



City of Bloomington Common Council

Legislative Packet

Special Session considering Amendments to the proposed **Unified Development Ordinance (UDO)**

Council will consider amendments to Ordinance 19-24, which Repeals and Replaces the Entire Text of Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance.” This packet includes amendments that will be considered on Tuesday, December 10th, and Thursday, December 12th, 2019

10, 12 December 2019 – UDO Special Session

Meetings will be held in the Council Chambers and will begin at 6 PM. Please see the [Schedule for Common Council Consideration of Ordinance 19-24](#), which may be revised by action of the Council.

Along with any statutory requirements, opportunity for public comment will be provided for each amendment. **Public comment should explicitly focus on the proposed amendment being discussed.**

For information on the Council’s consideration of the proposed UDO, visit our webpage on the topic: (<https://bloomington.in.gov/council/plan-schedule>).

For a schedule of upcoming meetings of the Council and the City’s boards and commissions, please consult the City’s [Calendar](#).

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To: Council Members
From: Council Office
Re: Weekly Packet
Date: 6 December 2019

LEGISLATIVE PACKET AGENDA ITEMS & PACKET CONTENT

**UDO SPECIAL SESSIONS ON TUESDAY, 10 December 2019 and
THURSDAY, 12 December 2019 AT 6:00 PM**

- **Memo from Council Office**
- **Agenda - Special Session**
- **Amendments submitted in interest of Ordinance 19-24 - To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance" - for consideration on Tuesday night in the order they appear on the Agenda.**
→ *Contact:*
Council Sponsors
Council Staff (Dan Sherman or Stephen Lucas) 812-349-3409,
shermamd@bloomington.in.gov, lucass@bloomington.in.gov
Scott Robinson 812-349-3423, robinsos@bloomington.in.gov

Item 1:

Amendments submitted in interest of Ordinance 19-24 - To Repeal and Replace Title 20 of the Bloomington Municipal Code Entitled, "Unified Development Ordinance"

The amendments included herein are part of a second round of proposed amendments to Ordinance 19-24. The Council will take up and consider amendments pursuant to the [schedule](#) it adopted on October 2, 2019 and revised on November 20, 2019, found on the Council [website](#).

The amendments are numbered, listed, and briefly described on the Agenda.

A number of the amendments contained herein may be suitable for a consent agenda, which the Council has utilized before during its consideration of the Comprehensive Plan, the Transportation Plan, and during its consideration of this proposed UDO. In order to expedite the work of the Council, councilmembers should consider which of the included amendments, if any, they may want to consider as part of a consent agenda. Amendment sponsors may wish to consult with the Council president and fellow councilmembers to determine which amendments are suitable for a consent agenda.

The Council Office will communicate with Planning staff to determine which amendments they believe are suitable for a consent agenda.

If any Councilmember has a preference for which amendments should or should not be included on the consent agenda, please contact the Council Office with those preferences by 12 noon on Monday, December 9 to let staff know.

In addition to the second-round amendments included within this packet, there are a handful of previously-considered amendments that Councilmembers are working to revise or refine based on feedback received during Council meetings. On Tuesday, December 10, the Council should consider whether it wishes to take up these and any other revised amendments.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
SPECIAL SESSION
FOR PROPOSED AMENDMENTS TO ORDINANCE 19-24
WHICH REPEALS AND RE-ENACTS THE TEXT OF TITLE 20
(UNIFIED DEVELOPMENT ORDINANCE [UDO])**

**6:00 P.M., TUESDAY 10 & THURSDAY 12 DECEMBER 2019
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. CONTINUED CONSIDERATION OF AMENDMENTS TO ORDINANCE 19-24 - TO REPEAL AND REPLACE TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, “UNIFIED DEVELOPMENT ORDINANCE” ***

Presentation on Unanswered Questions from Previous Discussions

Conduct of Deliberations – Time Limits

CONSENT AGENDA

Amendments for consideration which may be adopted by one, roll-call vote.

