

**CITY OF BLOOMINGTON**



**PLAN COMMISSION**

**September 5, 2019 @ 5:30  
p.m. COUNCIL CHAMBERS  
#115 CITY HALL**

**CITY OF BLOOMINGTON  
PLAN COMMISSION – Special Hearing  
September 5, 2019 at 5:30 p.m.**

**❖City Council Chambers – Room #115**

**ROLL CALL**

**MINUTES TO BE APPROVED:** August 26, 2019

**REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
  - 9/5/19 – Council Chambers – City Hall, 5:30 PM
  - 9/10/19 – Council Chambers – City Hall, 5:30 PM
  - Additional meetings may be added by the Plan Commission
- Order of business for ZO-30-19 9/5/2019
  - Message from the Plan Commission Chair
  - Amendments 3, 4A, 4B, 5A, 5B, and 6
  - Public Comment on Amendments (with time limitations)
  - Plan Commission Resolutions
  - Public Comment on items NOT covered by any Resolutions (with time limitations)

**PETITIONS:**

ZO-30-19

**City of Bloomington**

**Adoption Draft Unified Development Ordinance**

The City of Bloomington Plan Commission (“PC”) will consider the adoption of a proposed zoning ordinance (“Proposal”) and repealing the previous Unified Development Ordinance (“UDO”). The Proposal applies to all areas within the corporate boundaries. The Proposal is for replacement of the UDO with a new version based on guidance from the 2018 Comprehensive Plan. Penalty and forfeiture provisions in the current UDO remain the same in the Proposal. Written objections to the proposal that are filed with the secretary of the PC before the hearing will be considered and oral comments concerning the proposal will be heard. The hearing may be continued from time to time as may be found necessary.

Case Manager: Scott Robinson

**\*\*Next Meeting September 10, 2019**

**Last Updated: 9/5/2019**

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Please call [812-349-3429](tel:812-349-3429) or e-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).**

*Plan Commission minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Department of the Monroe County Public Library at 303 E. Kirkwood Avenue. Phone number: 812-349-3111 or via e-mail at the following address: [moneill@monroe.lib.in.us](mailto:moneill@monroe.lib.in.us).*

The City of Bloomington Plan Commission (PC) met on August 26, 2019 at 5:30 p.m. in the City of Bloomington Council Chambers. Members present: Cate, Kappas, Wisler, Kopper, Sandberg, Burrell, Hoffmann, Kinzie, St. John, Enright-Randolph

## **ROLL CALL**

**MINUTES TO BE APPROVED:** None at this time.

## **REPORTS, RESOLUTIONS AND COMMUNICATIONS:**

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
  - 8/26/19 – Council Chambers – City Hall, 5:30 PM
  - 8/29/19 – Council Chambers – City Hall, 5:30 PM
  - 9/5/19 – Council Chambers – City Hall, 6:00 PM
  - Additional meetings may be added by the Plan Commission
- Order of business for ZO-30-19
  - Message from the Plan Commission Chair
  - Staff Report
  - Plan Commission Comments
  - Public Comment Period (with time limitations)
  - Plan Commission Resolutions (postponed until August 29<sup>th</sup> hearing)

## **PETITIONS:**

ZO-30-19

### **City of Bloomington**

#### **Adoption Draft Unified Development Ordinance**

The City of Bloomington Plan Commission (“PC”) will consider the adoption of a proposed zoning ordinance (“Proposal”) and repealing the previous Unified Development Ordinance (“UDO”). The Proposal applies to all areas within the corporate boundaries. The Proposal is for replacement of the UDO with a new version based on guidance from the 2018 Comprehensive Plan. Penalty and forfeiture provisions in the current UDO remain the same in the Proposal. Written objections to the proposal that are filed with the secretary of the PC before the hearing will be considered and oral comments concerning the proposal will be heard. The hearing may be continued from time to time as may be found necessary.

*Case Manager: Scott Robinson*

Commissioner Joe Hoffmann began the hearing by talking about the UDO draft process and the months’ long process to reach the August 26<sup>th</sup> hearing. This public hearing is the first of at least three, possibly more, that will eventually forward the UDO to the Common Council. The Council will finalize the document into law after previous Plan Commission public hearings were held concerning different sections. These hearings will determine the final text of the document, with zoning map finalization following shortly after. Given the enormity of the UDO draft and required review, Hoffmann stated a motion would be needed to end the evening’s meeting firmly at 9:30 pm.

Hoffmann proceeded to outline the form for the evening’s hearing, emphasizing that no votes on amendments would take place at the first hearing. Commission members would hear the staff report, could ask questions about it, and then hear public comments, and finally discuss possible changes to the UDO. The Commission

members will then ask the planning and legal Staff to draft the language for possible amendments before commission members vote on them at a later hearing. Hoffmann also noted that three hearings are scheduled, but the Plan Commission is not limited to approving the UDO within these hearings and can schedule as many hearings as it takes to agree on the final UDO draft. Hoffmann then spoke about the need for the UDO and how it complements the Comprehensive Plan and the Transportation Plan and how all three documents outline goals and laws for land development within the City. Hoffmann reemphasized that no voting would take place in the evening's meeting and the process of suggesting changes to Staff and Staff drafting amendments based on those suggested changes prevents unintended consequences in a legally binding document. With every amendment drafted by Staff, the public will again be invited to comment.

