*
Dwelling, triplex				C*
Dwelling, fourplex				C*
Dwelling, multifamily				C*
Dwelling, live/work				C*
Dwelling, cottage development	C*	C*	C*	C*

Duplex and Triplex Highlighted in Proposed Allowed Use Table R1-R4

	R1	R2	R3	R4
RESIDENTIAL USES				
Household Living				
Dwelling, single-family (detached)	P	P	P	P
Dwelling, single-family (attached)		P*	P*	P*
Dwelling, duplex	C*	C*	C*	C*
Dwelling, triplex				C*
Dwelling, fourplex				C*
Dwelling, multifamily				C*
Dwelling, live/work				C*
Dwelling, cottage development	C*	C*	C*	C*

Duplex and Triplex Highlighted in Department Proposed Use Table R1-R4 (for reference)

Use-Specific Standards

The Plan Commission voted to remove the Use-Specific Standard that did the following: add a provision that creates a 150 foot buffer around any newly approved or remodeled duplex in R1-R3 for a period of two years, so that within such time no other new or remodeled duplexes can be approved in that buffer area in the R1-R3 zoning districts. The buffer was included by the Department to address concerns that entire blocks would be turned to duplexes in short order. The buffer helps spread out the locations of new duplexes, both spatially and in time, while lessening the ‘first come, first served’ concern by lifting the buffer after two years.

Duplex

The Use-Specific Standards for a duplex have been amended to:

- remove the provision that related the legality of the use to how the property was zoned under a previous zoning code;
- remove the provisions that attempted to regulate the size of the structure based on whether or not a demolition permit had been recently issued;
- remove the requirement for two street-facing doors on all duplexes;
- remove the 40 foot maximum width provision;
- add a provision that the owner or registered agent for the property cannot have a Notice of Violation on file in the Department for a period of three years prior to the application for a conditional use for a duplex;
- add a provision requiring two street-facing doors for all newly constructed duplexes, but allow remodels and conversions to have a minimum of one street-facing door;

The use-specific standards that are removed are convoluted and some regulate current uses based on previous zoning codes, which is not ideal. The 40 foot maximum was removed as it is not appropriate in all areas where duplexes are an option, and similarly the two door requirement was amended for remodels and additions because adding a second door on the front of the house may inadvertently lead to structures that are out of character. The notice of violation provision will limit the option for plexes to those who have not been under enforcement for violating the UDO within the last three years.

Triplexes and Fourplexes

The Use-Specific Standards for a triplex or fourplex have been amended to:

- remove the provision that related the legality of the use to how the property was zoned under a previous zoning code;
- remove the provisions that attempted to regulate the size of the structure based on whether or not a demolition permit had been recently issued;
- remove the 40 foot maximum width provision;
- add a provision that the owner or registered agent for the property cannot have a Notice of Violation on file in the Department for a period of three years prior to the application for a conditional use for a triplex or fourplex;
- add a provision requiring a minimum of one street-facing doors and a maximum of two street-facing doors.

The use-specific standards were amended to remove the convoluted reference to a previous zoning code, as well as to demolition permits on the site. The notice of violation provision will limit the option for plexes to those who have not been under enforcement for violating the UDO within the last three years. Triplexes and Fourplexes are limited to the R4 zoning district and Mixed-Use districts, which are intended to have greater development and therefore the separation requirement is not included.

Conditional Use

The Department proposed that duplexes, triplexes, and fourplexes would require Conditional Use approval. The Plan Commission voted to amend the petition to allow duplexes as a Permitted Use in the R1, R2, R3, and R4 zoning districts. Triplex and Fourplexes remain proposed as a Conditional Use in R4. Conditional Uses can be heard by either the Board of Zoning Appeals or the Hearing Officer. As was done during the introduction of ADUs, the Department would initially take all plex requests to the Board of Zoning Appeals. Additionally, the Director can require that an applicant attempt to attend the relevant Neighborhood Association meeting and would do so, as we informally encouraged for new ADUs.

Conditional Use Criteria required to be met by all conditional use requests, including proposed triplex, and fourplex:

General Compliance Criteria 20.06.040(d)(6)(B)

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards

iv. Compliance with Prior Approvals

Additional Criteria Applicable to Conditional Uses 20.06.040(d)(6)(C)

i. Consistency with Comprehensive Plan and Other Applicable Plans

ii. Provides Adequate Public Services and Facilities

iii. Minimizes or Mitigates Adverse Impacts

1. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

A Conditional Use approval is not a by-right approval. The petitioner must demonstrate that the proposal meets all ten criteria that apply to conditional use approvals. As can be seen above, the approval must demonstrate compliance with the regulations in the UDO, the guidance in the Comprehensive Plan, as well as demonstrate no excessive destruction of natural, scenic, or historic features of significant importance. The petition must meet local, state, and federal utility requirements, and must make a good-faith effort to address concerns of adjoining property owners as defined in the neighborhood association meeting. Compliance with all ten requirements is required for approval.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

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

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

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- (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).

