

CITY OF BLOOMINGTON



PLAN COMMISSION

**September 10, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

**CITY OF BLOOMINGTON
PLAN COMMISSION – Special Hearing
September 10, 2019 at 5:30 p.m.
#115**

❖City Council Chambers – Room

ROLL CALL

MINUTES TO BE APPROVED: None

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 9/10/19 – Council Chambers – City Hall, 5:30 PM
 - 9/16/19 – Council Chambers – City Hall, 5:30 PM
 - 9/17/19 – CBU Board Room - Utilities Service Center, 5:30 PM
 - 9/23/19 – 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
 - Plan Commission Resolutions
 - Amendments 3, 5A, 5B, 6, 7, 9, 10, 11, 12, and 16
 - Public Comment on Amendments (with time limitations)
 - 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 16, 2019*

Last Updated: 9/10/2019

**Auxiliary aids for people with disabilities are available upon request with adequate notice.
Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.**

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.

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.

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.

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(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	
ACCESSORY USES																		20.03.030(g)(1)	
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(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	
ACCESSORY USES																		20.03.030(g)(1)	
Chicken flock	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 MS, MN, MM, MD, MC, 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 MS, MN, MM, MD, MC, 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 [1]

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.

Proposed Edits to UDO Adoption Draft

20.04.110(c)(7) – Payment-in-Lieu

CURRENT LANGUAGE

(7) Payment-in-Lieu

- (G) A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by the Plan Commission if it determines that:
- i. Creation of affordable housing on the petitioner’s property would lead to an undesirable area/neighborhood concentration of very low- or low-income housing; or
 - ii. Creation of affordable housing on the petitioner’s property would result in income-restricted households being located more than a 10-minute walk or one-quarter mile from needed public services or public transit; or
 - iii. Because of the small size of the petitioner’s project, compliance with Tier 1 or Tier 2 affordability standards would require the creation of less than three affordable dwelling units.
- (H) The provisions of this Section 20.04.110(c)(7) shall not become effective until the City adopts administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law.

PROPOSED LANGUAGE – clarify procedures and methods used and have Common Council approve the procedures.

(7) Payment-in-Lieu

- (A) A payment-in-lieu of providing housing that meets the Tier 1 or Tier 2 affordability criteria may be authorized by the Plan Commission if it determines that:
- i. Creation of affordable housing on the petitioner’s property would lead to an undesirable area/neighborhood concentration of very low- or low-income housing; or
 - ii. Creation of affordable housing on the petitioner’s property would result in income-restricted households being located more than a 10-minute walk or one-quarter mile from needed public services or public transit; or
 - iii. Because of the small size of the petitioner’s project, compliance with Tier 1 or Tier 2 affordability standards would require the creation of less than three affordable dwelling units.
- (B) The provisions of this Section 20.04.110(c)(7) shall not become effective until the City Common Council adopts administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law. The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:

- i. Housing and Urban Development (HUD) annual rents based on Area Median Income;
- ii. Area Median Income (per person, income bracket, etc.);
- iii. Rental rates per unit or per bedroom;
- iv. Utility rates allowances per unit;
- v. Tiered rental rates based on percentages above and/or below AMI; and
- vi. Payment contribution rates.

20.07.10 – Defined Words

PROPOSED LANGUAGE – add new definitions

Low and Moderate Income Housing

Residential housing units that serve individuals, households, or families with annual incomes less than 80 percent of the Area Median Income. These housing units would qualify under Section 20.04.110(c)(2)(B) (Eligibility) for Tier 2 affordable housing incentives.

Workforce Housing

Residential housing units that serve individuals, households, or families with annual incomes less than 120 percent of the Area Median Income. These housing units would under Section 20.04.110(c)(2)(B) (Eligibility) for Tier 1 affordable housing.

