

CITY OF BLOOMINGTON



PLAN COMMISSION
Special Hearing

September 17, 2019 @ 5:30 p.m.
Utilities Service Center
Board Room

**CITY OF BLOOMINGTON
PLAN COMMISSION – Special Hearing
September 17, 2019 at 5:30 p.m.**

❖Utilities Services Center - Board Room

ROLL CALL

MINUTES TO BE APPROVED:

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 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
 - Amendments 1, 8, 3 (tabled), 4A , 17, 18, 21, and 22
 - 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, 5A, 6, 10, 11, 12, 14, 15, 16, 20, and 23 were adopted; 5A and 7 adopted as amended; and 4B, 9, and 13 failed.

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: 9/17/2019

**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

Amendment 1: This omnibus amendment directs Planning and Transportation Staff to correct typographical and/or technical errors throughout the UDO Adoption Draft. This is in order to prepare a revised draft for the Common Council. Typographical errors include examples referenced below and those not listed that correct the following types of errors:

- Spelling;
- Punctuation;
- Tense;
- Plural;
- Cross-references;
- Conjunctions (e.g., and, or, but);
- Document formatting styles; and
- Numbering and sequencing.

20.04.060(I)(2)(E) – When No On-Site Vehicle Spaces are Provided

Where no vehicle parking spaces are provided on-site, one bicycle parking space shall be required for every 5,000 square feet of gross floor area in each primary building, or a minimum of six bicycle parking spaces, whichever is greater.

20.04.110(b)(3)(B) – Incentives, Administration

Projects that qualify for the affordable housing incentive and/or the sustainable development incentive established in Section 20.04.110: (Incentives), shall have the site plan portion of the petition processed as a minor (rather than major) site plan, except when the project is adjacent to a lot in the R1, R2, R3, or R4 zoning districts and/or contains more than 50 dwelling units.

20.04.110(c)(2)(B)(ii) – Incentives, Tier 2

A minimum of 7.5 percent of the total dwelling units (including those on floors awarded with an incentive) are income-restricted permanently, unless otherwise adjusted or forfeited by the City, to households earning below 80120 percent of the HUD AMI for Monroe County, Indiana; and

Reference chart of typographical and/or technical errors:

General Corrections throughout Adoption Draft:

- The '0' in last section of names needs to be added. It is often in the text, but missing from the headers and the guiding headers in top right of page. Ex.) 20.03.80 should be 20.03.080 for searching and consistency purposes. Ex.) page 86: 20.03.30 in Title, but 20.03.030 in text
- The 'C' should be capitalized in City when it is a noun.
- capitalize Planned Unit Development(s)
- Consistent use of Character Areas. In Chapter 3 alone, they are called 'Character Overlay Areas' 'Character Areas' 'Overlay districts' and 'downtown character areas' Also listed as two things (Downtown Character Overlay District and MD Character Overlay Areas) in TOC
- Zone districts. Should be Zoning districts

AMENDMENT 1

- Consistency with the use of 'bold'/'not bold' throughout. Evaluate the hierarchy used for bold and correct whole document. (lower case letters)(alphanumeric)(upper case)(roman numerals) (example: End of page 84 and beginning of page 85. Upper case not bold on 84, upper case bold on 85.)
- Change 'handicap' and 'handicapped' parking to 'ADA-accessible' parking
- Single-family is hyphenated throughout the doc, the rules stated in chapter 1 for using 'and' & 'or' are need to be evaluated
- The plural of cul-de-sac is culs-de-sac
- office of the Monroe County Recorder. Should be: Office of the Monroe County Recorder
- Dripline is one word

Table of Contents and Chapter One:

- Page iv - (l): Needs space between District and Sign
- Page iv 20.05.50(j): Right-of-Ways should be Rights-of-Way
- Page (b)(1): SAP is not part of the Comp Plan. Strike 'Sustainability Action Plan'.
- Page (b)(4): Remove '.' after 'automobile'
- Page (b)(8): Add ',' after 'residence'
- Page 20.01.20(c): Why the reference to interlocal cooperation agreement?
- Page 5 (9): Capitalize City Clerk
- Page 5 20.01.40: Clarification - (1)(B) and (2) are the same and clarify that (B) is saying CU is not required and (2) is saying that it is required.
- Page 6 (4): Change 'legal' to 'lawful'
- Page 6 (6): Change '.....provisions established in Section 20.06.050(b).....to.....provision in effect at the time the conditional use was granted...' for consistency.
- Page 6 (7): Change '.....limitations set forth in the rules under which... to.....provision in effect at the time.....'
- Page 7 (b)(1): Incorrect reference. 20.01.040(b)(2) should be 20.01.040(b)(3)
- Page 9 (c): 'Other than as specifically set forth in this Section 20.01.040(b)' does not make sense. Clarify reference.

Chapter Two:

- Page 12 Remove the extra space before the comma after "structures" in the Front build-to-line section
- Page 21 correct the change in font or bold type in the Purpose statement
- Page 32 Clarify/consistency section under (2) Dimensional Standards, "....the sub area specific dimensional..." when all the other districts say "....district specific dimensional...."
- Page 33 Clarify/consistency under (3) why does it reference the overlay's as "Mixed-Use Downtown Character Areas" when the other section just say "Downtown Character Areas" Same under General Comments.
- Pages 34, 36, 38, 40, 42, 44 Correct the Notes [4] citation for Student Housing section should be 20.03.30(b)(12)
- Pages 24, 34, 38, 40, 42, 50 under Dimensional Standards add a space between "Section 20.04.010" and "(Dimensional Standards)"
- Page 51 Add a semi-colon at the end of (B)(6)(E) instead of a comma
- Page 54 Add a period at the end of each sentence in the table "Roof Shape Permitted"
- Page 56 Add a colon at the end of the sentence under (8) Facade Articulation
- Page 58 Add period at end of sentence under Notes [2]

Chapter Three:

- Page 59 Table of Allowed Uses in first paragraph should be 'Allowed Use Table' for consistency Under (c)(1): Change 'Table of Allowed Uses' to 'Allowed Use Table'
- Page 62 under section (f): Any adaptive 'use' should be 're-use' for consistency with (g)
- Page 63 Table 3-1 Note: References 20.03.060, correct reference.
- Page 65 Table 3-1: don't capitalize 'Dance' 'Distillery' 'Winery'
- Page 66 Table 3-1: don't capitalize 'Laundry'
- Page 67 Table 3-1: Fully capitalize 'TEMPORARY USES' in heading
- Page 68 change to singular and not plural - 20.03.030(b)(1)(C): unit, not units
- Page 69 section (C)(iii): Remove 'to,'
- Page 69 section (4)(A): 'duplex' should say 'triplex and fourplex'
- Page 70 Table 3-2: Vertical line missing between 1 acre and 5 acres
- Page 71 section (F)(ii): Parking lot landscaping reference should be 20.04.080 (Landscaping, Buffering, and Fences)
- Page 71 section (9)(A)(i): change 'egress to' to 'egress from'
- Page 71 section (9)(A)(iii): change 'aprons' to 'apron'
- Page 72 add a space needed between (10) and Group
- Page 72 Change (10)(A) "Chapter 20.07Definitions" to "Chapter 20.07 (Definitions)"
- Page 72 Change 10)(E): Reference should be to sections (C) and (D) above
- Page 73 section (C)(i): 20.04.0110(c): check consistency in reference (extra '0'?)
- Page 73 section (c)(3)(A): Remove hyphen and capitalize Care in 'Day Care Center' heading for consistency
- Page 75 section ii: change exceed to exceeds
- Page 75 section 7(B): Why referencing donors?
- Page 76 section (4): 20.03.030(d)(1) check and correct reference should be 20.03.030(d)(2)
- Page 78 section (10)(B): change appearance with...to....appearance to...
- Page 79 section (14)(A): Remove the comma after ME
- Page 79 section (14)(B): Change the period to comme after MM
- Page 79 section (14)(F)(i): change Business Park to Mixed-Use Employment
- Page 79 section (15): Change first sentence to start with 'Vehicle Impound Storage' for consistency
- Page 79 section (15): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 80 section (e)(1)(B): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 80 section (C): add 'and' before 'pallets'
- Page 81 section (3)(B): Clarify the need for CC involved?
- Page 82 section (C): use one term 'Co-location' and 'collocation' both used.
- Page 82 section (C): Change 'wireless' to 'communication'
- Page 83 section (F): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 84 section (3): Add 'Required plantings shall be located on the side of the fence closest to abutting properties.' at end for consistency.
- Page 85 Table 3-4: IN and OS are not zoning districts. Should be EM and PO
- Page 85 section (G): Should be.....larger than 120, not 120 or larger

