

City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 14 April 2021

Special Session at 5:30 pm

followed by a

Committee of the Whole

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency. For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
SPECIAL SESSION
WEDNESDAY | 5:30 PM
14 April 2021

*Per Executive Orders issued by the Governor, this meeting will be conducted electronically.
The public may access the meeting at the following link:*

<https://bloomington.zoom.us/j/92885399548?pwd=R3N4YXAzZEUvWC9OQjVMYy9mRS91UT09>

I. ROLL CALL

II. AGENDA SUMMATION

III. LEGISLATION FOR FIRST READING

- A. **Ordinance 21-15** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.02, 20.04, 20.06, 20.07
- B. **Ordinance 21-16** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.02
- C. **Ordinance 21-17** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.03
- D. **Ordinance 21-18** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.04
- E. **Ordinance 21-19** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.05
- F. **Ordinance 21-20** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.06
- G. **Ordinance 21-21** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.07
- H. **Ordinance 21-22** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Removal of Residential Estate (RE) and Amendment to Residential Large Lot (R1) Zoning Districts Set Forth in BMC 20.02, 20.03, 20.04, 20.05, 20.06, 20.07
- I. **Ordinance 21-23** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex Set Forth in BMC 20.03 and 20.04
- J. **Ordinance 21-24** - To Repeal and Replace the Official Zoning Map within Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance”

IV. COUNCIL SCHEDULE

V. ADJOURNMENT

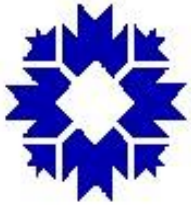
STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

As a result of Executive Orders issued by Indiana Governor Eric Holcomb, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.

--Continued on next page--



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
COMMITTEE OF THE WHOLE
IMMEDIATELY FOLLOWING
SPECIAL SESSION
14 APRIL 2021

Per Executive Orders issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/92885399548?pwd=R3N4YXAzZEUvWC9OQjVMYy9mRS91UT09>

Chair: Isabel Piedmont-Smith

Asked to Attend: Jacqueline Scanlan, Development Services Manager
 Scott Robinson, Director, Planning and Transportation

- A. **Ordinance 21-15** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Technical Corrections Set Forth in BMC 20.02, 20.04, 20.06, 20.07
- B. **Ordinance 21-16** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.02
- C. **Ordinance 21-19** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.05
- D. **Ordinance 21-20** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.06
- E. **Ordinance 21-21** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.07
- F. **Ordinance 21-17** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.03
- G. **Ordinance 21-18** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Corrections Set Forth in BMC 20.04
- H. **Ordinance 21-22** - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Removal of Residential Estate (RE) and Amendment to Residential Large Lot (R1) Zoning Districts Set Forth in BMC 20.02, 20.03, 20.04, 20.05, 20.06, 20.07

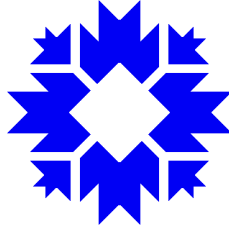
Note: The Committee may not deliberate or make a recommendation on each of the items listed on this agenda. Items not receiving a recommendation at this meeting may carry over to the next Committee of the Whole meeting on 28 April 2021.

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

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**City of Bloomington
Office of the Common Council**

NOTICE

Wednesday, 14 April 2021

**Special Session at 5:30 pm
immediately followed by a
Committee of the Whole**

Per [Executive Orders](#) issued by the Governor, this meeting will be conducted electronically.

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Please check <https://bloomington.in.gov/council> for the most up-to-date information

As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-15 through **Ordinance 21-24** – 10 proposals certified to the Council by the Plan Commission to amend Title 20 of the Bloomington Municipal Code (BMC) entitled “Unified Development Ordinance” (UDO):
9 proposals with text amendments to the UDO and the adoption of a new Zoning Map

Background

In March and April 2021, the Plan Commission considered 10 proposals brought forward by city staff to make various changes to the UDO. The following table lists each of the 10 proposals and relevant information for each:

Council Ordinance #	Corresponding Plan Com. Case #	Plan Com. Vote	Date certified to Council	90 days from certification
Ord 21-15 Technical Corrections	ZO-01-21	9-0	March 22, 2021	June 20, 2021
Ord 21-16 Ch. 2 - Zoning Districts	ZO-02-21	9-0	March 22, 2021	June 20, 2021
Ord 21-17 Ch. 3 - Use Regulations	ZO-03-21	9-0	April 5, 2021	July 4, 2021
Ord 21-18 Ch. 4 - Development Standards & Incentives	ZO-04-21	9-0	April 5, 2021	July 4, 2021
Ord 21-19 Ch. 5 - Subdivision Standards	ZO-05-21	9-0	March 22, 2021	June 20, 2021
Ord 21-20 Ch. 6 - Administration & Procedures	ZO-06-21	9-0	April 5, 2021	July 4, 2021
Ord 21-21 Ch. 7 - Definitions	ZO-07-21	8-0	April 5, 2021	July 4, 2021
Ord 21-22 Deletion of RE Zoning District	ZO-08-21	9-0	April 5, 2021	July 4, 2021
Ord 21-23 Duplex, Triplex, and Fourplex	ZO-09-21	6-3	April 5, 2021	July 4, 2021
Ord 21-24 Proposed Zoning Map	ZO-10-21	7-1	April 7, 2021	July 6, 2021

This memo addresses relevant procedures and considerations applicable to these 10 ordinances. Planning staff has prepared individual memos that explain each of the proposals, along with red-line amendments that show the proposed changes in context.