**\*\*Sandberg moved to conclude the first UDO draft meeting at 9:30 pm. St. John seconded. Motion carried by voice vote 9:0—Approved.**

Hoffmann introduced Terri Porter, director of the City's Planning and Transportation department. Porter thanked the Plan Commission for their part in moving the UDO to its current phase and thanked the public present for filling the council chambers to provide comments about the UDO draft. She noted the draft is a large, 400-page document and the City is very close to being in agreement over the draft with the exception of a few contentious parts of the document. Hoffmann stated that the commissioners had been given the electronically submitted public comments for review prior to the hearing.

Hoffman turned the meeting over to Jim Spung, associate with Clarion, the land-use consulting firm that has been working with the City to draft the UDO update. Spung began by outlining several reasons for updating the UDO and they are to help implement the Comprehensive Plan, promote affordable housing, reduce student housing pressures on neighborhoods and downtown, promote more sustainable development, improve user-friendliness, and allow for a more predictable and efficient development process. Spung also pointed out the UDO and Comprehensive Plan Index available on the Planning and Transportation website that links goals and policies from the Comprehensive Plan to the UDO, better explaining the update. Spung stated that the process has taken over 18 months so far from finding out initial planning needs in Bloomington, to putting together several drafts and receiving public comment, and finally reaching the final draft. It will be several more months before the UDO becomes law because Staff will need to update forms and office procedures. The UDO is and will remain a living, breathing document, always available to amend if needed. Spung highlighted key changes in the UDO including downtown height limits, changing the names of zoning districts, but not their boundaries, and addressing student housing. Spung spent several minutes explaining the UDO draft's effort to address affordable housing by reintroducing "missing middle housing" in the form of duplexes, triplexes, and fourplexes in neighborhoods and their proposal process. Spung concluded his report by discussing common questions received prior to the hearing from homeowners in city limits who had received a postcard about the UDO update.

**Plan Commission Questions:** None. Cate expressed that she wished to hear public comments before asking the questions.

**Public Comment:**

**Members from the public who spoke:** Chris Sturbaum, Daniel Bingham, Elizabeth Cox-Ash, David Keppel, Mary Morgan, Claire Williamson, Alex Weiss Hills, Andrew Guenther, Max Sandefer, John Fiedler, Renata Kasak, Nan Brewer, Jon Lawrence, Dave Warren, Vauhxx Booker, Deborah Myerson, Mark Lauchli, Matt Flaherty, Dave Stewart, Teal Bingham, Bill Baus, Nathan Geiger, Bess Lee, Veda Stanfield, Michelle Henderson, Pam Weaver, Dave Weaver, Kate Rosenbarger, Emily Pike, Jan Sorley, Greg Alexander, Jill Crawford, Betty Rose Nagle, John Kennedy, Richard Martin, Kim Carballo.

The topic that most of the public voiced concern over was affordable housing and the proposed rezoning for duplexes, triplexes, and fourplexes in neighborhoods currently zoned as single family residences. Opinions were divided throughout the hearing, with many in favor or opposed to rezoning for "plex" housing for several reasons. Those opposed believe rezoning single family home neighborhoods invites developers to buy lots, many sight unseen, tear down existing homes, and build new construction, costing future tenants and homeowners more and nullifying affordability. It was expressed that Accessory Dwelling Units (ADU) and

convertible houses are an affordable option, but need to remain a Conditional Use, and go through the public process to approve. Many believe that current small single family homes are valuable starter homes for young professionals and families, and increasing density will only drive up the cost of living. Others believe that an increase in plex housing will decrease the resale value of single family homes in the same neighborhood, a decades-long investment, and believe that affordable housing is a thirty-year-old problem, nothing new. One person expressed that the Comprehensive Plan has six paragraphs speaking against plex housing. People living in single family residence zoned neighborhoods spoke of being accused for not caring about affordable housing and the environment and argued against those accusations. They believe density in established neighborhoods built 100 years ago on small lots and narrow streets will be overcrowded with vehicles, and suggested building on the IU Health hospital site after it's vacated. A request was made to remove the multi-family designation from the UDO. Due to three major water main breaks this summer, a member of the public wished to see the City's infrastructure updated, and density issues should be put off for another 10 years.