(b) Residential Uses

(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.~~

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~~iii.~~

- ~~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.

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(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).

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

- 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.

20.04.120 Operation and Maintenance

(a) Siltation and Erosion

- (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 01
Submitted By: Cms. Sandberg, Rollo, & Smith
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):

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
RESIDENTIAL USES																		
Household Living																		
Dwelling, duplex	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)

20.03.030 Use Specific Standards

(b) Residential Uses

(3) Dwelling, Duplex

(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.

20.04.110 Incentives

(c) Affordable Housing

(5) Affordable Housing Incentives

(A) Reduced Bulk Requirements

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

20.04.110 Incentives

(d) Sustainable Development

(3) Sustainable Development Incentives

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

i. Single-family ~~and duplex~~-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).

Synopsis and Reason for Amendment

This amendment is sponsored by Councilmembers Sandberg, Rollo, and Smith. It removes “Dwelling, duplex” as a permitted use from the R1, R2, and R3 zones by deleting the “P*” for each of those zones within the Allowed Use Table. It also makes changes to other passages to account for this change.

Areas zoned R1, R2, and R3 in the proposed zoning map are located primarily in areas identified by the Comprehensive Plan Future Land Use Map as either Neighborhood Residential or Mixed Urban Residential districts. The “Dwelling, duplex” use is more appropriately allowed in the R4, RM, and RH residential zoning districts, as well as in several mixed-use districts.

The following Comprehensive Plan passages support this amendment:

Chapter 5 – Housing and Neighborhoods

- Pg. 58 – Each neighborhood’s unique character, strengths and assets must be respected and considered.
- Pg. 60 – Some of Bloomington’s neighborhoods are relatively diverse, both economically and by housing type, whereas others are comprised almost entirely of single-family homes and limited in development by covenants. Most core neighborhoods are stable but are trending towards a lower percentage of new single-family homes. With greater density in the city comes the challenge to preserve neighborhood character and the opportunity to strengthen neighborhoods by developing small commercial nodes as community gathering places. **Existing core neighborhoods should not be the focus of the city’s increasing density.**
- Pg. 61 – **Bloomington’s older urban, small scale, compact, single family housing stock located primarily around the city center and university provide some of the city’s more affordable housing stock and must be protected.**
- Pg. 61 – New multifamily housing projects catering largely to students must be better planned and distributed adjacent to campus or in underdeveloped commercial corridors along transit routes outside Downtown, but still relatively close to the university.
- Pg. 61 – Now that 1,900 new housing units have been constructed Downtown within the past decade (almost all of them apartments), the market dynamic is shifting. **More market opportunities may exist to convert single-family homes from student-rental to owner occupied.** This can allow more people to have a chance to live in urban neighborhoods, which are often closer to employment, shopping, and other amenities. This may also have the added benefit of reducing automobile traffic and the negative environmental impacts of traffic congestion.
- Pg. 64 – Policy 5.3.1: Encourage opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units, duplex, triplex, and fourplex buildings, courtyard apartments, bungalow courts, townhouses, row houses, and live/work spaces. **Avoid placing these high density forms in single family neighborhoods.**
- Pg. 65 – **Continue to support and promote affordable home ownership** as another method of permanent affordability that can help to raise and keep residents from poverty while they build equity and security in the local community.

Chapter 7 – Land Use

- Pg. 80-81 – Actual patterns of land development activity may vary somewhat, but the District’s background and intent, urban services, and site design principles should be maintained and used as a decision-making guide by the public, City staff, the Plan Commission, and the City Council in the following instances:
 - o ...rezone requests that seek to establish land use development intensity, neighborhood transitions, and other levels of land use and design context (e.g. to maintain, to enhance, or to transform)
 - o Amendments to the official Zoning Map

- Pg. 84 [Mixed Urban Residential] - The district is essentially built out; the most appropriate development activity is the rehabilitation of older structures for residential uses.

- Pg. 84 [Mixed Urban Residential] - A few locations may support increases in density and multifamily residential uses when adjacent to higher volume roads, or near major destinations, or located along neighborhood edges that may support small-scaled neighborhood mixed uses (see Urban Village Center). These instances require the Enhance theme for development approvals. It is important to protect the existing single-family housing stock within this district. **The conversion of dwellings to multifamily or commercial uses should be discouraged.**

- Pg. 84 [Mixed Urban Residential] - Safeguards should be considered to hinder or reverse the conversion of owner-occupied residential units to multifamily units.

- Pg. 84 [Mixed Urban Residential] - Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.

- Pg. 88 [Neighborhood Residential] - **Land Use Development Approvals - New and redevelopment activity for this district is mostly limited to remodeling existing or constructing new single-family residences. These instances require the Maintain development theme for development approvals.**

- Pg. 88 [Neighborhood Residential] - Redevelopment or rehabilitation of existing structures, or new infill development of single lots or developments less than one acre, should complement the context of the surrounding land uses.

