

CITY OF BLOOMINGTON



PLAN COMMISSION
Special Hearing

September 16, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL

**CITY OF BLOOMINGTON
PLAN COMMISSION – Special Hearing
September 16, 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)**
 - 9/16/19 – 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
 - **Consent Agenda Amendments:**
 - Amendments:10 corrected, 11, 14, 15, and 16
 - Amendments 3 (tabled), 4A , 9, 12, 13, 19, 20, 21, and 23
 - Public Comment on Amendments (with time limitations)
 - Public Comment on items NOT covered by any Resolutions (with time limitations)

Status of amendments previously discussed: 2 adopted, 4B failed, 5A adopted, 5B adopted as amended, 6 adopted, and 7 adopted as amended. Amendments 1, 8, 17, 18, and 22 are being drafted.

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 17, 2019*

Last Updated: 9/15/2019

**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

20.06.50(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 maintenance surety ~~performance surety~~ will remain in effect during ~~the~~ is two-year period after the certificate of final acceptance is approved 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**

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- [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.~~

Proposed Edits to UDO Adoption Draft

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

20.04.060(g)(4) – Parking and Loading – Adjustments and 20.04.50(c)(1) – Access and Connectivity – Driveway and Access

CURRENT LANGUAGE

(4) On-Street Parking

Any on-street parking space in which more than one-half of the area of the parking space abuts the subject property, may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

- (A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses;
- (B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use;
- (C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
- (D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- (E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off-street parking requirements of this chapter.

(5) Modification of Minimum Parking Requirement Based on Parking Study

If a petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 4-9: Minimum Vehicle Parking Requirements, and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the City Planning and Transportation Department may authorize a reduction in required off-street parking spaces based on that study.

(c) Driveways and Access

(4) Number of Drives

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

For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards:

- i. The maximum circle drive width shall be 10 feet;
- ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and
- iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(B) All Other Uses

No property shall be permitted to have more than two driveway access points per street frontage.

(5) Location and Separation of Drives

(A) Generally

- i. No entrance or drive shall be installed:
 - 1. Within 50 feet of any intersection.
 - 2. Within the front parking setback running less than 45 degrees from parallel to the street right-of-way or ingress/egress easement.
- ii. For nonresidential uses located on corner lots, drive access shall be located on the street assigned the lower functional classification according to the Transportation Plan.
- iii. Multifamily dwelling developments may use garages with individual driveways accessing the street provided that the street being accessed is designated a local street and consistent with access management by the Transportation Plan or is a private street.

(B) Street Classification

The classification of all streets shall be as indicated on the Transportation Plan as contained in the Comprehensive Plan.

(C) Distance Calculations

- i. The distances applicable to the standards outlined in this Section 20.04.50 shall be determined as follows:
 - 1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or
 - 2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive.
- ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the Transportation and Traffic Engineer.

(D) Arterial or Collector Streets

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses

No entrance or drive along an arterial or collector street shall be installed within 50 feet of any intersecting street.

ii. All Other Uses

- 1. No entrance or drive along an arterial or collector street shall be installed:

- [a] Within 150 feet of any intersecting street.
 - [b] Within 100 feet of another driveway entrance.
2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

(E) Neighborhood Streets

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses

No entrance or drive along a neighborhood street shall be installed within 30 feet of any intersecting street.

ii. All Other Uses

1. No entrance or drive along a neighborhood street shall be installed:
 - [a] Within 100 feet of any intersecting street.
 - [b] Within 50 feet of another driveway entrance.
2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

(F) Improved Alley Access in the R3 and R4 District

In the R3 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.60 (Parking and Loading), shall be accessed directly from the adjacent alley.

(6) Driveway and Access Design

(A) Generally

- i. The City Planning and Transportation Department shall determine curb radii and other construction standards for all entrances based on the smallest design vehicle possible and to still accommodate the most common vehicle and occasional larger vehicles with appropriate encroachments, and whether an acceleration lane, deceleration lane, or passing blister is required.
- ii. Driveways shall not impede the flow of drainage. Where driveway culverts are necessary to accommodate drainage, the culvert pipe size shall be determined by a licensed engineer to prevent flooding.