Please note that Council members are reviewing the amendments listed below and may recommend some for quick consideration here. Please also note that any Council member may request that amendments on the Consent Agenda be moved to their ordinary order of deliberation later on in the agenda.

REGULAR AGENDA

20.02 - ZONING DISTRICTS

- 1. Am 60 (Cm. Piedmont-Smith) - Affects 20.02.020 & Table 2-2, Table 2-3, Table 2-7, and Table 2-8** – Adjusts and potentially reduces the length of driveways in some residential zoning districts by amending building setbacks for attached front-loading garages or carports.
- 2. Am 61 (Cm. Piedmont-Smith) - Affects 20.02.020(e)(2) & Table 2-6** – Increases the maximum primary structure height in R4 Zoning Districts from 35 feet to 40 feet.

20.03 – USE REGULATIONS

- 3. Am 62 (Cm. Sandberg & staff) – Affects 20.03.020 & 20.03.030** – Adds a new Use-Specific Standard under 20.03.030(b)(10) for Fraternity or Sorority and makes adjustments to Table 3-1 to reflect the added standard.

20.04 – DEVELOPMENT STANDARDS & INCENTIVES

- 4. Am 63 (Cm. Rollo) – Affects 20.04.020(e)** – Amends Table 4-6 (Authorized Exceptions to Setback Requirements) to add a row for Front Entry to allow an exception for a maximum of 6 feet for those kinds of street side additions which do not exceed one third the width of the main portion of the house.
- 5. Am 64 (Cm. Rollo) – Affects 20.04.110(c)(7)(B)** – Clarifies that a timeline should be set for implementation of payment-in-lieu definitions and procedures, and that these procedures should be publicly available.
- 6. Am 65 (Cm. Rollo) – Affects 20.04.110(d)(1)** – Recognizes the need for rehabilitation of existing structures toward improved sustainability.
- 7. Am 66 (Cm. Rollo) – Affects 20.04.110(d)(2)(A)(iv)** – Specifies when roofs containing vegetation must meet landscaping guidelines to qualify for certain incentives.

8. **Am 67 (Cm. Rollo) – Affects 20.04.110(d)(2)(A)(v)** – Makes clear that on-site solar photovoltaic systems may exceed the minimum requirements for the sustainable development incentive.

9. **Am 68 (Cm. Rollo) – Affects 20.04.120(b)(1)** – Adds plant material on vegetated roofs to the maintenance responsibilities of developers and their successors, and includes vegetated roof infrastructure as an example of applicable landscaping structures.

20.07 - DEFINITIONS

10. **Am 09-R (Cm. Volan & staff) – Affects 20.03.030 & 20.07.010** – Creates a definition for cooperative housing, revises the definition of family, and adds use-specific standards related to cooperative housing land use.

11. **Am 69 (Cm. Rollo) – Affects 20.07.010** – Deletes the definition for “Green Building Worksheet” because the term is not used in the UDO.

IV. COUNCIL SCHEDULE

V. RECESS (Currently set for no later than 10:00 P.M.) *

Note: The Council anticipates deliberating on these amendments over the course of two nights (Tuesday 10, Thursday 12 December) and, unless voting extends deliberations, recess is at 10:00 pm each night. Upon recessing on Tuesday night, the Council is scheduled to reconvene and continue deliberations on the proposed amendments on Thursday 12 December 2019 at 6:00 pm in this room. Any business not completed on Tuesday, will be taken up at that time.