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Relevant Materials

- Ordinance 21-15 through Ordinance 21-24
- Certification forms from Plan Commission for each ordinance
- Staff memo for each ordinance
- Red-line amendments showing changes proposed by each ordinance
- (Additional supporting materials for Ordinance 21-23 and Ordinance 21-24 are forthcoming)

Contacts

Scott Robinson, Director, Planning and Transportation Department, 812-349-3423, robinsos@bloomington.in.gov

Jacqueline Scanlan, Development Services Manager, 812-349-3423, scanlanj@bloomington.in.gov

Summary

The city administration has been working to bring forward several proposals to amend the text of the city's UDO and to amend the official zoning map incorporated by reference. This is the latest step in a process that began several years ago to repeal and replace the prior UDO. General information about the UDO, including the complete text of the current UDO, can be found here: <https://bloomington.in.gov/planning/udo>. For information about the Council's 2019 repeal and replacement of the UDO, please visit the following site: <https://bloomington.in.gov/council/plan-schedule>. Information about this most recent effort to bring forward text amendments and a new zoning map can be found here: <https://bloomington.in.gov/planning/udo/map>. Finally, councilmembers and the public can find the city's Comprehensive Plan online here: <https://bloomington.in.gov/planning/comprehensive-plan>.

Proposals to amend either the text or the zoning map contained in the UDO are governed by state law¹. As a threshold matter, state law provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;

¹ See [IC 36-7-4-600](#) et seq. ("600 Series – Zoning Ordinance")



4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.”²

Further, in considering UDO text amendments and zoning map changes, state law requires “the legislative body [to] pay reasonable regard to:

1. the comprehensive plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the jurisdiction; and
5. responsible development and growth.”³

Importantly, these are factors that a legislative body must *consider* when deliberating on zoning ordinance proposals. However, nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors. ⁴

UDO Text Amendments (Ordinance 21-15 through Ordinance 21-23)

Indiana Code provides the following procedure that applies to a proposal to amend or partially repeal the text (not zone maps) of the UDO.⁵

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. All 10 proposals sent to the Council received a favorable recommendation by the Plan Commission (votes listed above). The Council must consider these recommendations before acting on the proposal.⁶
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification (deadlines listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.

² [IC 36-7-4-201\(b\)](#)

³ [IC 36-7-4-603](#)

⁴ Notably, Indiana courts have found that comprehensive plans are guides to community development, rather than instruments of land-use control. A municipality must consider all factors and make a balanced determination. *Borsuk v. Town of St. John*, 820 N.E.2d 118 (2005).

⁵ [IC 36-7-4-607](#)

⁶ [IC 36-7-4-605\(d\)](#)



- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

UDO Map Amendment (Ordinance 21-24)

Indiana Code provides the following procedure that applies to change the zone maps incorporated by reference into the UDO.⁷ Note that many of the procedures are the same as a text amendment.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. In this case, the proposal to replace the official zoning map received a positive recommendation (7-1) by the Plan Commission. The Council must consider this recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt or reject the proposal (but not amend). The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on the proposal within 90 days after certification (deadline listed above), the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within 90 days after the proposal was certified, the Council can either adopt or reject the proposal. If the Council adopts (as certified) the proposal, it takes effect as other ordinances of the Council. If the Council rejects the proposal, it is defeated

⁷ [IC 36-7-4-608](#)

ORDINANCE 21-15
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Technical Corrections Set Forth in BMC 20.02, 20.04, 20.06, 20.07

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-07 and Ordinance 20-08; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on March 22, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
(A) ZO-01-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains corrections to errors in the new UDO. These errors range from misplaced or missing references to incorrect numbers to terminology correction to missing text. There are 16 corrections identified, some appearing multiple times in the code.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-15 is a true and complete copy of Plan Commission Case Number ZO-01-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 8, 2021.

Date: March 22, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of March, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance #

Fiscal Impact
Statement
Ordinance #

Resolution #

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected

Fund Balance as of January 1

Revenue to Date

Revenue Expected for Rest of year

Appropriations to Date

Unappropriated Balance

Effect of Proposed Legislation (+/-
)

Projected Balance

\$
\$
\$
\$
\$
\$
\$

\$
\$
\$
\$
\$
\$
\$

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes

No

XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-01-21 amends the 2020 Unified Development Ordinance (UDO), with technical corrections for scrivener's errors, punctuation, references, and/or citations, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-01-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: March 22, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-01-21 on March 8, 2021 and voted to send the petition to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-01-21 | Technical Corrections

ZO-01-21 | Technical Corrections

This petition contains corrections to errors in the new UDO. These errors range from misplaced or missing references to incorrect numbers to terminology correction to missing text. There are 16 amendments identified, some appearing multiple times in the code. These amendments are needed to provide accurate and clear language for use of the code.

(2) Dimensional Standards

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

Table 02-4: R2 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	7,200 square feet (0.165 acres)[1]
B	Lot width	60 feet [1]
Building Setbacks (Minimum)		
C	Front	15 feet or the median front setback of abutting residential structures, whichever is less.
D	Attached front-loading garage or carport	25 feet [2]
E	Side	First Floor: 8 feet [3] Each story above the ground floor: 10 feet [1] [3]
F	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	40%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	20 feet

Notes:

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Or equal to the setback of the primary structure, whichever is greater.
- [3] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