(B) Driveway Pavement Widths

i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses

1. The width of a driveway between the required front building setback and the street shall not exceed the width of the door of an attached garage or 22 feet where there is no attached garage.
2. In the R3 zoning district, the maximum width of a driveway shall be 18 feet regardless of the presence of a garage.

ii. All Other Uses

No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half of the below requirements):

1. 24 feet if from a nonresidential use onto an arterial or collector street. The City Engineer may authorize a 34-foot entrance to accommodate heavy truck use.
2. 24 feet if from a nonresidential use onto a neighborhood street.
3. 24 feet if from a mixed-use multifamily residential use onto any type of street.

(C) Surface Material

- i. Unless specifically stated otherwise in this UDO, all entrances and drives shall be asphalt, concrete, or other material approved by the city.
- ii. The Planning and Transportation Director may approve structurally engineered, permeable parking pavers for entrances and drives provided these areas are intended for low intensity or intermittent vehicular use and pavers are designed and used to mitigate the negative environmental impacts of impervious surfaces.
- iii. Areas using permeable pavers shall not be counted in impervious surface calculations.
- iv. For new development, all driveway aprons onto a street shall be constructed of concrete.
- v. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with asphalt or concrete.
- vi. Drive cuts shall ramp to meet the pedestrian and/or bicycle facility in order to keep the pedestrian and/or bicycle facility at the same grade, unless approved by the Transportation and Traffic Engineer due to site elevation constraints.
- vii. Surface materials for single-family residential driveways shall be as required in Section 20.04.060(i)(7).

PROPOSED LANGUAGE – allow adjustment for on-street parking for duplex, triplex, and fourplex residential uses.

(c) Access

(1) Number of Drives

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

For single-family ~~duplex, triplex, and fourplex residential uses~~, a maximum of one driveway access point shall be permitted regardless of the number of street frontages, except that a circle drive shall be permitted according to ~~the following standards paragraph (D) below~~.

- ~~i. The maximum circle drive width shall be 10 feet;~~
- ~~ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and~~
- ~~iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.~~

(B) Duplex, Triplex, and Fourplex Residential Uses

For duplex, triplex, and fourplex residential uses, a maximum of two driveway access points shall be permitted regardless of the number of street frontages. A circle drive shall be permitted according to paragraph (D) below.

(B)(C) All Other Uses

No property shall be permitted to have more than two driveway access points per street frontage.

(C)(D) Circle Drive Standards

Circle drives shall be permitted for any single-family, duplex, triplex, and fourplex residential use according to the following standards:

- i. The maximum circle drive width shall be 10 feet;
- ii. The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and
- iii. The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

(4) On-Street Parking

Any on-street parking space in which more than one-half of the area of the parking space abuts the subject property, may be counted toward the minimum number of required vehicle parking spaces on a one-to-one basis, subject to the following:

- (A) On-street parking may ~~not~~ be used to meet up to one-half of the minimum required off-street parking requirements for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses;
- (B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any minimum vehicle parking requirements for any use;
- (C) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
- (D) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.
- (E) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street vehicle parking does not meet the minimum off street parking requirements of this chapter.

(5) Modification of Minimum Parking Requirement Based on Parking Study

If a petitioner submits a parking demand study demonstrating that anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 4-9: Minimum Vehicle Parking Requirements, and the City Planning and Transportation Department determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street vehicle parking demand for the proposed development, use, or combination of uses, the City Planning and Transportation Department may authorize a reduction in required off-street parking spaces based on that study for any use or combination of uses that does not include duplex, triplex, and fourplex residential uses.

Proposed Edits to UDO Adoption Draft

20.04.80(e) – Landscaping and Buffering – Prohibited Plant Species, Table 4-18

CURRENT LANGUAGE

(e) Prohibited Plant Species

Species identified in Table 4-18: Prohibited Plant Species are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 4-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
Invasive Trees	
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
White Mulberry	<i>Morus alba</i>
European or Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy or Smooth Buckthorn	<i>Rhamnus frangula</i>
Buckthorn Tallhedge	<i>Rhamnus frangula columnaris</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Trees with Poor Characteristics	
Box Elder	<i>Acer negundo</i>
Silver maple	<i>Acer saccharinum</i>
European White Birch	<i>Betula pendula</i>
Ash	<i>Fraxinus</i> species
Ginkgo (female only)	<i>Ginkgo biloba</i>
Flowering Crabapple	<i>Malus</i>
<i>Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Doubloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'.</i>	
Bradford Pear	<i>Pyrus calleryana</i>
American Elm	<i>Ulmus Americana</i>

PROPOSED LANGUAGE**(e) Prohibited Plant Species**

Species identified in Table 4-18: Prohibited Plant Species are considered unacceptable and shall not be planted because of invasive characteristics, weak wood, and/or abundant litter.