AMENDMENT 1

- Page 86 section (2): Either clarify that the code reference is to larger BMC or refer to UDO Definitions section
- Page 86 section (B)(v): remove the extra space after 'Definitions'
- Page 86 section (B)(v): clarify the one family per ADU vs lot
- Page 88 section (iii): Capitalize Department of Housing and Neighborhood Development
- Page 88 section (I): References a petition, but there is no petition now b/c by-right, correct?
- Page 88 section (6)(A)(i): change follow to following
- Page 90 section (7)(A): principle should be principal
- Page 90 section (7)(C)(i): change the colon ':' to a period '.'
- Page 92 section (3): add 'the' between 'to' and 'following' – e.g. “to the following”

Chapter Four:

- 20.04.03 change Environmental (adjective) to Environment (noun)
- Page 93 Dimensional standards. Should be: Dimensional Standards
- Page 93 20.04.40 is incorrectly labeled as Drainage and Floodplain. Should be: Floodplain
- Page 93 Outdoor lighting. Should be: Outdoor Lighting
- Page 94 Chapter 20.02 Zoning Districts. Should be: Chapter 20.02 (Zoning Districts). First time
- Page 94 Chapter 20.02 Zoning Districts. Should be: Chapter 20.02 (Zoning Districts). Second time
- Page 99 (end units) need observe. Should be: (end units) need to observe
- Page 100 20.05.050(j)(7)(A)iii. Should be: 20.05.050(j)(7)(A)(iii)
- Page 102 20.04.30. Should be: 20.04.030
- Page 102 20.04.10. Should be 20.04.010
- Page 102 20.05.40. Should be 20.05.040
- Page 106 mobile home, and manufactured home homes. Should be: Mobile home, and manufactured home dwellings.
- Page 106 20.04.30. Should be 20.04.030
- Page 110 required by this subsection (e). Should be: subsection (g)
- Page 120 office of the Monroe County Recorder. Should be: Office of the Monroe County Recorder
- Page 131 Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department in order to mitigate impacts to environmental features. Should be: Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the City Planning and Transportation Department to mitigate environmental impacts. In order to match similar language throughout the section.
- Page 133 Public transit facilities, shelters, and appurtenant amenities shall be built to meet. Should be: Public transit facilities shall be built to meet. In order to match similar language throughout the section. And, transit facilities is already defined earlier in the section to include shelters, and amenities.
- Page 133 Public transit facilities, shelters, and appurtenant amenities shall be exempt. Should be Public transit facilities shall be exempt. In order to match similar language throughout the section. And, transit facilities is already defined earlier in the section to include shelters, and amenities.
- Page 135 (Parking and Loading). shall be. Should be (Parking and Loading) shall be
- Page 135 When measurements of the number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded up to the next higher whole number. This conflicts with 20.01.30(a)(7)
- Page 142 Shown in Table 4.1 by 15 percent. Should be: Table 4-9: Minimum Vehicle Parking Requirements
- Page 143 the “remaning” off- street parking. Should be: remaining off-street parking