** Items V and VI of this agenda are part of a series of meetings that comprise one, long hearing on the proposed Ordinance 19-24. For further information regarding the formal notice, meeting procedures (including public comment and written objections), any subsequent revisions to the schedule and procedure, and the substance of the UDO and any amendments, please visit the Council website at <https://bloomington.in.gov/council/plan-schedule>.*

Written Objections Regarding Proposed Ordinance 19-24

*Persons who wish to file written objections to the proposed Ordinance 19-24 at this meeting should submit the record to the City Clerk or her staff, who will be seated at the table on south end of the Chambers. Please confirm with the Clerk or her staff that the written objection has been received before leaving this evening. **Written objections may also be filed at other times at the Office of City Clerk or Monroe County Auditor.** Please consult the Schedule (above) for the dates when those objections will be heard by the Council, the last date being Wednesday 18 December 2019.*

Proposed Amendments to Ordinance 19-24: To Repeal
and Replace Title 20 of the Bloomington Municipal
Code entitled “Unified Development Ordinance”

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 60 - R

Name of Sponsor(s): Isabel Piedmont-Smith

Date Submitted: 11/24/19

UDO Chapter, Section, and Page

Chapter	Section	Page #
2	20.02.20 Residential Zoning Districts	
	Table 2-2: RE District Dimensional Standards	6
	Table 2-3: R1 District Dimensional Standards	8
	Table 2-7: RM District Dimensional Standards	16
	Table 2-8: RH District Dimensional Standards	18

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
3	Policy 3.2.1: Continue to limit the amount of impervious surface in new development or public improvement projects and increase green infrastructure to reduce urban runoff into storm drains, creeks, and other watersheds.	46
3	Policy 3.2.2: Increase greenspace and protect environmentally sensitive areas.	46

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment, brought forward at the request of a Bloomington resident, potentially reduces the length of driveways in some residential zoning districts thus reducing impervious surface coverage and allowing more space for green plantings.

Currently the minimum setback for front-loading garages in several districts is calculated as additional setback from the front of the main building. I argue it's best to set the garage setback independently.

1) For RE zone – the main building setback is 30 ft. If the main reason for the longer garage setback is to allow parking in the driveway, then the additional 10 ft. is really not necessary. If the main reason for the longer garage setback is building-forward design that's already impossible with a 30-ft setback anyway. If the main reason for the longer garage setback is to make sure the garage is not the most prominent feature of the building, then it seems the equal setback of garage and home would be adequate.

2) For R1 zone – the main building setback is 15 ft. However, an existing main building setback may not be in compliance with UDO standards and may actually be longer. Therefore, an additional 10 ft. makes the garage setback longer than necessary. Therefore it makes sense to make the garage setback independent of the front building setback. That way, if someone on a lot with a nonconforming front building setback wanted to add a garage, the garage setback could still be conforming. For this case, I also specify that the setback of the garage may in not case be less than the setback of the main building. We do not want the garage to be the primary visual feature of the home.

3) For RM and RH zones – Same reasoning as for R1 zone

Note: this Amendment was corrected after distribution in the Legislative Packet on December 6, 2019 to correct scrivener's errors.

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.**

Table 2-2: RE District Dimensional Standards		
Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	108,900 square feet (2.50 acres)
B	Lot width	200 feet
Building Setbacks (Minimum)		
C	Front	30 feet
D	Attached front-loading garage or carport	30 feet or equal to the setback of the primary structure, whichever is greater 10 feet behind the primary structure's front building wall
E	Side	30 feet
F	Rear	60 feet
Other Standards		
	Impervious surface coverage (maximum)	20%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	30 feet

Table 2-3: R1 District Dimensional Standards		
Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	20,000 square feet (0.459 acres) [1]
B	Lot width	100 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet
D	Attached front-loading garage or carport	25 feet or equal to the setback of the primary structure, whichever is greater. 10 feet behind the primary structure's front building wall
E	Side	First floor: 8 feet [1] Each story above the ground floor: 10 feet [1]
F	Rear	25 feet [1]
Other Standards		

Table 2-7: RM District Dimensional Standards			
Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
A	Lot area	5,000 square feet (0.115 acres)	R2 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R2 district standards apply
	Attached front-loading garage or carport	25 feet or equal to the setback of the primary structure, whichever is greater. 10 feet behind the primary structure's front building wall	
D	Side	10 feet [1]	
E	Rear	10 feet [1]	
Other Standards			