Proposed Edits to UDO Adoption Draft

20.06.50(c)(D)(ii)(2) – Demolition Delay Permit – Exempt to Post Notice

CURRENT LANGUAGE

2. Exemption to Posted Notice

- [a] This section shall not apply to a petition for partial demolition of a property classified as "Contributing" in any single-family district if staff for the Historic Preservation Commission reviews and releases the petition.
 - i. Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the Historic Preservation Commission as outlined in Section 2.16.010(c) of the Bloomington Municipal Code.
 - ii. If within seven business days of the receipt of a petition the staff has not taken steps to forward the matter to the Historic Preservation Commission for further review, the petition shall be released automatically and the provisions of Section 20.06.050(c) shall apply.
 - iii. Staff's decision shall be based on the same criteria used by the Historic Preservation Commission when it renders a determination about whether or not a property should be recommended for local historic designation.

20.07.10 – Defined Words (for reference)

Partial Demolition

The complete or substantial removal or destruction of any exterior portion of a structure, which shall include but not be limited to:

- 1) Complete or substantial removal or destruction of a porch, wing, cupola, addition, or similar feature; or
- 2) Partial demolition of a roof shall include work that results in any change to the pitch of any portion of the roof, or; covering or otherwise obscuring an existing roof with a new roof of different pitch or material, or; adding any gable, dormer or other similar feature to an existing roof; or
- 3) Any work resulting in the obscuring from view of forty percent or more of the exterior of any façade on the structure; or, removal or destruction of the exterior surface of forty percent or more of the area of any exterior façade on the structure; or
- 4) Construction or attachment of any addition to a structure; or
- 5) Replacement of any window or door where the window or door opening is enlarged or obscured from view; or
- 6) Creation of any new window or door opening.

PROPOSED LANGUAGE – consider the impacts of partial demolition of a contributing structure that may alter the area’s overall historic character.

2. Exemption to Posted Notice

[a] This section shall not apply to a petition for partial demolition of a property classified as "Contributing" in any single-family district if staff for the Historic Preservation Commission reviews and releases the petition.

- i. Staff, for purposes of this subsection, shall be those persons who have the same or equivalent technical expertise as the members of the Historic Preservation Commission as outlined in Section 2.16.010(c) of the Bloomington Municipal Code.
- ii. If within seven business days of the receipt of a petition the staff has not taken steps to forward the matter to the Historic Preservation Commission for further review, the petition shall be released automatically and the provisions of Section 20.06.050(c) shall apply.
- iii. Staff’s decision shall be based on the same criteria used by the Historic Preservation Commission when it renders a determination about whether or not proposed alterations to a property could result in the property losing its status as a “Contributing” structure and the structure being rated as “Non-Contributing” a property should be recommended for local historic designation.

Proposed Edits to UDO Adoption Draft

20.06.60(C)iii – Secondary Plat – Financial Surety Required

CURRENT LANGUAGE

1. **Review**

The City Planning and Transportation Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Planning and Transportation Department shall verify that the performance bond or letter of credit shall:

- [a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Planning and Transportation Department requirements;
- [b] Provide surety satisfactory to the city or to the county;
- [c] Run to and be in favor of the city or the county;
- [d] Specify the time for the completion of the improvements and installations (both on- and off-site);
- [e] Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years. The performance surety will remain in effect during this two-year period in the amount of five percent of the original performance surety, or \$10,000.00, whichever is greater, or as determined by the Transportation and Traffic Engineer; and
- [f] Be in a form approved by the City Legal Department.

2. **Report**

The City Planning and Transportation Department shall recommend approval or rejection of the performance surety to the Board of Public Works.

3. **Record**

The City Planning and Transportation Department shall maintain records of all petitions, plans, and permits filed for a performance surety.

4. **Time Limit**

The completion of public facility improvements and installations shall be within two years of the approval of the project.

5. **Extension of Completion Time**

Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the City Planning and Transportation Department may approve the petitioner's written request for an extension of time for up to one additional year, granted at six month intervals and conditioned in every case upon extension or renewal of the surety accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.

6. **Nonperformance**

Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the City Planning and Transportation Department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

7. **Expiration**

The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City Planning and Transportation Department, and the maintenance surety has been accepted.

8. **Performance Surety Reductions**

- [a] Annual partial releases of performance sureties held by the city shall be approved by the City Planning and Transportation Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the Planning and Transportation Director or his or her designee, and the developer or his or her designee.
- [b] The following standards shall apply to any request for a bond reduction:
 - i. No more than three reductions shall be permitted within any 24-month period.
 - ii. No performance surety shall be reduced beyond 75 percent of the original bond amount.
 - iii. Periodic partial releases shall not occur before completion of at least 30 percent of the improvements covered by the performance surety.