Those in favor of "plex" housing stated that increasing density housing is a sustainable living option that will aid the environment in years to come and many single family home neighborhoods already contain plex housing that is difficult to distinguish from single family homes. Single family homes on ¼ acres lots increase automobile usage and decreases land needed for agriculture, while greater density housing incentivizes bicycle and pedestrian traffic. Members of the public also argued that single family home neighborhoods are a part of exclusionary zoning and prevent low-income families' ability to own a home or rent affordably. Density housing decreases segregation because families of color move into dense, more affordable areas. Undergraduate and graduate students spoke about the appeal of dense housing and ADUs, allowing students to remain in Bloomington, a town appealing for its diversity, and begin their careers, citing that "starter" single family homes are still unaffordable. Many small single family residences are old and require some renovation, and a bank won't lend to a young person for a "distressed house." Plex housing is a more affordable homeownership option that allows the owner to live in the structure and also earn rental income. Some members of the public spoke about how established professionals still seek to live just outside city limits for its affordability. It was expressed that salaries have not kept up with housing prices, in addition to experiencing the 2008 recession, and suffering with the student loan crisis, and some want other affordable housing options to raise families besides plex housing and ADUs. Several members of the public that spoke believe that middle housing has disappeared in Bloomington and if the current dense housing didn't exist, the competition for housing between residents and students would be even greater. It's believed by some that Bloomington is far behind the estimated need for housing by 2050, especially given predicted major migrations from climate change. It was expressed that the UDO should reflect the Housing and Urban Development and Housing and Neighborhood Development's (HAND) broad definition of family. Age and income diversity are important and five unrelated adults should be permitted in a home.

Many that spoke in favor of dense housing as an affordable option expressed that ADUs and plex housing should be by right to make the city more equitable, and ADUs should be permitted to be larger and more than one bedroom. ADUs can also offer someone with developmental or physical disabilities or the elderly an opportunity to live independently. On the other side, some people wished to see ADUs remain Conditional Use to control their growth and placement.

Other concerns residents expressed in single family residence zoned neighborhoods were preventing Greek houses in those neighborhoods, addressing parking shortage due to students, clarifying the new student housing designation in the UDO, greater notice of violation resolution, and ensuring landlords are held accountable for occupancy maximums. Clarification was requested concerning what constitutes medium-sized livestock. Currently Nigerian dwarf goats are under this classification with swine and other substantially larger animals and it was requested these goats be classified with smaller animals like chickens.

Several members of the public spoke in overall favor of the UDO, stating it's not making drastic changes, but rather allowing for predictability, and is a vital piece in promoting environmental sustainability, though more amendments should be accepted from the Environmental Commission. It was also expressed that greater clarification is needed for administrative procedures when accepting the "payment in lieu" affordable housing contribution option given to developers. A comment was made that classifying all student housing as having 4+ bedrooms is incorrect because much student-oriented housing contains fewer bedrooms per unit. Also, extra

stories are not an incentive to build if the property has too few parking spaces, and developers should have more incentives to build quality developments.

**Plan Commission Discussion:**

Due to being near the time deadline for the evening's hearing after public comment concluded, Hoffmann proposed suggesting two minor "housekeeping" amendments he felt were noncontroversial for staff to draft and return for Plan Commission consideration on the August 29<sup>th</sup> hearing.

**\*\*Hoffmann motioned for the Plan Commission to ask Staff to prepare for the Plan Commission's consideration an omnibus amendment to fix typographical and/or technical errors in the Unified Development Ordinance (UDO). Kinzie seconded. Motion carried by roll call vote 9:0—Approved.**

Hoffmann pointed out that Staff changed plex housing approval to Conditional Use in the UDO, creating an unintended consequence of reading as if plex housing is Conditional Use city-wide, even where plex housing is already permitted.

**\*\*Hoffmann motioned for the Plan Commission to ask Staff to prepare for the Plan Commission's consideration an amendment that would clarify the change to Conditional Use reflected in the current draft is meant to be specific to the core neighborhoods and not city-wide, even on large, undeveloped tracts. Cate seconded. Motion carried by roll call vote 9:0—Approved.**

Hoffmann said that the August 29<sup>th</sup> hearing will begin by Plan Commissioners discussing the August 26<sup>th</sup> hearing and deciding whether further amendment draft requests to the Staff will be necessary.

Kinzie asked if any additional provisions were available for online comments. Assistant director Scott Robinson confirmed he would make a new form available based on the evening's discussion.

Meeting adjourned.

# Proposed Edits to UDO Adoption Draft

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## 20.03.030(b)(3)(A) - Use-Specific Standards - Dwelling, Duplex

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### **CURRENT LANGUAGE – with approval of Amendment 2**

#### **(A) Location**

- i. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.

### **PROPOSED LANGUAGE - insert new paragraph (iii)**

- iii. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:
  1. No more than 50 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; or
  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 50 percent; and
  3. The proposed duplex structure does not exceed 2,500 gross square feet, or the total gross square footage of the existing principal dwelling on the lot or parcel at the time the demolition permit was issued.

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## 20.03.030(b)(4)(A) - Use-Specific Standards – Dwelling, Triplex and Fourplex

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### **CURRENT LANGUAGE – with approval of Amendment 2**

#### **(A) Location**

- i. For any property zoned R1, R2, or R3 on [effective date], triplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.
- iii. For any property that has been rezoned to R4 after [effective date] that was previously designated in the R1, R2, or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.

**PROPOSED LANGUAGE - insert new paragraph (iv)**

- iv. For any property zoned R1, R2, or R3 on *[effective date]*, triplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:
  - 1. No more than 50 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; or
  - 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 50 percent; and
  - 3. The proposed triplex structure does not exceed 2,500 gross square feet, or the total gross square footage of the existing principal dwelling on the lot or parcel at the time the demolition permit was issued.