Table 2-8: RH District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		Multifamily Dwelling	Single-Family, Duplex, Triplex, or Fourplex Dwelling
A	Lot area	5,000 square feet (0.115 acres)	R2 district standards apply
B	Lot width	50 feet	
Setbacks (Minimum)			
C	Front	15 feet	R2 district standards apply
	Attached front-loading garage or carport	25 feet or equal to the setback of the primary structure, whichever is greater. 10 feet behind the primary structure's front building wall	
D	Side	10 feet [1]	
E	Rear	10 feet [1]	
Other Standards			

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 61

Name of Sponsor(s): Cm. Piedmont-Smith

Date Submitted: 11/24/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.02.20(e)(2) Residential Zoning Districts Table 2-6: R4 District Dimensional Standards	14

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
5	Goal 5.3 Housing Supply: Help meet current and projected regional housing needs of all economic and demographic groups by increasing Bloomington’s housing supply with infill development, reuse of non-residential developed land, and developments on vacant land if it is at least partially surrounded by existing development.	64
5	Policy 5.3.1: Encourage opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units, duplex, triplex, and fourplex buildings, courtyard apartments, bungalow courts, townhouses, row houses, and live/work spaces. Avoid placing these high density forms in single family neighborhoods.	64

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is a version of an amendment request brought forward by the Environmental Commission. The EC requested that the height limit in the new R4 district be increased from 35 feet to 50 feet to allow for 3-story buildings with pitched roofs. After talking with staff, the sponsor decided that 50 feet was too tall. Staff indicated that a 3-story building could be constructed within a 40 foot limit, even with the required pitched roof, so that is what I settled on for this amendment.

My reasoning, and that of the EC, is that we should allow denser housing types such as row houses and town houses in the R4 district. Denser living close to employment, shopping, services, and schools mean fewer vehicle miles traveled and therefore a reduction in greenhouse gas emissions. We have not mapped the R4 district yet, but I assume these areas will be close to the center of the city. When we do map this district, three-story duplexes, triplexes, townhomes, and row houses should be allowed in these areas.

Council Action – [Date]

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

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 40 feet
	Accessory structure height (maximum)	20 feet

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 62

Name of Sponsor(s): Cm. Sandberg & staff

Date Submitted: 11/4/2019

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.03.020 Table of Allowed Uses	63
20.03.030 Use-Specific Standards	72

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Sandberg at the request of staff. The amendment adds an asterisk to the "P" for Fraternity or Sorority in Table 3-1: Allowed Use Table. It also includes a new Use-Specific Standard under 20.03.030(b)(10) for Fraternity or Sorority, and renumbers subsequent sections.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.03.020 Table of Allowed Uses

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
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays 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*				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)
Manufactured home park								P*											20.03.030(b)(9)
Group Living																			
Assisted living facility					C	P	P			C	P	P		P	P	P			
Continuing care retirement facility					C	P	P			C	P	P		P	P	P			
Fraternity or sorority house									P*					P*					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11 9)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11 9)
Nursing or convalescent home					C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11 9)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11 9)
Residential rooming house						P*	P*		P	P*	P	P	C*						20.03.030(b)(12 9)
Student housing or dormitory						C*	P*		P	C*	P*	P*		P*	C*				20.03.030(b)(13 9)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			