PROPOSED LANGUAGE

3. **Review**

The City Planning and Transportation Department shall review the estimate upon receipt of a complete petition and supportive documents. The City Planning and Transportation Department shall verify that the performance bond or letter of credit shall:

- [a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Planning and Transportation Department requirements;
 - [b] Provide surety satisfactory to the city or to the county;
 - [c] Run to and be in favor of the city or the county;
 - [d] Specify the time for the completion of the improvements and installations (both on- and off-site);
 - [e] Be in effect and shall not terminate until a period of two years after the date of substantial completion of the public improvements, but in no situation shall the performance bond or letter of credit be permitted to have an effective period greater than three years. The performance surety will remain in effect during this two-year period in the amount of five percent of the original performance surety, or \$10,000.00, whichever is greater, or as determined by the Transportation and Traffic Engineer; and
 - [f] Be in a form approved by the City Legal Department.
4. **Report**
The City Planning and Transportation Department shall recommend approval or rejection of the performance surety to the Board of Public Works.
5. **Record**
The City Planning and Transportation Department shall maintain records of all petitions, plans, and permits filed for a performance surety.
6. **Time Limit**
The completion of public facility improvements and installations shall be within two years of the approval of the project.
7. **Extension of Completion Time**
Should the petitioner not complete the public facility improvements and installations as herein required within a two year period, the City Planning and Transportation Department may approve the petitioner's written request for an extension of time for up to one additional year, granted at six month intervals and conditioned in every case upon extension or renewal of the surety accordingly, for completion of the required public facility improvements and installations, but in no situation shall an extension of a performance bond or letter of credit be permitted to have an effective period greater than three years.
8. **Nonperformance**
Should the petitioner not complete the public facility improvements and installations as required by this UDO within the two year period or within any time extension approved by the City Planning and Transportation Department, the city may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.

9. **Expiration**

The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the certificate of final acceptance is approved by the City Planning and Transportation Department, and the ~~maintenance-performance~~ surety has been accepted.

10. **Performance Surety Reductions**

- [a] Annual partial releases of performance sureties held by the city shall be approved by the City Planning and Transportation Department in accordance with a partial release schedule agreed to in a signed written document, after that document has been signed by the Planning and Transportation Director or his or her designee, and the developer or his or her designee.
- [b] The following standards shall apply to any request for a bond reduction:
- i. No more than three reductions shall be permitted within any 24-month period.
 - ii. No performance surety shall be reduced beyond 75 percent of the original bond amount.
 - iii. Periodic partial releases shall not occur before completion of at least 30 percent of the improvements covered by the performance surety.

Proposed Edits to UDO Adoption Draft

20.02.50(b) – PUD Qualifying Standards

CURRENT LANGUAGE

A petition for rezoning into a Planned Unit Development (PUD) district may only be considered if the petition meets the following criteria, as determined by the Planning and Transportation Director:

- (1) The proposed PUD zoning district includes a minimum of five acres of land;
- (2) The land included in the proposed PUD zoning district is not within the Mixed-Use Downtown (MD) zoning district;
- (3) Where residential dwelling units are proposed, a minimum of 15 percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana, unless the City otherwise adjusts or releases this requirement. A payment-in-lieu of providing income-restricted housing may be authorized by the Common Council, provided the payment is in an amount estimated to offset the cost to the City of providing an equivalent amount of income-restricted housing.
- (4) The proposed PUD could not be developed using conventional zone districts or standards established in this UDO;
- (5) The land included in the proposed PUD is under single ownership or control. Single control of property under multiple ownership may be considered when the petition includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PUD is approved; and
- (6) The proposed PUD zoning district embraces several highly-valued design features, as determined by the Planning and Transportation Director, including but not limited to:
 - (A) No block perimeter greater than 1,400 feet in the development;
 - (B) Centralized gathering and recreation spaces of an appropriate size for the entire development, or designed to serve an area larger than the entire development;
 - (C) Internally and externally connected park, trail, and open space system;
 - (D) Low Impact Development design features throughout the development;
 - (E) Solar orientation of building forms and other passive energy-efficient design strategies throughout the development,
 - (F) Community-level renewable energy production;
 - (G) Protection of specific natural, environmental, or scenic resources or green spaces; and/or
 - (H) Retaining natural landforms throughout the development.