Committee Recommendation:
Regular Session Action:

Pending
Pending

CONCEPT PLAN FOR GROWING HOUSING DIVERSITY IN BLOOMINGTON *Draft 04.16.2021*

How do we as a community move effectively toward diversifying housing options so that more of our citizens can afford to live in Bloomington?

This concept plan presents a development strategy to address this question, which is based on community engagement at a neighborhood scale and grounded in a time-tested, planning approach. Our 2018 Comprehensive Plan lays out the framework for development and redevelopment opportunities through the creation of the Village Center, a small-scale, mixed-use node that brings the positive aspects of density to areas fueled by active, vehicular traffic. The concept plan is comprised of four components:

- Village Centers
- Neighborhood Workshops
- Accessory Dwelling Units
- Further Opportunities - City Property Inventory

VILLAGE CENTERS

Village Centers purposefully and sensitively introduce density at the edge of existing neighborhoods. Small-scale commercial development located at busy corners of transportation corridors provide walkable, lively destinations for nearby existing single-family neighborhoods while creating opportunities for a range of multi-unit housing types. These multi-unit types, such as duplexes, triplexes, etc., called ‘the missing middle,’ not only refer to house form but also describe location as these buildings transition between single-family houses and larger Village Center buildings. These transitional forms are part of what urbanists call a ‘transect,’ an incremental change in height and mass so that adjacent buildings are compatible. Village Center buildings with a tall, first-floor commercial use and two or three housing stories above can gradually step down toward single-family neighborhoods and create a sense of a whole instead of a disruption.

This concept plan aims to develop four (4) form-based, sub-area plans for Village Centers consisting of multiple properties. This effort would take place in a phased manner, with two plans developed each year over the course of two years. The locations would be selected from the over twenty Village Center locations represented in the Comprehensive Plan Land Use Map. Four locations would be selected for economic feasibility and an array of practical considerations. These areas would utilize the new Residential Urban (R4) zoning districts to support areas zoned Mixed-Use Neighborhood Scale (MN) or potentially Mixed-Use Medium Scale (MM).

More specifically, form-based planning utilizes illustrations of desirable physical form, placement, size, and bulk of buildings within the environment and addresses the size of blocks and their relationship to one another. These illustrations allow neighbors and developers see what is to be built. The buildings can be tailored to reflect various contexts. With a form-based approach, the Village Center plans could provide potential developers with pre-approved project designs coordinated with the needed infrastructure improvements while providing the community with predictable outcomes. The goal is to create actionable plans where small-scale economic development can be incentivized at some level to help get initial projects off the ground.

NEIGHBORHOOD WORKSHOPS

The Village Center plans would require representation from all interests – city officials, property owners, various stakeholders, and adjacent neighborhood participants -- to work collaboratively together. A series of workshops would begin by introducing neighbors to the general history of the urban form in the US and of the planning concepts imbedded in our present-day landscapes. This background information would provide a framework to address the community goals of Village Centers and housing diversity. Based on existing neighborhood patterns and house types, different strategies would be explored with neighbors on how to utilize accessory dwelling units (ADUs) and potentially implement other housing forms in sensitive ways. These workshops would generate form-based information for ADUs used to create pattern books and/or potential zoning overlays for special provisions based on further form based information.