# Proposed Edits to UDO Adoption Draft

## 20.03.030(b)(3)(A) - Use-Specific Standards - Dwelling, Duplex

### CURRENT LANGUAGE – with approval of Amendment 2

#### (A) Location

- i. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.

## 20.03.030(b)(4)(A) - Use-Specific Standards – Dwelling, Triplex and Fourplex

### CURRENT LANGUAGE – with approval of Amendment 2

#### (A) Location

- i. For any property zoned R1, R2, or R3 on [effective date], triplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.
- iii. For any property that has been rezoned to R4 after [effective date] that was previously designated in the R1, R2, or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                | Residential |    |    |    |    |    |    |     | Mixed-Use |    |    |    |    |    |    |    | Non-Residential |    | Use-Specific Standards |
|------------------------------------|-------------|----|----|----|----|----|----|-----|-----------|----|----|----|----|----|----|----|-----------------|----|------------------------|
|                                    | RE          | R1 | R2 | R3 | R4 | RM | RH | RMH | MS        | MN | MM | MC | ME | MI | MD | MH | EM              | PO |                        |
| <b>RESIDENTIAL USES</b>            |             |    |    |    |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| <b>Household Living</b>            |             |    |    |    |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| Dwelling, single-family (detached) | P           | P  | P  | P  | P  | P* | P* | P   | P         | P  | P* | P* | P* |    |    | P* |                 |    | 20.03.030(b)(1)        |
| Dwelling, single-family (attached) |             |    | P* | P* | P* | P* | P* |     | P*        | P* | P* |    |    |    | P* |    |                 |    | 20.03.030(b)(2)        |

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| 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 |                        |
| Dwelling, duplex              | C           | C* | C* | C* | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(3)        |
| Dwelling, triplex             |             | C* | C* | C* | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, fourplex            |             |    |    |    | C* | P* | P* |     | P*        | P* | P* |    |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, multifamily         |             |    |    |    | C* | P  | P  |     | P         | P* | P* | P  | P* | C  | P* |    |                 |    | 20.03.030(b)(5)        |
| Dwelling, live/work           |             |    |    |    | C* | P* | P* |     |           | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(6)        |
| Dwelling, cottage development |             | C* | C* | C* | C* | C* | C* | C*  |           | C* |    |    |    |    |    |    |                 |    | 20.03.030(b)(7)        |
| Dwelling, mobile home         |             |    |    |    |    |    |    | P*  |           |    |    |    |    |    |    |    |                 |    | 20.03.030(b)(8)        |

**PROPOSED LANGUAGE – to remove duplex, triplex, and fourplex from R1, R2, and R3 Zones**

**20.03.030(b)(3) - Use-Specific Standards - Dwelling, Duplex**

**PROPOSED LANGUAGE – with approval of Amendment 2**

**(3) Dwelling, Duplex**

**(A) Location**

~~i. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.~~

ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.~~

**(B) Occupancy**

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

**(C) Design**

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

- i. Each individual dwelling unit shall have a separate exterior entrance facing a public or private street.
- ii. The front elevation building width of the duplex dwelling structure shall not exceed 40 feet.
- iii. The following design elements of the duplex dwelling shall be similar in general shape, size, and design to, 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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## 20.03.030(b)(4) - Use-Specific Standards – Dwelling, Triplex and Fourplex

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### PROPOSED LANGUAGE – with approval of Amendment 2

#### (4) Dwelling, Triplex and Fourplex

##### (A) Location

- ~~i. For any property zoned R1, R2, or R3 on [effective date], triplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.~~
- ~~ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.~~
- ~~iii. For any property that has been rezoned to R4 after [effective date] that was previously designated in the R1, R2, or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval not be permitted.~~

##### (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.
- 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.

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## 20.07.010 – Definition for “Family”