Table 4-18: Prohibited Plant Species

* = Indiana State-listed noxious weeds (USDA, INDNR, &/or State Seed Commissioner)

+ = Indiana detrimental plants (INDNR)

Common Name	Scientific Name
<u>Prohibited Invasive Trees</u>	
Amur Maple	<i>Acer ginnala</i>
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
White Mulberry	<i>Morus alba</i>
European or Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy or Smooth Buckthorn	<i>Rhamnus frangula</i>
Buckthorn Tallhedge	<i>Rhamnus frangula columnaris</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
<u>Prohibited Non-Invasive Trees with Poor Characteristics</u>	
Box Elder	<i>Acer negundo</i>
Silver maple	<i>Acer saccharinum</i>
European White Birch	<i>Betula pendula</i>
Ash	<i>Fraxinus</i> species
Gingko (female only)	<i>Gingko biloba</i>
Flowering Crabapple	<i>Malus</i>
<i>Cultivars: 'Brandywine', 'Candied Apple', 'Donald Wyman', 'Doubloons', 'Indian Magic', 'Indiana Summer', 'Liset', 'Madonna', 'Mary Potter', 'Prairie Maid', 'Profusion', 'Robinson', 'Selkirk', 'Sentinel', 'Snowdrift', 'Sugar Tyme', 'Velvet Pillar', 'White Cascade', 'White Candle'.</i>	
Bradford Pear	<i>Pyrus calleryana</i>
American Elm	<i>Ulmus Americana</i>

Proposed Edits to UDO Adoption Draft

20.04.060(i)(8) – Parking and Loading – Electric Vehicle Charging

CURRENT LANGUAGE

(8) **Electric Vehicle Charging**

Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 50 parking spaces provided on-site. Electric vehicle parking spaces shall not count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

- (A) Located on the same lot as the principal use;
- (B) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and
- (C) Outfitted with a standard electric vehicle charging station.

PROPOSED LANGUAGE

(8) **Electric Vehicle Charging**

Parking areas with 50 or more parking spaces shall provide a minimum of one parking space dedicated to electric vehicles for every 50-25 parking spaces provided on-site. The provision of three or fewer ~~Electric vehicle~~ parking spaces shall not count toward the maximum allowed number of parking spaces. The provision of four or more electric vehicle parking spaces shall count toward the maximum allowed number of parking spaces. The electric vehicle parking space shall be:

- (A) Located on the same lot as the principal use;
- (B) Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and
- (C) Outfitted with a standard electric vehicle charging station.

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."

Proposed Edits to UDO Adoption Draft

20.04.120(e) – Operations and Maintenance - Noise

CURRENT LANGUAGE

(e) Noise

All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.

PROPOSED LANGUAGE – cover additional situations that create any noise above 65 decibels

(e) Noise

All activities shall comply with Chapter 14.09 (Noise Controls) of the Bloomington Municipal Code regarding permissible levels of noise and shall be conducted so as to avoid the creation of any noise that would create a public nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sound inward from property boundaries, rather than outward towards property boundaries. Amplified sounds at a level higher than 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines unless an approval has been issued for that purpose in connection with a special event.

Sounds from mechanical equipment (including but not limited to subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks) that exceed 65 decibels (the level of normal conversation) shall not be allowed to cross lot lines for more than 60 consecutive minutes.