20.03.030 Use-Specific Standards

(b) Residential Uses

(10) – Fraternity or Sorority House

- (A) If a fraternity or sorority house that has previously been officially recognized by and has maintained active affiliation with a college or university within which the residents are enrolled is no longer recognized by and/or no longer has an active affiliation with that college or university, the owner or operator of the facility may submit a petition to the City to nevertheless be treated as a fraternity or sorority house under this UDO.
- (B) The process to make the petition referred to in subsection (A), and the process for City review and decision on the petition, shall be pursuant to Section 20.06.080(b) (Variance).
- (C) The criteria used by the City to make a decision on the application referred to in subsection (A) shall be those listed in 20.06.080(b)(3)(E)(i)(1) (General Approval Criteria) plus the following additional criterion.
 - i. The behavior of the residents of the facility has not caused a nuisance or disturbance to the surrounding community, as evidenced by the fact that:
 - a. No complaint or criminal charge based on resident behavior resulting in injury or death, or a felony has been documented during the previous three years; and
 - b. No more than one complaint or criminal charge regarding the residents' behavior not involving injury or death or a felony has been documented during each of the previous three years, or if more than one such complaint or criminal charge has been filed during any one of the previous three years, the owner or operator of the facility has given the City adequate assurances that similar behavior will not occur at the facility in the future.

Note: This amendment authorizes staff to renumber 20.03.030(10), (11), and (12) to appropriately place and incorporate the newly-added language.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 63

Name of Sponsor(s): Cm. Rollo

Date Submitted: November 25, 2019

UDO Chapter, Section, and Page

Chapter/Section	Page #
20.04.020 – Dimensional Standards – (e) Setbacks - Table 4.6 Authorized Exceptions to Setback Requirements	100

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
Chapter 5: Housing and Neighborhood Goals & Policies	Goal 5.2 Housing Planning and Design: Guide growth, change, and preservation of residential and business areas through planning policies that create and sustain neighborhood character, and that build a sense of community, civic involvement, and neighborhood pride.	63
	Policy 5.2.5: Encourage diverse architectural designs, from traditional to contemporary, except as restricted in designated historic areas.	63

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment would amend Table 4-6 (Authorized Exceptions to Setback Requirements) to add a row for Front Entry to allow an exception for a maximum of 6 feet for those kinds of streetside additions which do not exceed one third the width of the main portion of the house.

Bloomington housing stock (formally RS) contains a large number of simple ranch and split level homes which have little-to-no entry sequence. Theses entries open directly into the living room or onto a small stair landing. Over the years, property owners have inquired with a local architect, hoping to add a covered front porch or front entry addition and it has not been possible since there is no provision for any sort of front addition to houses in existing, built-out neighborhoods. This exception would allow homeowners to add a modest entry or front porch addition, improve the utility and experience of their entry and potentially enhance the neighborhood streetscape.

Note: All of Section (e) Setbacks is set forth in the amendment to provide context, but just one row has been added to Table 4-6.

Council Action – [Date]:

20.04.020 – Dimensional Standards – Table 4-6 Authorized Exceptions to Setback Requirements

(e) Setbacks

(1) **Measurement**

- (A) Setbacks referred to in this UDO shall be measured as stated in Chapter 20.07 (Definitions), under the term "setback" and "build-to range."
- (B) For private streets, setbacks shall be measured from the edge of the curb, easement, or right-of-way, whichever distance is greater.
- (C) Where existing right-of-way is wider than that proposed on the Transportation Plan, the setback shall be measured from the existing right-of-way.
- (D) For lots of record with no street frontage, a minimum building setback of 10 feet is required from the property line where access is gained. The minimum front building façade at the build-to range percentage shall be determined by calculating the width of the principal building that is within the build-to range divided by the total width of the lot at the street frontage.

(2) **Single-Family Attached and Multifamily Dwellings**

- (A) Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.
- (B) For purposes of setback calculations for side-by-side single-family attached or multifamily dwellings, only those dwelling units that do not share a common wall with an adjacent unit (end units) need observe the required side setback for the district.