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### PROPOSED LANGUAGE

**Family**

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

- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, and any other dependent children of the household.
- 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
- 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
- 4) In the RE, R1, R2, R3, and R4 zoning districts, and in single-family residential portions of planned unit developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit or a combination of a single-family dwelling unit and an accessory dwelling unit.
- 5) Notwithstanding paragraph (4) above, in the ~~R1, R2, R3, and~~ R4 zoning districts, a group of no more than two adults, and their dependent children, living together as a single housekeeping unit in a duplex, triplex, or fourplex dwelling unit, or a combination of those units and an accessory dwelling unit.
- 6) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
 NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                | Residential |               |               |               |    |    |    |     | Mixed-Use |    |    |    |    |    |    |    | Non-Residential |    | Use-Specific Standards |
|------------------------------------|-------------|---------------|---------------|---------------|----|----|----|-----|-----------|----|----|----|----|----|----|----|-----------------|----|------------------------|
|                                    | RE          | R1            | R2            | R3            | R4 | RM | RH | RMH | MS        | MN | MM | MC | ME | MI | MD | MH | EM              | PO |                        |
| <b>RESIDENTIAL USES</b>            |             |               |               |               |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| <b>Household Living</b>            |             |               |               |               |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| Dwelling, single-family (detached) | P           | P             | P             | P             | P  | P* | P* | P   | P         | P  | P* | P* | P* |    |    | P* |                 |    | 20.03.030(b)(1)        |
| Dwelling, single-family (attached) |             |               | P*            | P*            | P* | P* | P* |     | P*        | P* | P* |    |    |    | P* |    |                 |    | 20.03.030(b)(2)        |
| Dwelling, duplex                   | C           | <del>C*</del> | <del>C*</del> | <del>C*</del> | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(3)        |
| Dwelling, triplex                  |             | <del>C*</del> | <del>C*</del> | <del>C*</del> | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, fourplex                 |             |               |               |               | C* | P* | P* |     | P*        | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, multifamily              |             |               |               |               | C* | P  | P  |     | P         | P* | P* | P  | P* | C  | P* |    |                 |    | 20.03.030(b)(5)        |
| Dwelling, live/work                |             |               |               |               | C* | P* | P* |     |           | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(6)        |
| Dwelling, cottage development      |             | C*            | C*            | C*            | C* | C* | C* |     |           | C* |    |    |    |    |    |    |                 |    | 20.03.030(b)(7)        |
| Dwelling, mobile home              |             |               |               |               |    |    |    | P*  |           |    |    |    |    |    |    |    |                 |    | 20.03.030(b)(8)        |

# Proposed Edits to UDO Adoption Draft

## 20.03.030(b)(3)(A) - Use-Specific Standards - Dwelling, Duplex

### CURRENT LANGUAGE – with approval of Amendment 2

#### (A) Location

- i. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.

## 20.03.030(b)(4)(A) - Use-Specific Standards – Dwelling, Triplex and Fourplex

### CURRENT LANGUAGE – with approval of Amendment 2

#### (B) Location

- i. For any property zoned R1, R2, or R3 on [effective date], triplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.
- iii. For any property that has been rezoned to R4 after [effective date] that was previously designated in the R1, R2, or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                | Residential |    |    |    |    |    |    |     | Mixed-Use |    |    |    |    |    |    |    | Non-Residential |    | Use-Specific Standards |
|------------------------------------|-------------|----|----|----|----|----|----|-----|-----------|----|----|----|----|----|----|----|-----------------|----|------------------------|
|                                    | RE          | R1 | R2 | R3 | R4 | RM | RH | RMH | MS        | MN | MM | MC | ME | MI | MD | MH | EM              | PO |                        |
| <b>RESIDENTIAL USES</b>            |             |    |    |    |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| <b>Household Living</b>            |             |    |    |    |    |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| Dwelling, single-family (detached) | P           | P  | P  | P  | P  | P* | P* | P   | P         | P  | P* | P* | P* |    |    | P* |                 |    | 20.03.030(b)(1)        |
| Dwelling, single-family (attached) |             |    | P* | P* | P* | P* | P* |     | P*        | P* | P* |    |    |    | P* |    |                 |    | 20.03.030(b)(2)        |

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| 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 |                        |
| Dwelling, duplex              | C           | C* | C* | C* | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(3)        |
| Dwelling, triplex             |             | C* | C* | C* | P* | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, fourplex            |             |    |    |    | C* | P* | P* |     | P*        | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, multifamily         |             |    |    |    | C* | P  | P  |     | P         | P* | P* | P  | P* | C  | P* |    |                 |    | 20.03.030(b)(5)        |
| Dwelling, live/work           |             |    |    |    | C* | P* | P* |     |           | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(6)        |
| Dwelling, cottage development |             | C* | C* | C* | C* | C* | C* | C*  |           | C* |    |    |    |    |    |    |                 |    | 20.03.030(b)(7)        |
| Dwelling, mobile home         |             |    |    |    |    |    |    | P*  |           |    |    |    |    |    |    |    |                 |    | 20.03.030(b)(8)        |

**PROPOSED LANGUAGE – to allow duplex, triplex, and fourplex in R1, R2, and R3 Zones as a permitted use**

**20.03.030(b)(3)(A) - Use-Specific Standards - Dwelling, Duplex**

**PROPOSED LANGUAGE – with approval of Amendment 2**

**(A) Location**

- i. For any property zoned R1, R2, or R3 on [effective date], duplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ~~ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.~~

**20.03.030(b)(4)(A) - Use-Specific Standards – Dwelling, Triplex and Fourplex**

**PROPOSED LANGUAGE – with approval of Amendment 2**

**(A) Location**

- i. For any property zoned R1, R2, or R3 on [effective date], triplex dwelling uses shall not be established on any lot or parcel that has been platted, replatted, subdivided, or consolidated after [effective date] where such action creates more R1, R2, or R3 residential lots than existed prior to such action.
- ~~ii. For any property that has been rezoned to R1, R2, or R3 after [effective date] 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.~~