ACCESSORY DWELLING UNITS

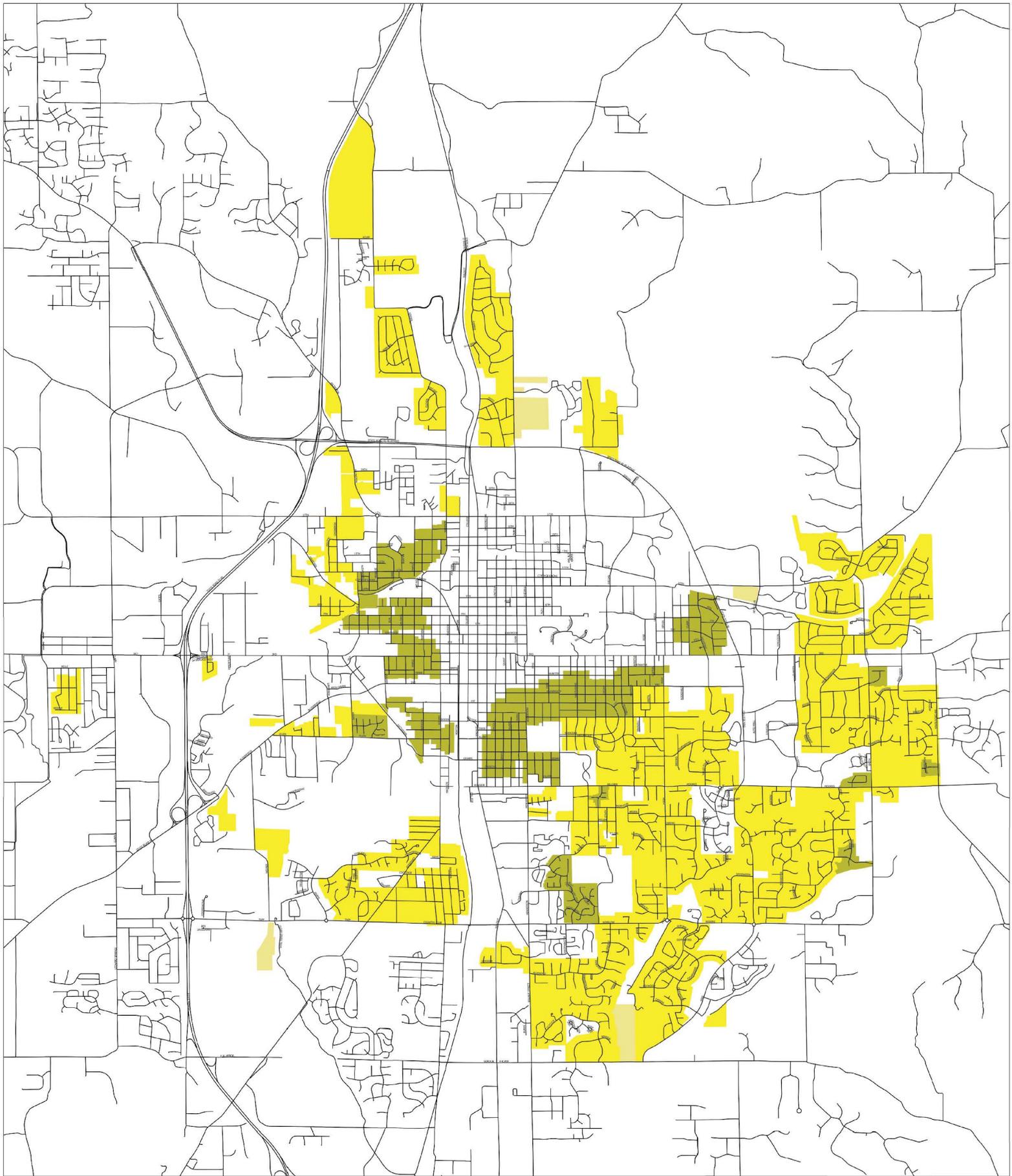
While ADUs have been approved for all single-family zones, their potential remains untapped. These owner-occupied duplexes are versatile and have broad community support due to the on-site care and management of owners. Several tools could be developed to promote ADU development, including citywide workshops and an informational website to assist with zoning and building codes, development of project proforma, design approaches and configurations, design assistance and contractor selection, and financing models.

FURTHER OPPORTUNITIES – CITY PROPERTY INVENTORY

The City of Bloomington has had success in creating affordable housing development opportunities by leveraging property it owns in partnership with affordable housing developers. In addition to large parcels like the Bloomington Hospital site and excess land banked for the future convention center project, there is city-owned property scattered throughout neighborhoods -- unprogrammed areas attached to parks, underutilized parking lots, right-of-way remnants, etc.-- that can be identified for this purpose. The City, in partnership with affordable housing developers, could help introduce affordable housing into existing neighborhoods at a granular scale.

In summary, the realization of Village Centers will strengthen the identity and health of Bloomington’s existing neighborhoods while actively promote the development of missing middle housing types and overall housing diversity. This concept plan effectively offers a way to integrate citizen participation and build consensus around the introduction of higher density housing forms. The development at Hillside and Henderson Streets is a successful example of a Village Center that incorporated higher density house forms. In that case, it was the unusual, upfront investment in community process by the developer of a single property that sparked the further build-out of the area. If Bloomington’s administration and elected officials can come together to support this concept plan, then we can successfully bring more housing diversity to the city with the level of intention and sensitivity it requires.

To undertake this planning effort, an advisory committee with representatives from the City of Bloomington, City Council, Bloomington Economic Development Corp. and other community representatives would be assembled to select an urban design consultant to partner with local design professionals. This project team would be guided by City of Bloomington Planning & Engineering, Housing & Neighborhood Development and Economic & Sustainable Development staff. The advisory committee would generate a progress report on a quarterly basis for City Council to insure their continued involvement.



Zoning District

- R1: Residential Large Lot
- R2: Residential Medium Lot
- R3: Residential Small Lot

R1-R3 Zoning Districts

04/23/21

0 0.25 0.5 Miles



ORDINANCE 21-24
TO REPEAL AND REPLACE THE OFFICIAL ZONING MAP WITHIN
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “UNIFIED DEVELOPMENT ORDINANCE”

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 7, 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.

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

SECTION I. The “Official Zoning Map” incorporated by reference into the UDO is repealed and replaced.

SECTION II. A replacement “Official Zoning Map,” incorporated herein by reference, is hereby adopted. Said replacement consists of the following document which is 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-10-21, (hereinafter “Attachment A”)

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

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

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

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 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 __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals and replaces the Official Zoning Map incorporated by reference into the UDO.