AMENDMENT 1

- Page 143 the minimum off street parking. Should be: the minimum off-street parking
- Page 143 in 20.04.060(i)shall. Should be: in 20.40.060(i) shall
- Page 144 All parking shall comply with parking landscape standards in Section 20.04.60. Should be 20.04.080(h) I think? Otherwise its referencing itself
- Page 145 Following dimensional standards. Should be: following dimensional standards:
- Page 157 This whole page has Residential District capitalized – correct capitalization
- Page 159 Section 20.04.08 There is an extra space and change 'and' to 'or'
- Page 160 section 080(g). Any... there is an extra space
- Page 162 ...Permitted Street Tree Species left off part of the name
- Page 163 Tilia americana correct spelling
- Page 166 Blue-stemmed Goldenrod correct spelling
- Page 167 Praire Dropseed correct spelling
- Page 172 Credit Toward Other no "s"
- Page 172 ... or parking lot landscaping
- Page 173 in the heading, change 'and' to 'or' in the first two columns
- Page 177 "ground level" there is no hyphen here
- Page 177 section ii.....of planting; or
- Page 177 section iii ...can be clearly... extra spaces seem to be formatting, not just extra spaces
- Page 179 Through Lots. formatting is different – consistency
- Page 179 section 4Aiv electrified wires: "or" not "and"
- Page 181 section (b)(2) put a comma after Replacement. That comma use has been employed throughout
- Page 183 Floodlights and Spotlights formatting right justified
- Page 183 Figure 53: Shielding correct spelling
- Page 184 section (C),ii ...no later than 11 p.m. space after 11
- Page 186 section (3) Double-faced ..., projecting or temporary signs, not "and"
- Page 187 section (3) Signs that purport to be, are an imitation of... ..yield signs, or pedestrian
- Page 192 section (B)ii8. ...shall extra space
- Page 199 section (7)(C)iv formatting/word spacing
- Page 201 section (a) ...a zoning district. extra space
- Page 205 section (B) on site, not on-site
- Page 205 section (B) off site, not off-site
- Page 206 section (2) ...options below:
- Page 209 section (b)(3) ...Municipal Code.

Chapter Five:

- Page 210 (1) the sentence should end with ";" instead of a period. This is consistent with the rest of the purpose statements in this section
- Page 210 section (10) remove the "and" at the end of the sentence and place at the end of (11)
- Page 213 On Table 5-3 under Notes [2] the "i" is capitalized in "Is"
- Page 214 Under 20.05.40(b)(2) the section reference is listed twice
- Page 218 Under (a) capitalize "city"
- Page 219 Under Table 5-5 under Notes [2] the "i" is capitalized in "Is"
- Page 221 Under (C)iii.Slope- remove the "is" from the sentence "a four is to one ratio"
- Page 224 section (E)i. Add "or" to sentence and add comma at the end "surfaced with asphalt, concrete, or permeable pavers,"

AMENDMENT 1

- Page 226 section (7)(A)i - reword to say "fourplex residential lots may directly front arterial level streets if rear alleys are...."
- Page 229 section (D) - capitalize "Downtown Vision and Infill Strategy Plan". Also, as a general note this section should be located somewhere else, we never see subdivisions in the Downtown and we want these standards to be in the development standards section, not the subdivision section.

Chapter Six:

- Page 232 section (c)(1)(B): Isn't PC review of Final plan the default?
- Page 232 section (c)(1)(F) this one begins strangely, with a lower case "which" that appears to be mid thought
- Page 233 section (p): oxford comma needed after "publish" and after "ordinances"
- Page 233 section (V): oxford comma needed after "modify"
- Page 233 section (R): Remove 'to' between 'certify' and 'all'
- Page 233 section (3)(A): Remove 'council' from first line.
- Page 234 section (3)(C)(i): oxford comma after "enforcement"
- Page 235 section (e)(1): Remove ',' after designee
- Page 235 section (e)(1)(A): oxford comma after "plans"
- Page 235 section (e)(1)(D): Is that code reference correct?
- Page 236 section (5): oxford comma after "permits" in the first line and after "city" at the end of the third line
- Page 236 section (6): oxford comma after "charts" in 4th line
- Page 237 section (2)(K) needs to end with '; and'
- Page 237 section (2)(L) needs to end with '.'
- Page 238 section (C): Remove 'under' in second line
- Page 239 Table 6-1: Needs to be clear that things that CAN go to Hearing Officer, may also be routed to BZA instead. It doesn't currently show that. (Similar to how Plat approvals are split between Plat and PC.)
- Page 239 Table 6-1: Grading permit UDO Section is 20.06.050(e)
- Page 239 Table 6-1: Should Comp Plan Amend include 'Posted'?
- Page 239 Table 6-1: Comp Plan Amend: Can't a member of the public request one? If so, should Pre-Submittal Meeting be checked?
- Page 239 Table 6-1: Zoning Text Amendment does not need 'Posted'.
- Page 240 Table 6-1: Admin Appeal: 'Mailed' should be checked and 'Posted' should not be checked
- Page 241 section (b)(1)(A): Last sentence should say: 'on or prior to'
- Page 242 section (2)(A): Development Review Committee to be capitalized in first line
- Page 242 section (2)(A):is intended to provide an opportunity for the petitioner to listen to City staff from several departments discuss details and....."
- Page 243 section (ii): Add 'neighborhood' between 'pre-submittal' and 'meeting'
- Page 243 section (E)(i): Add 'neighborhood' between 'pre-submittal' and 'meeting'
- Page 243 section (E)(ii): Add 'neighborhood' between 'pre-submittal' and 'meeting' twice.
- Page 243 section (c)(1)(B)(i): Remove 'or its zoning jurisdiction'
- Page 243 section (c)(1)(B)(ii): this is describing who is authorized to submit a petition on behalf of those listed in (c)(1)(B)(i), and at the end, the last person listed is "or another person". Surely this is not our intention.
- Page 244 section (2)(A)(i): replace the parenthetical phrase with something more serious-sounding, like a standalone statement that says "The Administrative Manual is subject to change at the discretion of Planning & Transportation staff to reflect current best practices."

AMENDMENT 1

- Page 244 section (3)(A): add "office" to the end of the last statement
- Page 244 section (3)(B): add "office" after "Department" in the first line and "amount" after the word "total" in the 3rd line
- Page 244 section (3)(D): Add 'a' before 'not-for-profit'
- Page 244 section (3)(D): Concerned that the not-for-profit definition is a little vague - could we specify that they must be a 501(C)(3)?
- Page 245 section (5)(A): Capitalize Notice of Compliance
- Page 246 section (d)(2)(A)(i): Replace first 'decision' in fifth line with 'petition' and last 'decision' with 'petition'
- Page 246 section (10): change last portion of the section to say "in the Planning and Transportation Department office."
- Page 246 section (d)(2)(B)(i): 5th line should read: Appeals for "a" decision
- Page 247 section (5)(A): last line should read "state reasons for a denial, conditions of approval, or commitments."
- Page 247 section (6)(B)(i): "This" in title should be lowercase
- Page 248 section (6)(B)(iii): Should all references to "City Utilities Department" be changed to "City of Bloomington Utilities"?
- Page 248 section (6)(C)(i): Capitalize "Comprehensive Plan"
- Page 251 section (8)(C): Capitalize "County Recorder's"
- Page 251 section (8)(C): Capitalize "Certificates of Zoning Compliance"
- Page 251 section (8)(D): "...zoning map, designating a planned unit development zoning district, or approval of a final plan."
- Page 252 section (8)(F): Capitalize "County Recorder's"
- Page 252 section (8)(F): Capitalize "Certificate of Zoning Compliance"
- Page 252 section (e)(2)(C)(ii): Change "zone" to "zoning"
- Page 252 section (e)(2)(C)(iii): Change "zone" to "zoning"
- Page 254 section (e)(3)(B)(i): pursuant "to the" Administrative Manual (add to)
- Page 261 section (9): Add 'Any' at beginning.
- Page 292 section (a)(1): Change "jurisdictional" to "jurisdiction"
- Page 293 Figure 6.6-1: Capitalize "Plan Commission" and "Plat Committee"
- Page 294 section (b)(3)(A)(iii): add "a" to "decision by the Plan Commission, a pre-submittal neighborhood meeting..."
- Page 295 section (F)(iii): Change "not later" to "no later" and remove extra space before parenthesis at end of bullet.
- Page 295 section (c)(2): Capitalize "County Recorder's Office"
- Page 296 Figure 6.6-2: Capitalize "Plan Commission" and "Plat Committee"
- Page 297 section (E)(i)(3): Capitalize "County Recorder's Office"
- Page 298 section (iii)(3)[d]: add "site" to read "on-site and off-site"
- Page 301 Figure 6.6-3: Capitalize "Plan Commission" and #4 change to "See Text"
- Page 302 section (i)(4): Should this be "public right-of-way" vs. "public way"?
- Page 302 section (F)(i)(2): Capitalize "County Recorder's Office"
-
- Page 311 section (3)(b) Substantial increase in the cube of a building. Change cube to envelope