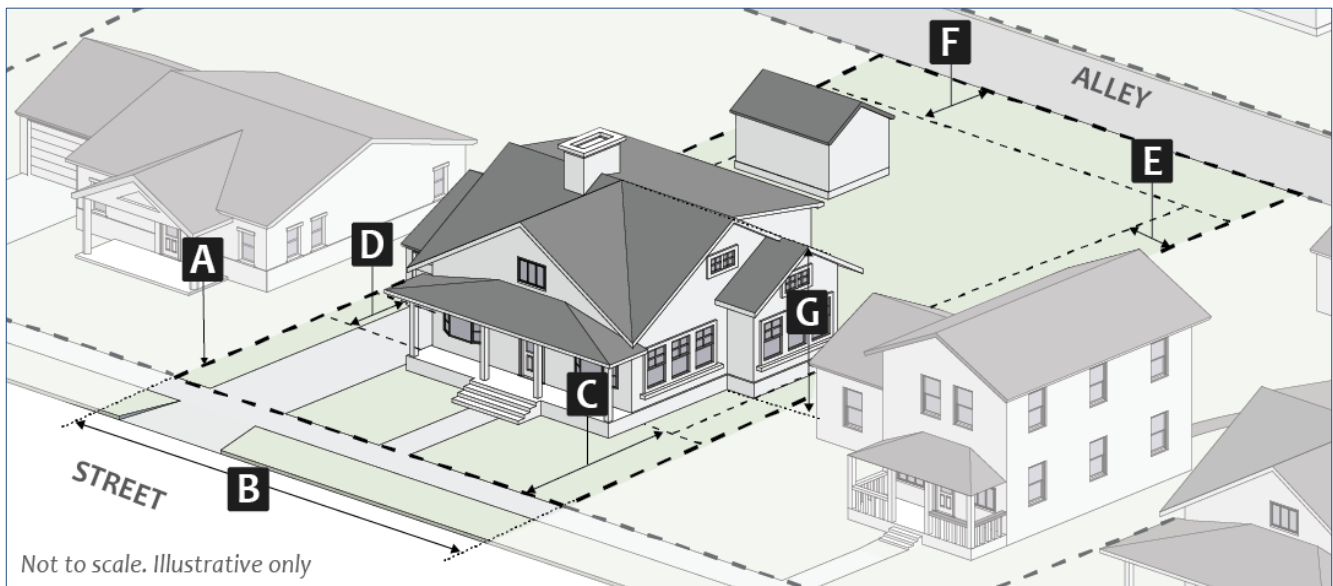


Figure 6: R2 District Dimensional Standards

(2) Dimensional Standards

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

Table 02-5: R3 District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres) [1]
B	Lot width	50 feet [1]
Building Setbacks (Minimum)		
C	Front build-to line	15 feet or the median front setback of abutting residential structures, whichever is less.
	Attached front-loading garage or carport	10 feet behind the primary structure's front building wall
D	Side	First floor: 6 feet [2] Each story above the ground floor: 10 feet [1] [2]
E	Rear	25 feet [1]
Other Standards		
	Impervious surface coverage (maximum)	45%
F	Primary structure height (maximum)	35 feet
	Accessory structure height (maximum)	20 feet

Notes:

- [1] See Section 20.04.110 (Incentives) for alternative standards.
- [2] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