ORDINANCE CERTIFICATION

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-24 is a true and complete copy of Plan Commission Case Number ZO-10-21 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 5, 2021.

Scott Robinson

Date: April 7, 2021

Scott Robinson, Secretary
Plan Commission

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

N. Bolden

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-10-21 amends the Official Zoning Map, 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.)

Case # ZO-10-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 7, 2021

Re: Draft Zoning Map

The Plan Commission heard case ZO-10-21 on April 5, 2021. The Plan Commission voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 7-1 (Sandberg). The Plan Commission voted on two amendments and both were approved and added to the petition. The first amendment involved three locations that staff identified as needing to be corrected and the second amendment was a proposal to amend a portion of a PUD.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter, and one (1) is discussed below. That petition is as follows:

1. ZO-10-21 | Proposed Zoning Map

ZO-10-21 | Proposed Zoning Map

This petition updates the Official Zoning Map in order to best apply the updated Unified Development Ordinance regulations; locates the new MS, PO, R1, R4 districts; aligns the Official Zoning Map with the goals of the Comprehensive Plan; rezones parcels to correct split zoned lots; rezones parcels that no longer match the existing or likely future uses on the site; rezones 102 PUDs to base zoning districts; rezones the MH district to match the Bloomington Hospital Site Redevelopment Master Plan Report; rezones most EM parcels to ME.

The UDO created four new base zoning districts MS, PO, R1, and R4. The MS district was designed to accommodate an adequate supply of housing opportunities for students in areas adjacent to or within easy walking distance to campus and be located along nearby commercial corridors. The Comprehensive Plan proposes that student housing should be located away from the downtown and in close proximity to Indiana University.

Staff began the process of locating the new MS district locations by looking for areas that met the UDO and Comprehensive Plan's goals. The area designated as "Gateway North" was identified in the Comprehensive Plan as an appropriate location for increased student housing. Staff selected areas for the MS district that met the purpose and goals of both the UDO and the Comprehensive Plan. Areas that were chosen for the MS district include the "Gateway North" and the Indiana & 10th "Urban Village Center" as they are identified in the Comprehensive Plan as suitable for higher density multifamily and mixed-use developments. The area directly east of the New Hospital Campus was also identified as an area which would be suitable for higher density multifamily and mixed-use developments due to its location to the new Hospital, and University in general. PUDs that met the MS district's allowed uses, specifically "Student Housing or Dormitory," and were located in close proximity to the University were included in the MS district.

Staff began the process of locating the PO district locations by identifying properties owned and operated by the City of Bloomington as official City Parks. The entrance to the Clear Creek Trail along W. Tapp Rd. was also identified as an area that would be suitable to be PO. Official City Parks located in the MD district were excluded from consideration as they are also located in Character District Overlays and have additional standards placed on them.

Staff identified areas currently zoned as RE as those best suited for the newly proposed R1 district (as proposed in ZO-08-21).

Staff began the process of locating the R4 district locations for the Public Outreach Draft by identifying locations that met the UDO and Comprehensive Plan's goals. This analysis included identifying properties that met the lot size of the zoning distinct; had access to many public services; and were accessible to pedestrians, cyclists, and vehicles. An attempt was made to locate R4 along arterials, the edges or neighborhoods, or adjacent to more intense zoning districts. PUDs that met the R4 district's dimensional standards or allowed uses, and were eligible to be rezoned to a base zoning district, were also included in the R4 district, as well. For the Public Hearings Draft, the R4 area was reduced by 78% land area and 61% of the parcels that were previously identified as R4. The remaining R4 focuses on the edges of neighborhoods, as well as PUDs that match the dimensions and/or uses of R4.

Staff analyzed all base zoned parcels within the City and identified parcels that did not align with the goals of the Comprehensive Plan, were currently split zoned, or no longer matched the current or likely future use of the property. Areas were identified as opportunities where a change in the zoning would further the goals of the Comprehensive Plan while keeping the uses on the site compatible with the surroundings. New RM areas were located in areas within close

proximity of the downtown, amenities, or the University. New MM areas were located near the new 7 Line Trail in order to encourage commercial and residential growth along the new amenity. Split zoned lots were removed from the Zoning Map by drawing the district boundaries utilizing existing property lines. Staff identified parcels that featured uses that would not be allowed in their current zoning district and identified areas where rezoning to a different base zoning district would better serve the current uses and the goals of the Comprehensive Plan.