(3) **Exceptions to Setback Requirements**

- (A) The setback exceptions established in Table 4-6 shall not authorize the encroachment of any development across property lines or into a public right-of-way.
- (B) Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

Table 4-6: Authorized Exceptions to Setback Requirements

DU = dwelling unit

Type of Exception	Extent of Exception
Air conditioners (ground)	Up to 5 feet if screened by a fence, wall, or appropriate landscaping.
Air conditioners (window)	Up to 30 inches.
Architectural features	Up to 18 inches.
Awnings, balconies, canopies, patios, steps, and uncovered/open porches	Up to 6 feet.
Bay windows, chimneys, eaves,	Up to 3 feet.
Decks	Up to 6 feet into the side or rear setback provided that no deck is closer than 2 feet to a side property line.
Fire Escapes	Up to 6 feet into side and rear setbacks.
Front Entry	For Zone R2, an entry or covered front addition a maximum 6 feet deep and with a width not to exceed one third the width of the main portion of the house.
Handicap ramps	Exempt from all setback requirements.
Satellite dishes	Up to 5 feet into the front setback and no closer than one foot to the side and rear property lines.
Detached garages or carports	Where a rear alleyway provides access to a detached garage or carport, the setback from the property line that runs parallel to the alleyway to the detached garage or carport may be reduced to three feet.
Additions to existing structures	For single-family, duplex, and triplex structures, additions to existing structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side).

(C) Where this UDO establishes a maximum setback from the front property line, that maximum setback may be increased by up to five feet to accommodate access required by the Americans with Disabilities Act, utility or access easements, or to prevent encroachment of building projections over the public right-of-way.

(4) **Through Lots**

On a through lot, the Planning and Transportation Director shall determine which lot line shall be deemed the front lot line based on the existing and/or proposed building orientation of surrounding lots. Through lots adjacent to an arterial street shall comply with the standards established in 20.05.050(j)(7)(A)(iii) (Buffer).

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 64

Name of Sponsor(s): Cm. Rollo

Date Submitted: 11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.110(c)(7)(B) Incentives: Affordable Housing: Payment-In-Lieu	202

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
1	Goal 1.6: Public Engagement	29

Synopsis and Legislative Intent (brief description of amendment and its motivation)

As every effort should be made to remove barriers to adoption of incentives for anyone – either a developer or individual citizen – these calculations should be included as a part of the UDO and should be as transparent, accessible and understandable as possible. The added language indicates that a timeline should be set for implementation of payment-in-lieu definitions and procedures, and that these procedures should be included. This will increase transparency and reduce negative public perception of the payment-in-lieu mechanism.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.110 Incentives

(c) Sustainable Development

(7) Payment-In-Lieu

- (B) The provisions of this Section 20.04.0110(c)(7) shall ~~not~~ become effective ~~until the City adopts~~ **no later than the effective date of the UDO, by which time** administrative procedures for calculating, collecting, accounting for, and spending payments-in-lieu in compliance with all applicable law **shall be adopted and publicly available in the Administrative Manual within the Planning and Transportation Department.** The procedures used for calculating, collecting, accounting for, and spending shall be reviewed frequently and updated as local housing market conditions change. The calculations may use or be based upon one or more of the following methods:
- i. Housing and Urban Development (HUD) annual rents based on Area Median Income;
 - ii. Area Median Income (per person, income bracket, etc.);
 - iii. Rental rates per unit or per bedroom;
 - iv. Utility rates allowances per unit;
 - v. Tiered rental rates based on percentages above and/or below AMI; and
 - vi. Payment contribution rates.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 65

Name of Sponsor(s): Cm. Rollo

Date Submitted: 11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.110(d)(1) Incentives: Sustainable Development	202

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
3	Program: Built Environment: Encourage adaptive reuse and rehabilitation as a viable option to demolition of existing facilities.	47

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This new language recognizes the need for rehabilitation of existing structures toward improved sustainability.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.110 Incentives

(d) Sustainable Development

(1) Purpose

The Comprehensive Plan recognizes sustainability as a key component of nurturing Bloomington's environmental integrity. The following incentives are intended to encourage the use of sustainable development practices, **rehabilitation, and retrofit** in Bloomington beyond the baseline standards required by this UDO.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 66

Name of Sponsor(s):

Cm. Rollo

Date Submitted:

11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.110(d)(2)(A)(iv) Incentives: Sustainable Development: Eligibility: Cool or Vegetated Roof	203

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
3	Programs: Urban Ecology: "Evaluate regulations for new developments to increase vegetative cover and utilize alternatives such as green roofs in very dense or urban contexts."	48

Synopsis and Legislative Intent (brief description of amendment and its motivation)

Section 20.04.80 (Landscaping, Buffering, and Fences) emphasizes the use of native plants helps to provide native habitat, which should also be applied to roofs – and additional ecosystem service beyond water retention, heat island mitigation, and insulation.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.110 Incentives
(d) Sustainable Development
(2) Eligibility
(A) Option 1

iv. **Cool or Vegetated Roof**

Provide a roof meeting the standards in subsections (1), (2), or (3) below. **Roofs containing vegetation must follow landscaping guidelines found in Section 20.04.080(c), (d) and (e).**

1. **Cool Roof**

Install a cool roof on at least 70 percent of the total roof surface using roofing materials that have an aged SRI equal to or greater than the values in Table 4-21. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 4-21.

Table 4-21: Minimum Solar Reflectance Index (SRI)

	Slope	Initial SRI	Aged SRI
Low-sloped roof	≤ 2:12	82	64
Steep-sloped roof	> 2:12	39	32

Notes:

2. **Vegetated Roof**

Install a vegetated roof on at least 70 percent of the total roof surface using native or adapted plant species. Vegetated roofing shall comply with ASTM E2400-06: Standard Guide for Selection, Installation, and Maintenance of Plants for Green Roof Systems.

3. **Combination Roof**

Install a combination cool roof and vegetated roof, with each portion meeting the applicable standards in subsections 1 and 2 above, and together covering at least 70 percent of the roof surface.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 67

Name of Sponsor(s): Cm. Rollo

Date Submitted: 11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.110(d)(2)(A)(v) Incentives: Sustainable Development: Eligibility: Solar Energy	204

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
3	Overview: Energy: "Increased opportunities to integrate renewables like solar and wind with other technologies to create fossil-fuel independent, and potentially localized, generation and distribution systems"	43

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment makes it clear that on-site solar photovoltaic systems may exceed the minimum requirements for the incentive.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.110 Incentives

(d) Sustainable Development

(2) Eligibility

(A) Option 1

v. Solar Energy

Install on-site solar photovoltaic system covering an area anywhere on the building or lot equal to **or greater than** 35 percent of the total roof area of all primary buildings, or an area equal to **or greater than** an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 68

Name of Sponsor(s):

Cm. Rollo

Date Submitted:

11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.04.120(b)(1) Operation and Maintenance: Landscaping	205

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
3	Section 20.04.80 (Landscaping, Buffering, and Fences) emphasizes the use of native plants helps to provide native habitat, which should also be applied to roofs – and additional ecosystem service beyond water retention, heat island mitigation, and insulation.	48

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment adds plant material on vegetated roofs to the maintenance responsibilities of developers and their successors, and includes vegetated roof infrastructure as an example of applicable landscaping structures.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.04.120 Operations and Maintenance

(b) Landscaping

Developers and their successors in interest shall be responsible for the regular maintenance of all landscaping elements in perpetuity. Failure to maintain all landscaping is a violation of this UDO. Specifically:

- (1) All plant material, **including plant material on vegetated roofs**, shall be maintained alive, healthy, and free from disease and pests.
- (2) All landscape structures including, but not limited to, **vegetated roof infrastructure**, raised landscape planters, fences, and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.
- (3) Ground cover shall be maintained in compliance with Title 6 (Health and Sanitation) of the Bloomington Municipal Code; and
- (4) Public sidewalks shall be maintained in compliance with Title 12 (Streets, Sidewalks, and Storm Sewers) of the Bloomington Municipal Code.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 09-R