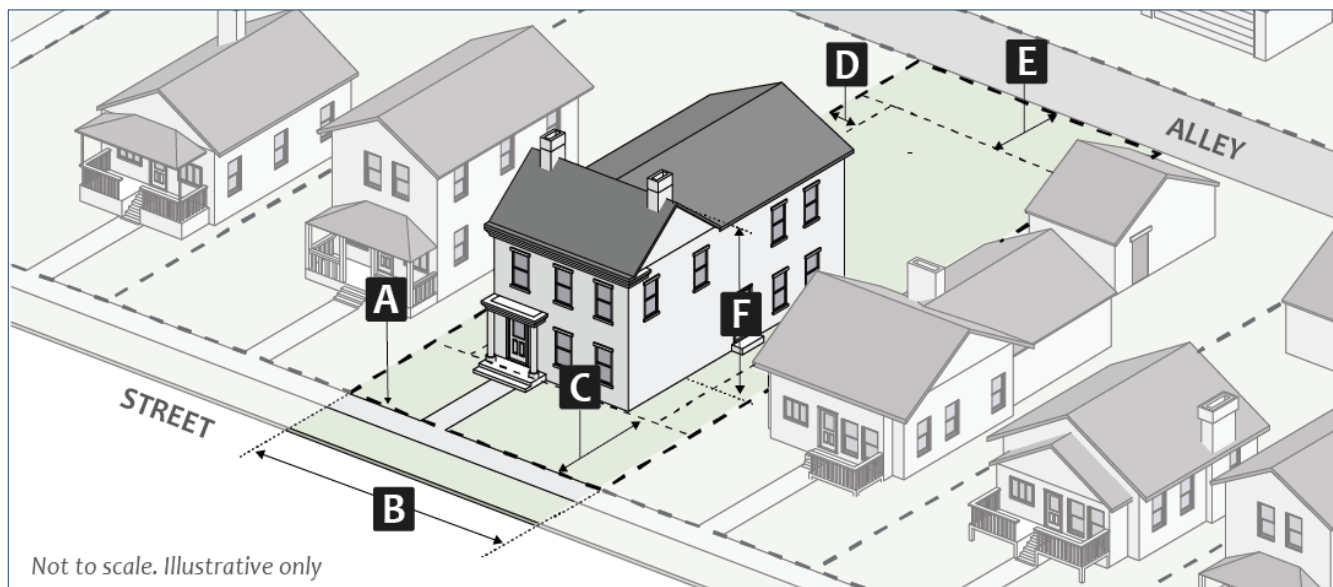


Figure 8: R3 Dimensional Standards

(2) **Dimensional Standards**

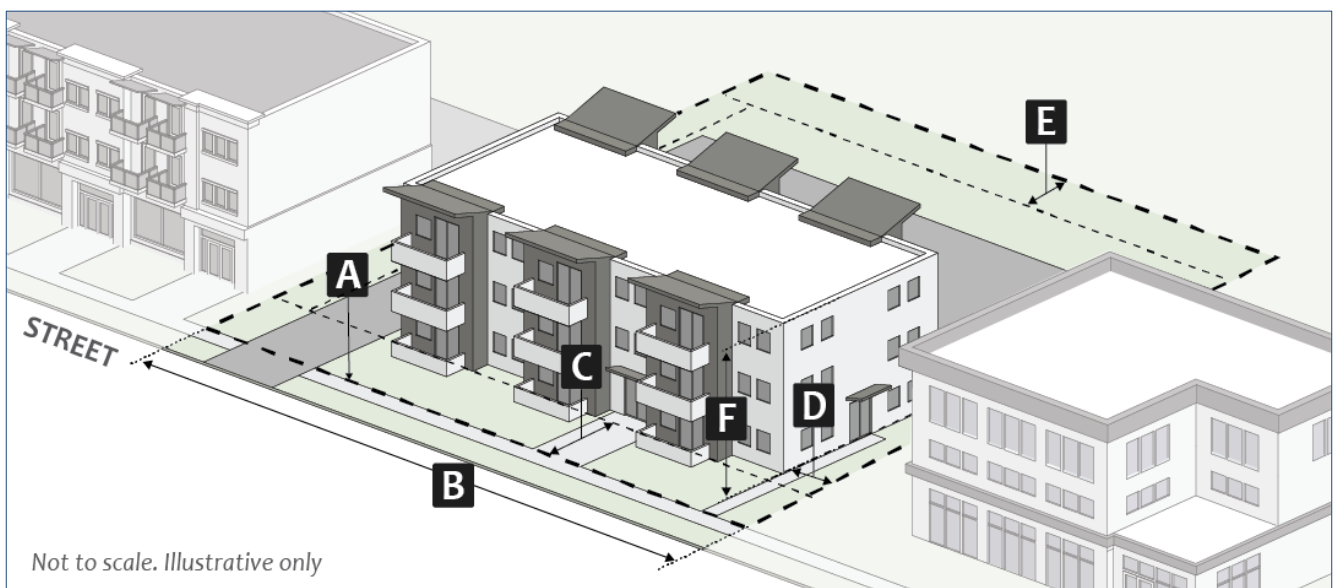
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-7: 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)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2] 15 feet	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	60%	
	Landscape area (minimum)	40%	
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.



(2) Dimensional Standards

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

Table 02-8: 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)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2] <u>15 feet</u>	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
F	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.

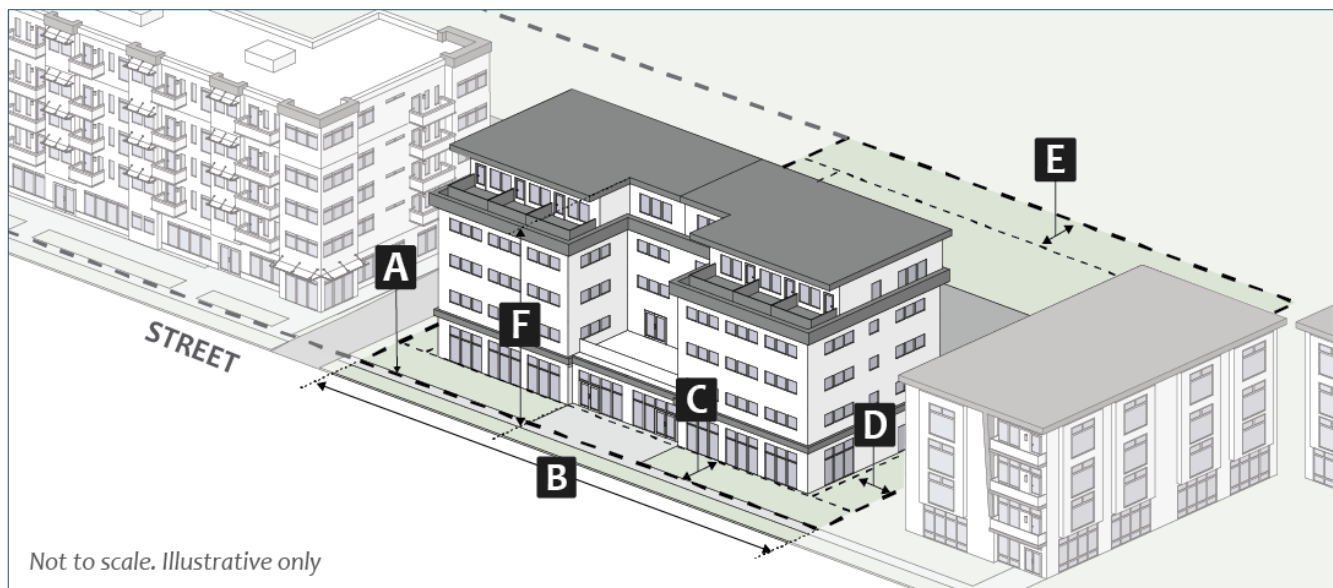


Figure 14: RH Dimensional Standards

(2) Dimensional Standards

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

Table 02-11: MN District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front build-to range	15 to 25 feet
	Front building façade at build-to range (minimum)	70%
D	Side	7 feet [1]
E	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	25% 40%
	Area of any individual commercial tenant (maximum)	5,000 square feet gross floor area
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	Accessory structure height (maximum)	20 feet

Notes:

- [1] Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

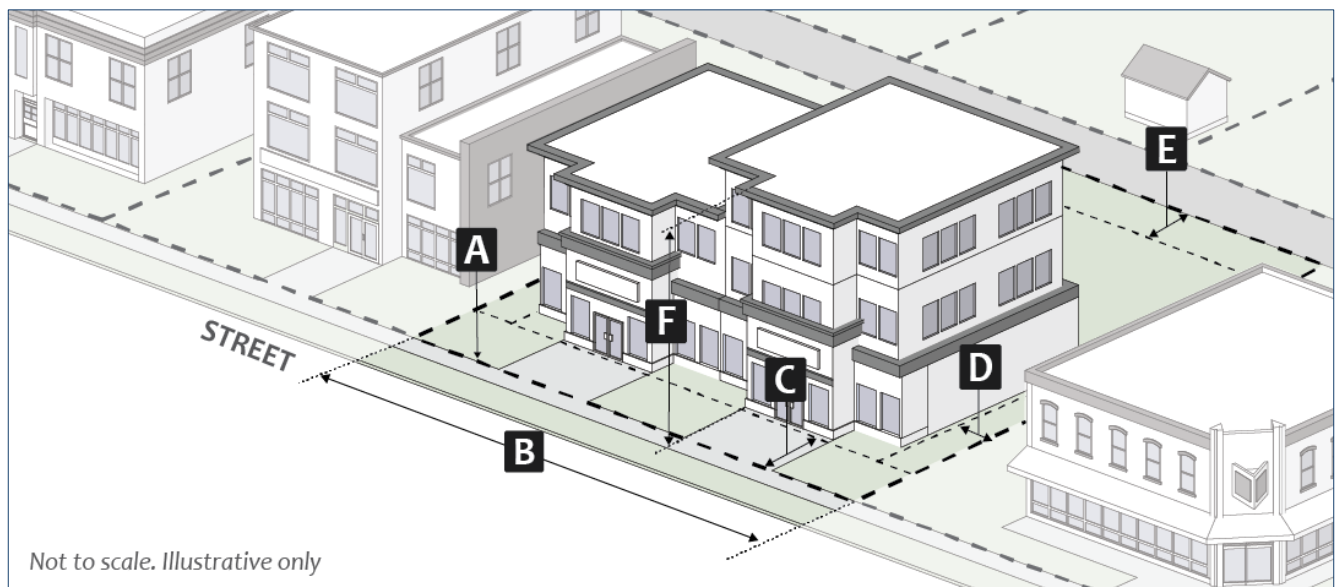


Figure 20: MN Dimensional Standards

- i. ~~Vary or repeat based on the maximum façade module lengths shown in the table below; and Are offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum of five feet, and the offset shall extend the length and height of its module; and~~
- ii. ~~Are offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum of five feet, and the offset shall extend the length and height of its module; Vary or repeat based on the maximum façade module lengths shown in the table below.~~

Table 02-28: Primary Building Articulation

Downtown Character Overlays	Lengths of Façade Articulation Modules	
	Maximum	Minimum
CS, UV	50 feet	20 feet
DC, DG	65 feet	20 feet
DE	45 feet	20 feet
ST	100 feet	none

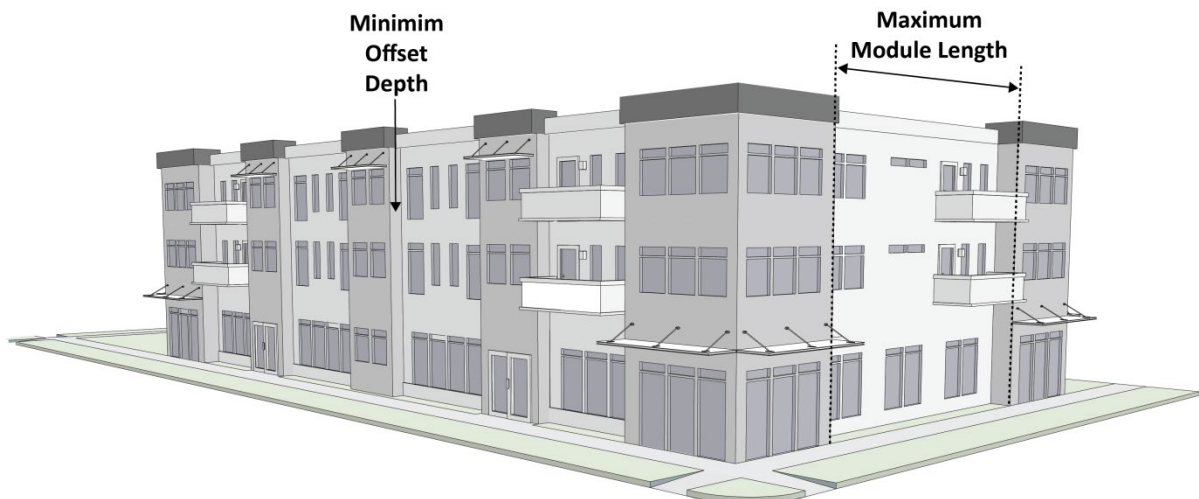


Figure 48: Primary Building Articulation

(9) Façade Materials

All street and non-street facing façades of a primary building shall comply with the materials requirements shown in the following table:

Chapter 20.04: Development Standards & Incentives

20.04.010 Applicability

(a) New Development

The requirements of this chapter shall apply to all new development pursuant to Section 20.01.020 (Authority, Applicability, and Jurisdiction), unless otherwise exempted in this Chapter.

(b) Activities That Trigger Compliance

- (1) Construction of any new primary structure on a lot shall require compliance with all standards in this Chapter unless an exception is stated in this UDO.
- (2) Table 04-1 identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 04-1 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.
- (3) Section 20.06.090(f) (Nonconforming Site Features) identifies activities that trigger full and limited compliance for lawful nonconforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives).
- (4) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 04-1: Development Standards Compliance Thresholds

UDO Standard	UDO Section	Change of Use		New Development		Redevelopment			
						Minor Site Plan		Major Site Plan	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional Standards	20.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and Connectivity	20.04.050	✓		✓		✓		✓	
Parking and Loading	20.04.060	✓		✓		✓		✓	
Site and Building Design	20.04.070		✓	✓			✓	✓	
Landscape, Buffering, and Fences	20.04.080		✓	✓		✓		✓	
Outdoor Lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