The UDO was written with the expectation that PUDs would be expired after certain thresholds were met, after a period of inactivity, or if the PUD is no longer operating within the guidelines of the PUD. Staff analyzed all 119 of the city's currently existing PUDs. Reviewing information including but not limited to: initial year of approval, allowed uses, underlying zoning, surrounding zoning, and last year of approved petition. This data was used to identify those PUDs which were either obsolete or built out enough to warrant rezoning to one or more base zoning districts. 103 PUDs in total were identified as having met at least one of the four triggers for being eligible to be rezoned:

- At least 95 percent of a PUD has been built-out [20.06.070(c)(5)(D)],
- The preliminary plan shall be considered abandoned if, three years after the approval of the preliminary plan by the Common Council, no final plan approval has been granted for any section of the Planned Unit Development [20.06.070(c)(3)(E)(2)[a]],
- 10 years after the approval of the preliminary plan by the Common Council, final plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved final plans [20.06.070(c)(3)(E)(2)[b]], or
- If a PUD is no longer proceeding in accordance with its PUD district ordinance, commitments, or time requirements imposed through the procedures in this Section 20.06.070(c) or by agreement [20.06.070(c)(5)(C)].

Staff analyzed the existing MH district ahead of Bloomington Hospital's relocation. Much of the current MH district was included in the recent Bloomington Hospital Site Redevelopment Master Plan Report. Staff matched the Master Plan's proposed zoning districts for areas included in the Report. Parcels zoned MH that were not included in the Master Plan were analyzed by staff to match the surrounding uses and the proposed districts from the Master Plan. Staff has not designated any parcels in the city to be zoned MH.

Staff analyzed all of the current zoning districts while undergoing this process and determined that parcels currently zoned EM would be better able to meet the goals of the Comprehensive Plan if they were zoned ME. Many of the areas currently zoned EM were identified as areas that did not align with the goals of the Comprehensive Plan, or no longer matched the current or likely future use of the property. This initial analysis rezoned many EM parcels to different base zoning districts, and the remaining EM areas were rezoned to ME.

Two amendments were approved at Plan Commission and are described below.

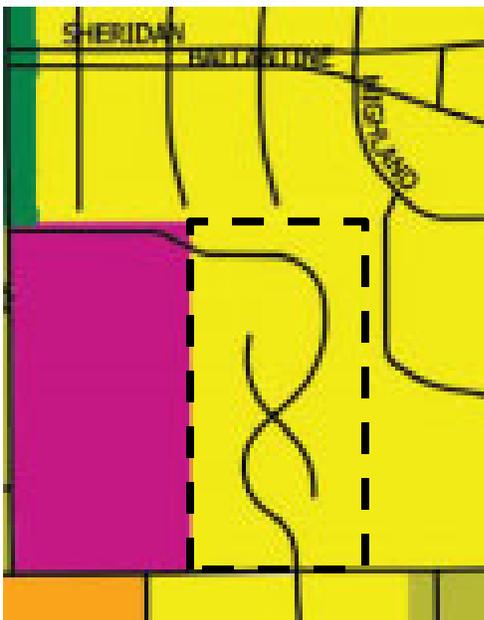
Amendment One: This set of three rezone requests was compiled by staff. The first (at the western terminus of W. 8th Street) was proposed after being questioned by the property owner

and neighborhood. The current zoning is PUD and the uses allowed in the PUD include duplex and attached townhomes, so the R4 zoning district was initially selected. However, staff was told by the petitioner that he no longer seeks to fulfill the 24 year old PUD and would like to match the surrounding R3 district. Staff analyzed the PUD documents and found that because of the apparently quite odd right-of-way that occurs in this area, the configuration shown in the PUD may not even be possible. The amendment changes the recommended district from R4 to R3. The second (The Boulders development, Weatherstone Lane, on the north side of E. Hillside Drive) is to correct an area that is developed as multifamily that was approved with the 1997 code's PRO system. The amendment changes the recommended (and existing) district from R2 to RM. The third (west of the western terminus of Duncan Drive) is to correct the map to include a rezone that was approved by Council in 2020 that added 7 acres of R2 land to the Thomson PUD. The amendment changes the recommendation from R2 to PUD. Images below show initial district colors.