Chapter Seven:

AMENDMENT 1

- Page 381 The definition of "Parapet" is repeated
- Page 381 The definition of "Park" is repeated
- Full Chapter Top right says '(f) Appeals' left over from Chapter 6
- Art Gallery, Museum, or Library Add ',' after 'appraisal' and ',' after 'historical'
- Art, Public Add an 'a' between 'in' and 'way'
- Bar or Dance Club
- Page 401 Void-to-solid isn't used except in the definitions. The concept was changed to Table 2-26: Windows and Doors on Primary Facades.
- Definitions with a corresponding floodplain and general definition need to have the general definition appear first.

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

CURRENT LANGUAGE

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	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)

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.

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

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.

20.07.010 – Definition for “Family”

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	
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	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*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)

Proposed Edits to UDO Adoption Draft

CURRENT LANGUAGE

20.07.010 – Definition for “Family”

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 (Error! Reference source not found. 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.

PROPOSED LANGUAGE – Definition of family to be more inclusive

20.07.010 – Definition for “Family”

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, foster parent responsibility, or other legal status making the person a person a dependent children of one or more persons legally residing in the household under federal or state law.
- 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.

Proposed Edits to UDO Adoption Draft

CURRENT LANGUAGE

20.07.010 – Definition for “Family”

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 (1) 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.

PROPOSED LANGUAGE – to allow three unrelated adults in duplex, triplex, and fourplex residential units

20.07.010 – Definition for “Family”

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)4) Notwithstanding paragraph (4) above, in the R1, R2, R3, and R4 zoning districts, a group of no more than two three 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)5) 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.~~

Proposed Edits to UDO Adoption Draft

CURRENT LANGUAGE

-none

20.07.010 – Definition for “Cooperative Housing”

PROPOSED LANGUAGE

Cooperative Housing

A form of housing in which individual residents are shareholders in a corporation that owns the property, and that are entitled to exclusive use of a housing unit in the property, but that do not own a real property interest in the building, land, or other amenities that are part of the housing development, and that does not meet the definition of a condominium development under Indiana law.

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CURRENT LANGUAGE

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

CURRENT LANGUAGE

(H) Owner Occupancy

- i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with state law.
- ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.
- iii. Any primary dwelling or ADU used as a rental unit shall register with the department of housing and neighborhood development (HAND) and receive appropriate certification prior to occupancy.

PROPOSED LANGUAGE

(H) Owner Occupancy

- i. ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is occupied by the owner of the property. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with state law; and, the owner includes the named beneficiary(ies) of a trust or estate owning the property who are entitled to occupy the property.
- ii. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.
- iii. Any primary dwelling or ADU used as a rental unit shall register with the department of housing and neighborhood development (HAND) and receive appropriate certification prior to occupancy.