Proposed Edits to UDO Adoption Draft

20.02.010(2) – Dimensional Standards – Tables 2-4:R2, 2-5:R3, and 2-6:R4

CURRENT LANGUAGE

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-4: R2 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	8,400 square feet (0.193 acres)[1]
B	Lot width	60 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
D	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
E	Side	First Floor: 8 feet Each story above the ground floor: 10 feet [1] [2]
F	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-5: R3 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,500 square feet (0.126 acres) [1]
B	Lot width	50 feet [1]
Building Setbacks (Minimum)		
C	Front build-to line	15 feet or the median front setback of abutting residential structures , whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	First floor: 6 feet Each story above the ground floor: 10 feet [1] [2]
E	Rear	25 feet [1]
Other Standards		

	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-6: R4 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	4,200 square feet (0.096 acres)
B	Lot width	35 feet
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	5 feet
E	Rear	25 feet
Other Standards		
	Impervious surface coverage (maximum)	50%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

PROPOSED LANGUAGE - Reduce the minimum lot area for R2, R3, and R4 zones

Commentary: Data analysis on existing, privately held lots, demonstrate actual lot areas are much larger than the minimum lot area standards for the RS/R2 and RC/R3 zones. The proposed reduction in minimum lot area would allow for limited in-fill single family housing, including ADUs, which can help to reduce development barriers and increase housing supply. Furthermore, the Adoption Draft prohibits subdivision of existing R2, R3 lots in order to established duplex, triplex, and fouxplex housing. The following existing lot size analysis is consistent with the subsequent proposed changes to minimum lot area for the R2, R3, and R4 zones:

- 20% (785 of 3816) RC parcels are under 4500 square feet
- 57% (2172 of 3816) RC parcels are under 7200 square feet
 - Average RC lot size is 4982 square feet
- 18% (1126 of 6225) RS Parcels are under 8400 square feet
- 20% (1275 of 6255) RS parcels are over 20,000 square feet

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-4: R2 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	8,400,720 square feet (0.16593 acres)[1]
B	Lot width	60 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
D	Attached front-loading garage or carport	10 feet behind the primary structure’s front building wall
E	Side	First Floor: 8 feet Each story above the ground floor: 10 feet [1] [2]
F	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-5: R3 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,500 square feet (0.11526 acres) [1]
B	Lot width	50 feet [1]
Building Setbacks (Minimum)		
C	Front build-to line	15 feet or the median front setback of abutting residential structures , whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure’s front building wall
D	Side	First floor: 6 feet Each story above the ground floor: 10 feet [1] [2]
E	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

(2) Dimensional Standards

The following table is a summary of the district specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 2-6: R4 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
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A	Lot area	4,200 square feet (0.0926 acres)
B	Lot width	35 feet
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	5 feet
E	Rear	25 feet
Other Standards		
	Impervious surface coverage (maximum)	50%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Proposed Edits to UDO Adoption Draft

20.03.030(g)(4) Use Specific Standards – Accessory uses and 20.04.60(k) Parking and Loading – Drive-Through Facilities and Vehicle Stacking Areas

CURRENT LANGUAGE

(4) Drive-Through

In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.

(k) Drive-Through Facilities and Vehicle Stacking Areas

(1) Applicability

The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

(2) Minimum Number of Vehicle Stacking Spaces

All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 4-12: Minimum Vehicle Stacking Space Requirements, and shall comply with the standards in this Section 20.04.060(k).

Table 4-12: Minimum Vehicle Stacking Space Requirements

Use	Required Stacking Spaces
Car wash	4 spaces per bay or lane
Food and beverage uses	4 spaces per service lane
Other uses	3 spaces per service lane

PROPOSED LANGUAGE – reduce the required stacking spaces and overall impact of drive-through accessory uses.

(4) Drive-Through

(A) In the MM district, all uses, except for financial institutions shall be limited to one drive-through bay. Financial institutions shall be allowed up to three drive-through bays.

(B) In the MC district, all uses, except for financial institutions shall be limited to two drive-through bays. Financial institutions shall be allowed up to three drive-through bays.

(k) Drive-Through Facilities and Vehicle Stacking Areas**(1) Applicability**

The following standards apply for all uses with vehicle stacking and/or drive-through facilities.

(2) Minimum Number of Vehicle Stacking Spaces

All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 4-12: Minimum Vehicle Stacking Space Requirements, and shall comply with the standards in this Section 20.04.060(k).

Table 4-12: Minimum Vehicle Stacking Space Requirements

Use	Required Stacking Spaces
Car wash	4 spaces per bay or lane
Food and beverage uses	4 3 spaces per service lane
Other uses	3 spaces per service lane
<u>Financial institutions</u>	<u>2 spaces per service lane</u>