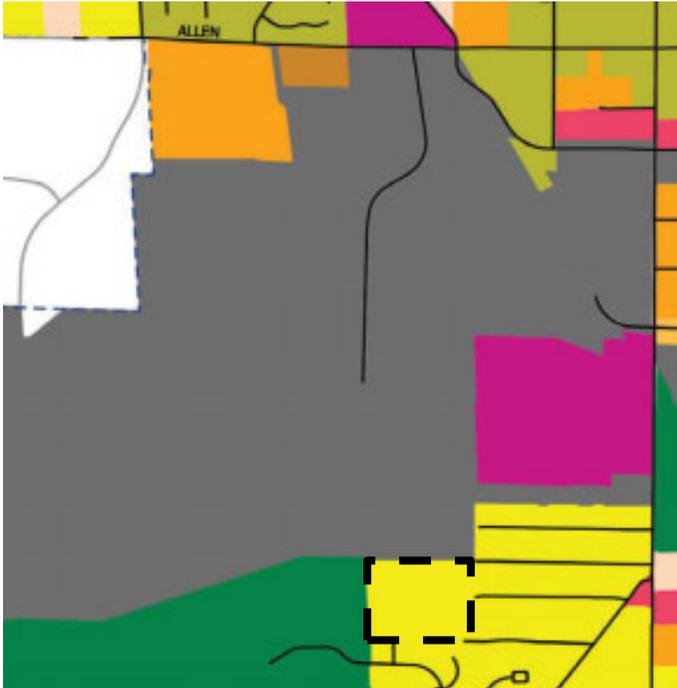
8th Street



Boulders Weatherstone Lane

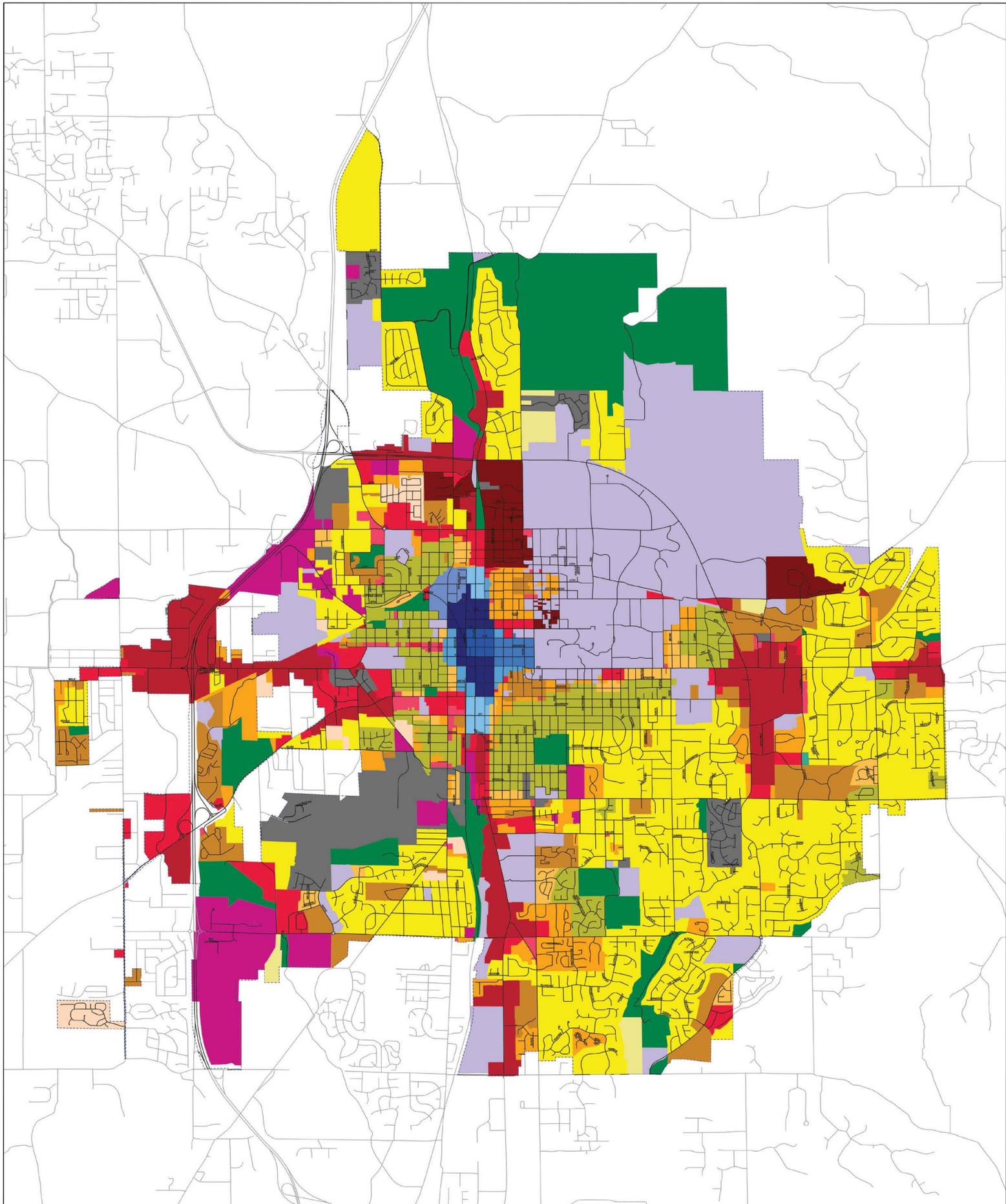


Habitat Duncan Drive



Amendment Two: This site is part of an existing PUD that is proposed to be rezoned. The PUD had very specific use regulations for the portion east of Clarizz and the focus was on the medical clinic use. The amendment changes the proposed zoning of those lots in the PUD from Mixed-Use Neighborhood (MN) to Mixed-Use Healthcare (MH), to keep with the intent of the PUD.