Table 04-2: Residential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		RE	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (Minimum, only for lots created after the effective date)									Entire Development	Dwelling Site
Lot area	sq. ft.	108,900	20,000 [2]	7,200 [2]	5,000 [2]	4,000	5,000	5,000	43,560	3,000
	acres	2.50	0.459 [2]	0.165 [2]	0.115 [2]	0.092	0.115	0.115	1.00	0.069
Lot width		200 feet	100 feet [2]	60 feet [2]	50 feet [2]	35 feet	50 feet	50 feet	200 feet	40 feet
Building Setbacks (Minimum)										
Front build-to line		None	None	None	15 feet [3]	None	None	None	None	None
Front		30 feet	15 feet	15 feet [3]	None	15 feet [3]	10 feet 15 feet	10 feet 15 feet	25 feet	10 feet
Attached front-loading garage or carport		30 feet [4]	25 feet [4]	25 feet [4]	10 feet behind the primary structure's front building wall		25 feet [4]		None	None
Side		30 feet	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [5]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [5]	5 feet	10 feet [6]	10 feet [6]	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet
Rear		60 feet	25 feet [2]	25 feet [2]	25 feet [2]	25 feet	15 feet [6]	15 feet [6]	20 feet	
Other Standards										
Front parking setback (minimum)		None	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Side parking setback (minimum)		None	None	None	None	None	8 feet	8 feet	None	None
Rear parking setback (minimum)		None	None	None	None	None	8 feet	8 feet	None	None
Impervious surface coverage (maximum)		15%	30%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)		None	None	None	None	None	40%	35%	None	None
Primary structure height (maximum)		40 feet	40 feet	40 feet	35 feet	40 feet	3 stories, not to exceed 40 feet [2] [6]	5 stories, not to exceed 63 feet [2] [6]	None	20 feet
Accessory structure height (maximum)		30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet

Notes:

- [1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards.
- [2] See Section 20.04.110 (Incentives) for alternative standards.
- [3] Or the median front setback of abutting residential structures, whichever is less.
- [4] Or equal to the setback of the primary structure, whichever is greater.
- [5] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.

Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		MS	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (Minimum, only for lots created after the effective date)									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		
Building Setbacks (Minimum)									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building façade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1]			10 feet						
Other Standards									
Front parking setback (minimum)		20 feet behind the primary structure's front building wall						See Table 04-4	20 feet behind the primary structure's front building wall
Side parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Rear parking setback (minimum)		8 feet	8 feet	8 feet	8 feet	8 feet	8 feet		8 feet
Impervious surface coverage (maximum)		70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum)		30%	25% 40%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)		None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]		6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)		20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet

Notes:

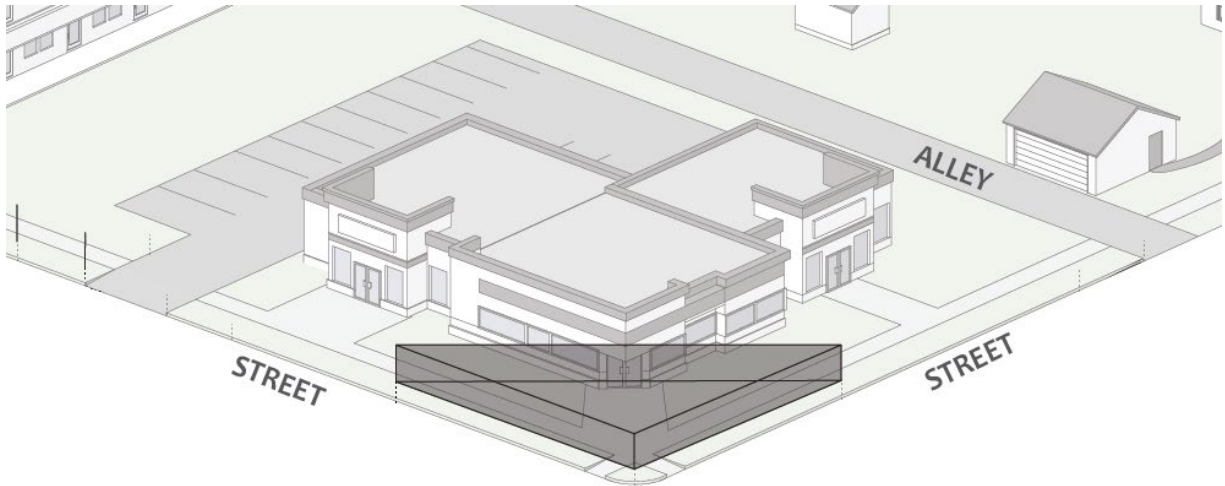


Figure 51: Vision Clearance Triangle

(B) Vision Clearance Triangle Leg Lengths

The vision clearance triangle leg lengths shall be as specified in the most current edition of the policy on geometric design of highways and streets published by the American Association of State Highway and Transportation Officials. Deviation from these standards shall require written approval from the City Planning and Transportation Department.

(C) Vertical Clear Area

No primary or accessory structures, landscaping, fences, walls or signs shall be placed in or to project into the vision clearance triangle between the heights of two and one-half feet and nine feet above the crown of the adjacent street.

(d) Pedestrian and Bicycle Circulation**(1) Purpose**

To reduce greenhouse gas emissions and improve the health and quality of life of city residents by providing safe, convenient, and attractive pedestrian and bicycle transportation paths, sidewalks, trails, and other facilities throughout the City.

(2) Applicability

Pedestrian facilities shall be required on both sides of all streets, with the exception of new single-family, duplex, and triplex residences built on existing legal lots of record on non-classified (neighborhood) streets with no adjacent pedestrian facilities, and additions to existing residential structures; and except that culs-de-sac less than 300 feet in length and providing access to less than 10 residential units shall be required to provide pedestrian facilities on one side of the street. All required trails and connector paths shall be provided. Where there are conflicting standards in this UDO and the most recently adopted Transportation Plan, the Planning and Transportation Director shall determine which standard governs.

20.04.060 Parking and Loading

(a) Purpose

This section is intended to regulate the amount and design of off-street parking and loading for different land uses and to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Providing necessary access for service and emergency vehicles;
- (3) Providing for safe and convenient interaction between motor vehicles, bicycles, and pedestrians;
- (4) Encouraging multi-modal transportation options and enhanced pedestrian safety;
- (5) Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the city;
- (6) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution; and
- (7) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking.

(b) Applicability

Compliance with this Section 20.04.060 (Parking and Loading) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.060(d) through 20.04.060(l).