iii. For any property that has been rezoned to R4 after [effective date] that was previously designated in the R1, R2, or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
 NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                | Residential |                |                |                |                |    |    |     | Mixed-Use |    |    |    |    |    |    |    | Non-Residential |    | Use-Specific Standards |
|------------------------------------|-------------|----------------|----------------|----------------|----------------|----|----|-----|-----------|----|----|----|----|----|----|----|-----------------|----|------------------------|
|                                    | RE          | R1             | R2             | R3             | R4             | RM | RH | RMH | MS        | MN | MM | MC | ME | MI | MD | MH | EM              | PO |                        |
| <b>RESIDENTIAL USES</b>            |             |                |                |                |                |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| <b>Household Living</b>            |             |                |                |                |                |    |    |     |           |    |    |    |    |    |    |    |                 |    |                        |
| Dwelling, single-family (detached) | P           | P              | P              | P              | P              | P* | P* | P   | P         | P  | P* | P* | P* |    |    | P* |                 |    | 20.03.030(b)(1)        |
| Dwelling, single-family (attached) |             |                | P*             | P*             | P*             | P* | P* |     | P*        | P* | P* |    |    |    | P* |    |                 |    | 20.03.030(b)(2)        |
| Dwelling, duplex                   | C           | <del>PE*</del> | <del>PE*</del> | <del>PE*</del> | P*             | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(3)        |
| Dwelling, triplex                  |             | <del>PE*</del> | <del>PE*</del> | C*             | P*             | P* | P* |     | P*        | P* | P* | C* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, fourplex                 |             |                |                | <del>C*</del>  | <del>PE*</del> | P* | P* |     | P*        | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(4)        |
| Dwelling, multifamily              |             |                |                |                | C*             | P  | P  |     | P         | P* | P* | P  | P* | C  | P* |    |                 |    | 20.03.030(b)(5)        |
| Dwelling, live/work                |             |                |                |                | C*             | P* | P* |     |           | P* | P* | P* |    |    | P* |    |                 |    | 20.03.030(b)(6)        |
| Dwelling, cottage development      |             | C*             | C*             | C*             | C*             | C* | C* | C*  |           | C* |    |    |    |    |    |    |                 |    | 20.03.030(b)(7)        |
| Dwelling, mobile home              |             |                |                |                |                |    |    | P*  |           |    |    |    |    |    |    |    |                 |    | 20.03.030(b)(8)        |

# Proposed Edits to UDO Adoption Draft

## 20.03.030(g)(5) - Use-Specific Standards – Dwelling, Accessory Unit

### CURRENT LANGUAGE - Table 3-1 and Use Specific Standards 20.030.30 (g) (5)

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
 NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                       | Residential |    |    |    |    |    |    |     | Mixed-Use |    |    |    |    |    |    |    | Non-Residential |                 | Use-Specific Standards |
|---|-------------|----|----|----|----|----|----|-----|-----------|----|----|----|----|----|----|----|-----------------|-----------------|------------------------|
|   | RE          | R1 | R2 | R3 | R4 | RM | RH | RMH | MS        | MN | MM | MC | ME | MI | MD | MH | EM              | PO              |                        |
| <b>ACCESSORY USES</b>                     |             |    |    |    |    |    |    |     |           |    |    |    |    |    |    |    |                 | 20.03.030(g)(1) |                        |
| Chicken flock                             | A*          | A* | A* | A* | A* | A* | A* | A*  | A*        | A* | A* | A* | A* | A* | A* | A* |                 | P*              | 20.03.030(g)(1)(G)     |
| Detached garage                           | A*          | A* | A* | A* | A* | A* | A* | A*  | A*        | A* | A* |    |    |    |    |    |                 |                 | 20.03.030(g)(3)        |
| Drive-through                             |             |    |    |    |    |    |    |     |           |    | A* | A  |    |    |    |    |                 |                 | 20.03.030(g)(4)        |
| Dwelling, accessory unit                  | A*          | A* | A* | A* | A* | A* | A* | A*  | A*        | A* | A* | A* | A* |    | A* | A* |                 |                 | 20.03.030(g)(5)        |
| Electric vehicle charging facility        | A           | A  | A  | A  | A  | A  | A  | A   | A         | A  | A  | A  | A  | A  | A  | A  | A               | A               |                        |
| Greenhouse, noncommercial                 | A           | A  | A  | A  | A  | A  | A  | A   | A         | A  | A  | A  | A  | A  | A  | A  | A               | A               |                        |
| Home occupation                           | A*          | A* | A* | A* | A* | A* | A* | A*  | A*        | A* | A* | A* | A* | A* | A* | A* |                 |                 | 20.03.030(g)(6)        |
| Outdoor retail and display                |             |    |    |    |    |    |    |     |           | T* | T* | T* |    |    | T* |    | A*              |                 | 20.03.030(g)(7)        |
| Outdoor trash and recyclables receptacles |             |    |    |    |    | A* | A* | A*  | A*        | A* | A* | A* | A* | A* | A* | A* | A*              |                 | 20.03.030(g)(8)        |
| Recycling drop-off, self-serve            |             |    |    |    |    | A  | A  |     | A         | A  | A  | A  | A  | A  | A  | A  |                 |                 |                        |
| Swimming pool                             | A*          | A* | A* | A* | A* | A* | A* | A*  | A*        | A* | A* | A* | A* | A* | A* | A* | A*              | A*              | 20.03.030(g)(9)        |

### (5) Dwelling, Accessory Unit

#### (A) Purpose

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

#### (B) Generally

- i. This use shall be accessory to a single-family or duplex dwelling that is the principal use on the same lot or parcel.
- ii. Not more than one ADU may be located on one lot.
- iii. ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.
- iv. ADUs shall not contain more than one bedroom.