Name of Sponsor(s): Cm. Volan & staff

Date Submitted: 11/4/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.03.030 Use-Specific Standards	92
20.07.010 Defined Words	351 & 360

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #
5	Policy 5.1.3: Encourage a wide range of housing types to provide a more diverse mix of housing opportunities and household income levels, preferably within neighborhoods and multi-family housing developments.	63

Synopsis and Legislative Intent (brief description of amendment and its motivation)

This amendment is proposed by Cm. Volan at the request of planning staff. The amendment creates a definition for cooperative housing and adds use-specific standards related to such use. This is a revised version of Am 09, which was considered by the Council on November 19 but withdrawn before final action. The changes from Am 09 made by this amendment are highlighted in green below.

Council Action – [Date]:

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.03.030 Use Specific Standards

(i) Cooperative Housing

Any of the uses listed as Household Living uses in Table 3-1 (Allowed Use Table) may be organized as Cooperative Housing, but shall be a Permitted use or a Conditional use only in those zoning districts where another Household Living use with the same layout and number of units would be allowed as a Permitted use or Conditional use, and shall be subject to those Use-specific standards applicable to such Household Living use with the same layout and number of units. For example, a Cooperative Housing facility that meets the definition of "Dwelling, multifamily" in terms of layout and number of units is a Permitted use available only in those zoning districts where a "Dwelling, multifamily" is a Permitted use in Table 3-1 (Allowed Use Table), and is a Conditional use available only in those zoning districts where a "Dwelling, multifamily", is listed as a Conditional use in Table 3-1 (Allowed Use Table), and is subject to those Use-specific standards applicable to a "Dwelling, multifamily" in Section 20.03.030(b)(5).

20.07.010 Defined Words

Cooperative Housing

A facility used for the purpose of household living, where the residents share common areas and cooking, dining, and maintenance duties. All residents are shareholders in a cooperative corporation, **registered with the Indiana Secretary of State**, that owns the property, and are entitled to use of a housing unit in the property, but shall not own a real property interest in the building, land, or other amenities that make up the facility. Membership in the cooperative corporation shall be open regardless of age, sexual orientation, gender, religion, or ethnicity, and governance of the cooperative is provided by the membership. This definition does not include any facility that meets the definition of a Student Housing or Dormitory or a Fraternity or Sorority House under this UDO or the definition of a condominium under Indiana law.

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 dependent 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) 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.
- 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing contained in this UDO in which no more than two adults per bedroom occupy the facility.

AMENDMENT FORM

Ordinance 19-24: To Repeal and Replace [Title 20](#) (linked) of the Bloomington Municipal Code entitled "Unified Development Ordinance"

Please complete all fields indicated in yellow.

Amendment Number: Am 69

Name of Sponsor(s):

Cm. Rollo

Date Submitted:

11/22/19

UDO Chapter, Section, and Page

Chapter & Section	Page #
20.07.10 Definitions	364

Supported by Following Sections of the Comprehensive Plan

Chapter	Section (e.g., Overview, Goals & Policies, or Programs)	Page #

Synopsis and Legislative Intent (brief description of amendment and its motivation)

Deletes the entry for 'Green Building Worksheet'.

A Green Building Worksheet is not referred to in Section 20.04.110(d) (Sustainable Development) or anywhere else in the UDO. The term should be removed from the definitions section.

Council Action – [Date]:

- over -

Amendment (indicate text added in **bold** and text to be deleted via ~~strikeout~~)

E.g., *Except for as necessary for the development of the Convention Center site, discourage large footprint buildings (i.e. with a ~~maximum~~ size **greater than** of a quarter of a block) in order to encourage local developers and businesses and ~~better urban form~~ **create a more pedestrian-friendly public realm.***

20.07.10 Definitions

Green Building Worksheet

A worksheet or form developed by the Planning and Transportation Department that specifies information to be submitted prior to consideration of any subdivision or site plan petition that is utilizing the incentives provided for green or sustainable development practices as specified in the Unified Development Ordinance.