(c) Parking Calculations

(1) Generally

- (A) All parking and loading requirements that are based on square footage shall be calculated on the basis of gross floor area of the subject use, unless otherwise specified.
- (B) Parking spaces designed or designated exclusively for recreational vehicles, motorcycles, scooters, and other two-wheeled vehicles shall not be included in the calculation of minimum or maximum vehicle parking requirements.
- (C) Parking spaces intended for storage of business vehicles, such as fleet vehicles, delivery vehicles, or vehicles on display associated with sales or rental shall not be included in the calculation of minimum or maximum vehicle parking requirements unless otherwise stated. Businesses with parking areas designed exclusively for vehicle display shall provide a minimum of one van accessible ADA parking space.
- ~~(D) When measurements of the minimum 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.~~
- ~~(E)(D)~~ When measurements of the maximum number of required parking spaces for vehicles or bicycles result in a fractional number, any fraction of 0.5 or larger shall be rounded down to the next lowest whole number.
- ~~(F)(E)~~ Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 20.04.060(g)(1).

(D) Building Expansions or Changes ~~of~~in Use

Building expansions or changes in~~ef~~ use that require additional vehicle parking spaces pursuant to Section 20.04.060(b) shall also require additional bicycle parking spaces based on the percentages in Table 04-13: Minimum Bicycle Parking Requirements, as applied to the building expansion area or the additional parking required by the change ~~of~~in use.

(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.

(F) Existing Public Bicycle Parking Spaces

Permanent bicycle parking spaces available for public use, such as City installed bicycle racks or bike corrals that exist at the time of development, expansion, or change ~~of~~in use, and are located within 100 feet of the primary entrance to the primary building may be used to satisfy up to two required bicycle parking spaces.

(G) Bicycle Parking Reduction

Subject to the approval of the Planning and Transportation Department, the number of bicycle parking spaces may be reduced if:

- i. Unique or unusual characteristics exist on a development site that would preclude safe travel of bicycles to and from the site; or
- ii. Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of four bicycle parking spaces are provided on site.

(m) Bicycle Parking Location and Design

(1) Location**(A) Rights-of-way**

Bicycle parking spaces shall not be located fully or partially within a public right-of-way without prior approval of the City.

(B) Access and Pedestrian Obstruction

All required bicycle parking spaces shall be located so that a minimum three-foot clear pedestrian passage space is provided to all sides of a standard six-foot bicycle parked in each required space, and so that there is at least 54 inches of clearance remaining for ADA compliance on pedestrian pathways.

(C) Design and Proximity

Required bicycle parking spaces shall be designed to allow bicycles to be secured with a lock to a fixed object and shall be located within 50 feet of the main entrance of each primary building on site.

(D) Collocation

Bicycle parking facilities may be located in a non-required vehicular automobile parking space so long as it is not a parking space required to comply with the Americans with Disabilities Act and the location meets the other provisions of this section.

- iii. The pedestrian entry shall contain at least three of the following architectural details:
 - 1. Pilasters or facade modules;
 - 2. Public art display;
 - 3. Prominent building address, building name, and lighting;
 - 4. Raised corniced entryway parapet; or
 - 5. Buttress and arched entry.

(I) Windows on Primary Facades

All first-story windows on the primary façade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) ~~Anti-Monotony~~ Standards

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

~~(J)~~(K) Street Addresses

- i. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
- ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) Residential

(A) Applicability

The following standards shall apply to the construction, expansion, addition, or alteration of any building in the RE, R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) Materials

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. V-grooved tongue-and-groove siding;
- iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- iv. Cedar or other wood materials ~~(excluding EIFS);~~
- v. Stucco, plaster, or similar systems ~~(excluding EIFS);~~
- vi. Stone;
- vii. Split face block, ground face block, or brick;

- (B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(n) Fences and Walls

(1) Applicability

Unless otherwise provided below, this Section 20.04.080(n) shall apply to all new development.

- (A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.
- (B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).
- (C) Retaining walls are exempt from the height standards but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.
- (D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.
- (E) Fences and walls located in the RE, ~~IN~~PO, and MI zoning districts are exempt from height standards.
- (F) Decorative features of fences such as post tops are exempt from height requirements provided, they extend no more than 12 inches from the top of the fence and are spaced at least eight feet apart.
- (G) Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(2) Fence and Wall Location

- (A) Fences and walls shall be permitted up to the property line.
- (B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(3) Fence and Wall Height

(A) Interior Lots

- i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in Subsection (1)(G) above.
- ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

(B) Corner Lots

On corner lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

(B) Plan Commission, Board of Zoning Appeals, or Common Council Decision

Any person that has standing to obtain judicial review of a zoning decision as established in Indiana Code 36-7-4-1603: Standing may appeal a zoning decision made by the Plan Commission according to the judicial review process established in Indiana Code 36-7-4-1600: Judicial Review. Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located and shall be filed no later than 30 days after the date of the zoning decision.

(C) Plat Committee Decision

A Plat Committee decision may be appealed to the Plan Commission pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within 10 days of the Plat Committee's decision.

(D) Time of Expiration during Appeals

If an appeal by writ of certiorari is taken from a decision, the time during which such appeal is pending shall not be counted in determining whether the permit or approval has expired under subsection (A) through (C).

20.06.050 Development Permits and Procedures

(a) Site Plan Review**(1) Purpose**

The site plan review procedure is intended to ensure that potential impacts of development are considered before submittal of a petition for construction or issuance of a building permit and to:

- (A) Promote well-planned and well-designed use of property;
- (B) Promote a high character of community development;
- (C) Review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience, and welfare;
- (D) Promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management;
- (E) Determine compliance with the standards of this UDO;
- (F) Protect environmental quality; and
- (G) Ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met.