- v. No more than one family, as defined in Chapter 20.07 (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located on one lot lawfully exceed that provided by the definition of family in Chapter 20.07 (Definitions), may continue to be occupied by the same number of persons as occupied the unit on that effective date.
- vi. A request for an ADU shall not be required to submit a separate site plan petition with the Planning and Transportation Department. Instead, compliance with these, and other applicable UDO standards in this UDO shall be verified through the building permit review process.

**PROPOSED LANGUAGE - Table 3-1 and Use Specific Standards 20.030.30 (g)(5) (A), (B), and (I) to make ADU use conditional.**

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an \*= use-specific standards apply  
 NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

| Use                                       | Residential |     |     |     |     |     |     |     | Mixed-Use |     |     |     |     |    |     |     | Non-Residential |                 | Use-Specific Standards |
|---|-------------|-----|-----|-----|-----|-----|-----|-----|-----------|-----|-----|-----|-----|----|-----|-----|-----------------|-----------------|------------------------|
|   | RE          | R1  | R2  | R3  | R4  | RM  | RH  | RMH | MS        | MN  | MM  | MC  | ME  | MI | MD  | MH  | EM              | PO              |                        |
| <b>ACCESSORY USES</b>                     |             |     |     |     |     |     |     |     |           |     |     |     |     |    |     |     |                 | 20.03.030(g)(1) |                        |
| Chicken flock                             | A*          | A*  | A*  | A*  | A*  | A*  | A*  | A*  | A*        | A*  | A*  | A*  | A*  | A* | A*  | A*  |                 | P*              | 20.03.030(g)(1)(G)     |
| Detached garage                           | A*          | A*  | A*  | A*  | A*  | A*  | A*  | A*  | A*        | A*  | A*  |     |     |    |     |     |                 |                 | 20.03.030(g)(3)        |
| Drive-through                             |             |     |     |     |     |     |     |     |           |     | A*  | A   |     |    |     |     |                 |                 | 20.03.030(g)(4)        |
| Dwelling, accessory unit                  | CA*         | CA* | CA* | CA* | CA* | CA* | CA* | CA* | CA*       | CA* | CA* | CA* | CA* |    | CA* | CA* |                 |                 | 20.03.030(g)(5)        |
| Electric vehicle charging facility        | A           | A   | A   | A   | A   | A   | A   | A   | A         | A   | A   | A   | A   | A  | A   | A   | A               | A               |                        |
| Greenhouse, noncommercial                 | A           | A   | A   | A   | A   | A   | A   | A   | A         | A   | A   | A   | A   | A  | A   | A   | A               | A               |                        |
| Home occupation                           | A*          | A*  | A*  | A*  | A*  | A*  | A*  | A*  | A*        | A*  | A*  | A*  | A*  | A* | A*  | A*  |                 |                 | 20.03.030(g)(6)        |
| Outdoor retail and display                |             |     |     |     |     |     |     |     |           | T*  | T*  | T*  |     |    | T*  |     | A*              |                 | 20.03.030(g)(7)        |
| Outdoor trash and recyclables receptacles |             |     |     |     |     | A*  | A*  | A*  | A*        | A*  | A*  | A*  | A*  | A* | A*  | A*  | A*              |                 | 20.03.030(g)(8)        |
| Recycling drop-off, self-serve            |             |     |     |     |     | A   | A   |     | A         | A   | A   | A   | A   | A  | A   | A   | A               |                 |                        |
| Swimming pool                             | A*          | A*  | A*  | A*  | A*  | A*  | A*  | A*  | A*        | A*  | A*  | A*  | A*  | A* | A*  | A*  | A*              | A*              | 20.03.030(g)(9)        |

**(5) Dwelling, Accessory Unit**

**(A) Purpose**

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

**(B) Generally**

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

**(I) Noticing**

- i. ~~Prior to final action by the Director, t~~he petitioner shall be responsible for mailing notice to all persons owning land within 300 linear feet from any property line of the parcel for which an ADU is being requested.

# Proposed Edits to UDO Adoption Draft

## 20.03.030(g)(5) - Use-Specific Standards – Dwelling, Accessory Unit

### CURRENT LANGUAGE - Use Specific Standards Table 3-4 and 20.030.30 (g)(5)(B), (E) and (F)

**Table 3-4: Number and Size of Accessory Structures Permitted**

| Zoning District                              | Maximum Number | Maximum Size (cumulative total)   |
|--|----------------|---|
| RE   | None           | 50 percent of the square footage of the primary structure   |
| R1   | 2              | 1,000 square feet or 50 percent of the square footage of the primary structure, whichever is less |
| R2   |                | 840 square feet   |
| R3   |                | 580 square feet   |
| R4   |                | 400 square feet   |
| RM, RH, RMH<br>MS, MN, MM, MD, MC,<br>ME, MH | None           | 15 percent of the cumulative square footage of the primary building(s) footprint.                 |
| MI, IN, OS                                   | None           | None  |

#### (5) Dwelling, Accessory Unit

##### (B) Generally

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

**(E) Standards for Attached ADUs**

- i. The maximum square footage of any attached ADU shall be 600 square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

**(F) Standards for Detached ADUs**

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(2) (Residential).