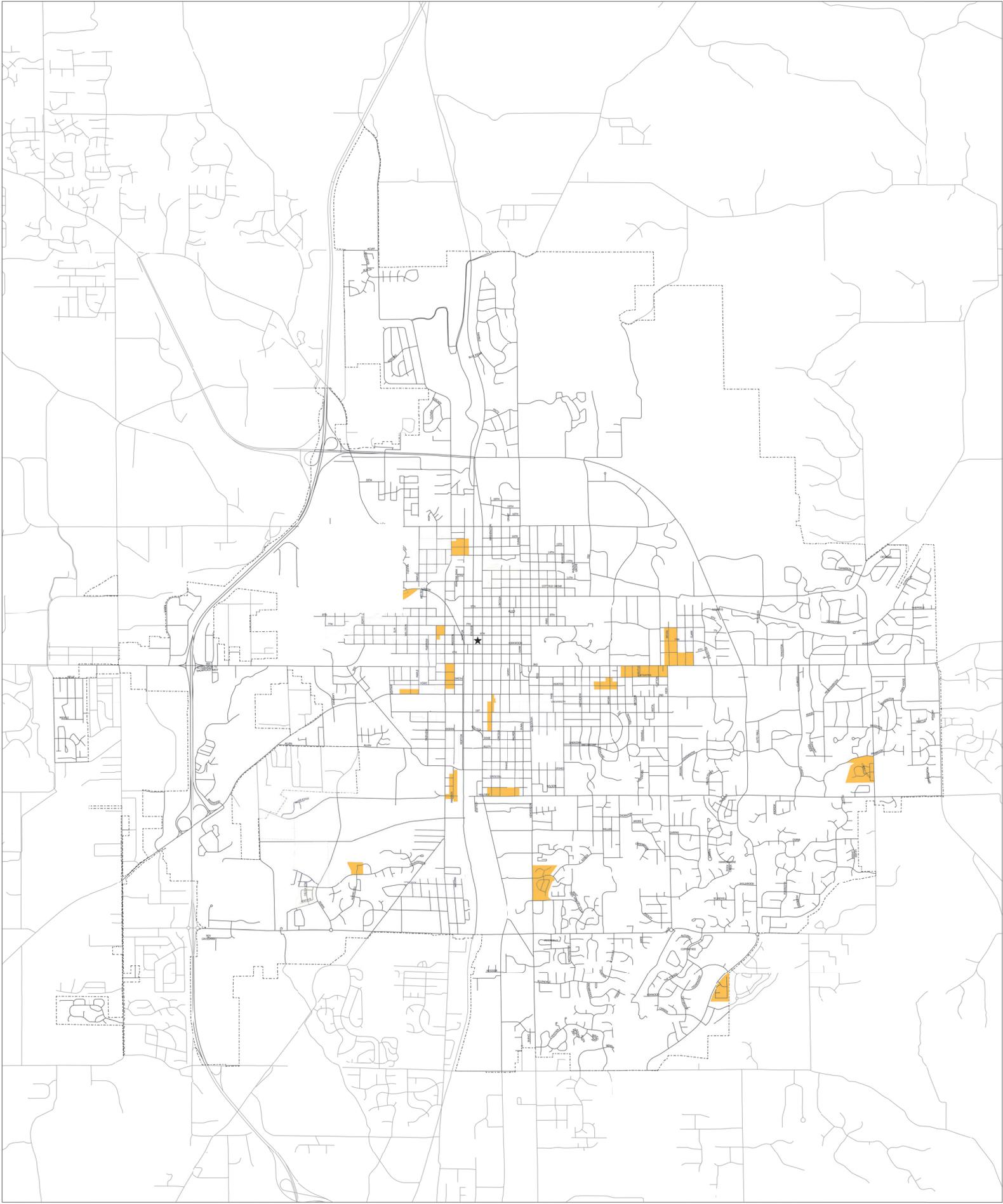
Zoning Districts

- (R1) Residential Large Lot
- (R2) Residential Medium Lot
- (R3) Residential Small Lot
- (R4) Residential Urban
- (RM) Residential Multifamily
- (RH) Residential High-Density Multifamily
- (RMH) Manufactured/Mobile Home Park
- (MN) Mixed-Use Neighborhood-Scale
- (MM) Mixed-Use Medium-Scale
- (MC) Mixed-Use Corridor
- (MS) Mixed-Use Student Housing
- (MI) Mixed-Use Institutional
- (MH) Mixed-Use Healthcare
- (PO) Parks and Open Space
- (PUD) Planned Unit Development

- #### Mixed-Use Downtown Overlay Zoning Districts
- (MD-CS) Courthouse Square
 - (MD-DC) Downtown Core
 - (MD-UV) University Village
 - (MD-DE) Downtown Edges
 - (MD-DG) Downtown Gateway
 - (MD-CS) Showers Technology

0 0.25 0.5 Miles





Map Legend

 R4 District

R4: Residential Urban District

As Recommended by the Planning and
 Transportation Department & Plan Commission
 04/05/21

0 0.25 0.5 Miles