PROPOSED LANGUAGE – rearrange high-valued design features

A petition for rezoning into a Planned Unit Development (PUD) district may only be considered if the petition meets the following criteria, as determined by the Planning and Transportation Director:

- (1) The proposed PUD zoning district includes a minimum of five acres of land;
- (2) The land included in the proposed PUD zoning district is not within the Mixed-Use Downtown (MD) zoning district;
- (3) Where residential dwelling units are proposed, a minimum of 15 percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than 120 percent of the HUD AMI for Monroe County, Indiana, unless the City otherwise adjusts or releases this requirement. A payment-in-lieu of providing income-restricted housing may be authorized by the Common Council, provided the payment is in an amount estimated to offset the cost to the City of providing an equivalent amount of income-restricted housing.
- (4) The proposed PUD could not be developed using conventional zone districts or standards established in this UDO;
- (5) The land included in the proposed PUD is under single ownership or control. Single control of property under multiple ownership may be considered when the petition includes enforceable agreements, covenants, or commitments that run to the benefit of the City and that the City may require to be recorded if the PUD is approved; and
- (6) The proposed PUD zoning district embraces the following highly-valued environmental design features:
 - (A) Protection of specific natural, environmental, or scenic resources or green spaces; and/or
 - (B) Retaining natural landforms throughout the development.
- (7) The proposed PUD zoning district embraces several highly-valued community design features, as determined by the Planning and Transportation Director, including but not limited to:
 - (A) No block perimeter greater than 1,400 feet in the development;
 - (B) Centralized gathering and recreation spaces of an appropriate size for the entire development, or designed to serve an area larger than the entire development;
 - (C) Internally and externally connected park, trail, and open space system;
 - (D) Low Impact Development design features throughout the development;
 - (E) Solar orientation of building forms and other passive energy-efficient design strategies throughout the development, and/or
 - (F) Community-level renewable energy production;
 - (G) ~~Protection of specific natural, environmental, or scenic resources or green spaces; and/or~~
 - (H) ~~Retaining natural landforms throughout the development.~~

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CURRENT LANGUAGE

20.01.10 Mixed-Use Zoning Districts

(a) MS: Mixed-Use Student Housing

(1) Purpose

The MS district is intended to accommodate an adequate supply and mix of housing opportunities for students in areas adjacent to campus and along commercial corridors that are well served by transit with access to campus. This district may also provide related commercial and retail-supportive uses.



Figure 1: Illustrative Scale and Character

PROPOSED LANGUAGE

(a) MS: Mixed-Use Student Housing

(1) Purpose

The MS district is intended to accommodate an adequate supply and mix of housing opportunities for students in areas adjacent- or within easy walking distance to campus and along nearby commercial corridors, and that are well with easy access to campus- serviced by public transit with access to campus and to university-provided parking, such as the area located directly west, southwest, and northwest of Memorial Stadium. The district is intended to have a high percentage of student-oriented housing units, including larger developments that might not be permitted in other districts, but not totally exclusive of other types of residential housing units. This district should not be located in close proximity to the MD district but may also provide MS related commercial and retail-supportive uses.

Proposed Edits to UDO Adoption Draft

20.02.01(C)(1) – Zoning Districts Established - PUD

CURRENT LANGUAGE

(a) Planned Unit Development Districts

- (1) Planned Unit Development districts are separate base zoning districts negotiated with the City and approved by City Council pursuant to those procedures shown in Chapter 20.06.
- (2) On the Official Zoning Map an approved planned unit development zoning district shall be labeled "PUD."

PROPOSED LANGUAGE

(b) Planned Unit Development Districts

- (1) Planned Unit Development districts are separate base zoning districts negotiated with the Planning and Transportation Department and the Plan Commission~~City~~ and approved by City Council pursuant to those procedures shown in Chapter 20.06.
- (2) On the Official Zoning Map an approved planned unit development zoning district shall be labeled "PUD."