- i. The maximum square footage of any detached ADU shall be 440 square feet.
- ii. The detached ADU shall not exceed 25 feet in height.
- iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.
- iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures). Where one or more of the standards in Section 20.03.030(g) (Accessory Uses and Structures) conflict with these use-specific standards, these use-specific standards shall govern.
- v. A detached ADU shall be set back from any side or rear property line that does not abut an alley by at least 10 feet, and from any side or rear property line that abuts an alley by at least five feet.
- vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

**PROPOSED LANGUAGE - Use Specific Standards Table 3-4 and 20.030.30 (g) (5)(B), (E) and (F) to allow for larger and two bedroom ADUs.**

**Table 3-4: Number and Size of Accessory Structures Permitted**

| Zoning District                              | Maximum Number | Maximum Size (cumulative total)   |
|--|----------------|---|
| RE   | None           | 50 percent of the square footage of the primary structure   |
| R1   | 2              | 1,000 square feet or 50 percent of the square footage of the primary structure, whichever is less |
| R2   |                | 840 square feet   |
| R3   |                | 580 square feet   |
| R4   |                | 400 square feet   |
| RM, RH, RMH<br>MS, MN, MM, MD, MC,<br>ME, MH | None           | 15 percent of the cumulative square footage of the primary building(s) footprint.                 |
| MI, IN, OS                                   | None           | None  |

**(5) Dwelling, Accessory Unit****(B) Generally**

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

**(E) Standards for Attached ADUs**

- i. The maximum square footage of any attached ADU shall ~~not exceed 50% percent of the gross floor area of the existing principal dwelling, up to a maximum of 1,200 total~~ ~~be 600~~-square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

**(F) Standards for Detached ADUs**

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(2) (Residential).

- i. ~~The maximum square footage of any d~~Detached ADUs shall ~~be 440 square feet, comply with the maximum square footage thresholds established in Table 3-4: Number and Size of Accessory Structures Permitted and shall also comply with the maximum impervious surface coverage established in Table 4-2: Residential District Dimensional Standards.-~~
- ii. The detached ADU shall not exceed 25 feet in height.
- iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.
- iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures). Where one or more of the standards in Section 20.03.030(g) (Accessory Uses and Structures) conflict with these use-specific standards, these use-specific standards shall govern.

- v. A detached ADU shall be set back from any side or rear property line that does not abut an alley by at least 10 feet, and from any side or rear property line that abuts an alley by at least five feet.
- vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

# Proposed Edits to UDO Adoption Draft

## 20.07.10 – Definitions – Livestock

### CURRENT LANGUAGE

#### Livestock, Large

Large livestock includes but is not limited to horses, ponies, stallions, colts, geldings, mares, bulls, steers, heifers, cows, calves, mules, alpacas, emus, jacks jennets and other animals that the Planning and Transportation Director determines to be of similar size, weight, and impacts on the land.

#### Livestock, Medium

Medium livestock includes but is not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets.

### PROPOSED LANGUAGE

## 20.07.10 – Definitions – Livestock

### CURRENT LANGUAGE

#### Livestock, Large

Large livestock includes domesticated animals that weigh more than 350 pounds including but not limited to horses, ponies, stallions, colts, geldings, mares, bulls, steers, heifers, cows, calves, mules, alpacas, emus, jacks jennets and other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

#### Livestock, Medium

Medium livestock includes domesticated animals weighing between 100 pounds and 350 pounds including but not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets. -Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.

## 20.03.030 – Use-Specific Standards – Crops and Pasturage

### (1) Crops and Pasturage

#### (A) Generally

- i. Except in the RE zoning district, this use shall be accessory to a principal use on the same lot or parcel.

- ii. Land with a slope in excess of 15 percent shall not be considered in determining the total pasture size and shall not be used for pasture purposes.
- iii. All outside pens, exercise areas, and pastures shall be fenced.

**(B) Location**

Structures containing livestock or livestock waste (except chicken coops) shall meet the following minimum setbacks:

- i. Front setback: 75 feet;
- ii. Side setback: 50 feet;
- iii. Rear Setback: 75 feet.

**(C) Number of Livestock**

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

**Table 3-3: Number of Animals Allowed**

| Animal Type      | Pasture Size (minimum) | Livestock per Acre (maximum)                    |
|------------------|------------------------|---|
| Large Livestock  | 1 acre                 | 1 per acre of pasturage                         |
| Medium Livestock | 0.5 acres              | 1 per 0.5 acre of pasturage <a href="#">[1]</a> |

**Notes:**

[\[1\]](#) Hybrid or miniaturized, medium livestock that weigh less than 100 pounds, when fully grown, shall count as 1/3 each towards the maximum animals per acre allowed.