(2) Applicability**(A) Activities Subject to Site Plan Review**

Site plan review is required prior to the issuance of a building permit and/or construction of physical site improvements. Site plan review is required for all development and changes [in](#) [of](#) use subject to this UDO, including the following, unless exempted by subsection B below:

(f) Certificate of Zoning Compliance

(1) Purpose

The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability**(A) Generally**

- i. A Certificate of Zoning Compliance shall be required for any of the following activities:
 1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;
 2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change ~~of~~in Use);
 3. Enlargement in the area used for any use or relocation of a use to another portion of a lot, site, or building;
 4. Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas, or any other land distributing activity.
 5. Tree removal requests that decrease the baseline canopy cover shall follow the procedures outlined in Section 20.06.050(a) (Site Plan Review), and shall comply with the requirements of Section 20.04.030(i) (Tree and Forest Preservation).
 6. Any action that would result in partial or complete demolition of any exterior portion of a building or structure that is listed as "Outstanding," "Notable," or "Contributing" on the City of Bloomington Survey of Historic Sites and Structures as the same may be amended or replaced ("Historic Survey"). Such action shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit). An accessory building or structure not attached to the principal building or structure upon the listed parcel shall not be considered "listed" within the meaning of this UDO unless the accessory building or structure is of the same era of construction as the principal building or structure, as determined by the staff. Such determination shall be based upon resources that may include but shall not be limited to Sanborn Company Fire Insurance maps, visual inspection of the accessory building or structure, and records and expertise of Historic Preservation Commission or its staff.
- ii. A single Certificate of Zoning Compliance may be issued for a combination of such actions if they occur together. Any petition for a Certificate of Zoning Compliance, permit, or other approval for an action described in subsection (A)(i.6) above shall be subject to the procedures outlined in Section 20.06.050(c) (Demolition Delay Permit).

(B) Exemptions

Activities involving the removal of dead, dying, or hazardous trees, or exotic, invasive vegetation, as verified by the Planning and Transportation Department, are exempt from receiving a Certificate of Zoning Compliance, unless such removal decreases the baseline canopy cover.

(i) **Certificate of Nonconforming Use**

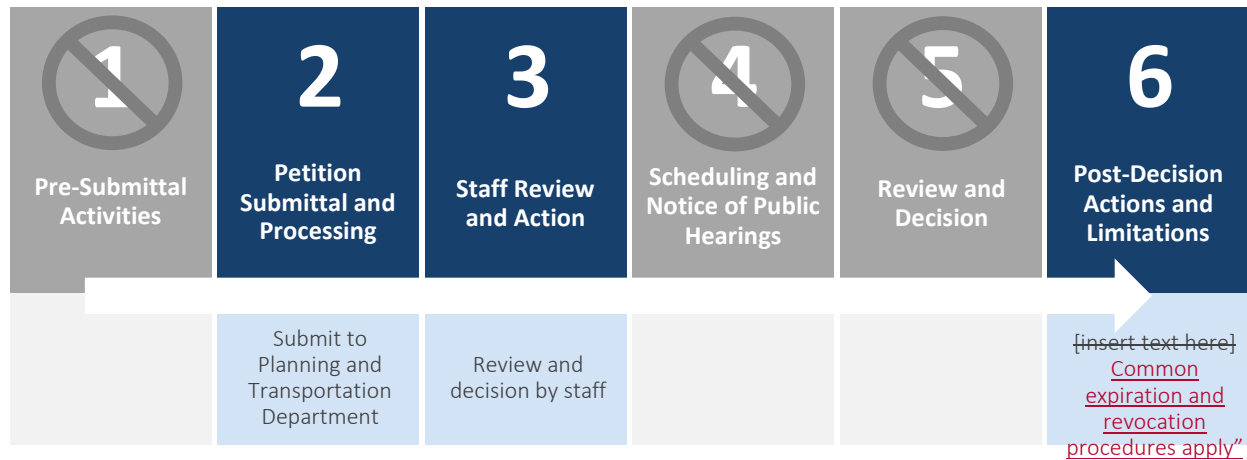
(1) **Purpose and Applicability**

A person who owns or operates a nonconforming use that has not been deemed abandoned pursuant to Section 20.06.090(c)(3) (Abandonment of a Nonconforming Use), may request a Certificate of Nonconforming Use to protect the lawful nonconforming status.

(2) **Certificate of Nonconforming Use Review Process**

Figure 06.05-11 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to certificate of nonconforming use review. Additions or modifications to the common review procedures are noted below.

Figure 06.05-10: Summary of Certificate of Nonconforming Use Review Procedure



(A) **Petition Submittal and Processing**

The Certificate of Nonconforming Use petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(B) **Staff Review and Action**

The Planning and Transportation Director shall review the Certificate of Nonconforming Use petition, and shall and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d) (Staff Review and Action), based on the general approval criteria in Section 20.06.040(d)(6)(B) (General Compliance Criteria) and the following criteria:

- i. The petitioner shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.

(C) **Post-Decision Actions and Limitations**

Post-decision actions and limitations in Section 20.06.040(h) shall apply with the following modifications:

(7) Compliance to the Maximum Extent Practicable

Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental features, the petitioner shall comply with the requirements of this section to the maximum extent practicable, as determined by the Planning and Transportation Director.

(c) Nonconforming Uses

Nonconforming uses of land, buildings, or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses

- (A) A nonconforming use may be extended throughout a conforming building or structure, provided that:
 - i. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
 - ii. No additional dwelling units shall be permitted in the building;
 - iii. No additional nonresidential units and/or uses shall be permitted; and
 - iv. Such extension would not result in a violation of the parking standards pursuant to Section 20.04.060 (Parking and Loading).
- (B) Any existing occupied conforming single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.
- (C) A nonconforming use that is located in a nonconforming building or structure or on a lot with nonconforming site features shall comply with the requirements of Sections 20.06.090(d) and 20.06.090(f) as applicable.
- (D) No additional structure not conforming to the requirements of this UDO shall be erected in connection with the nonconforming use of land or structure.
- (E) Whenever a nonconforming use of land or a building has been discontinued for a period of one-year, future use of land or building shall comply with this UDO.

(2) Change of Use

- (A) A nonconforming use that has been changed to a less nonconforming use pursuant to this subsection may not subsequently be changed back to a more nonconforming use.
- (B) A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this UDO.
- (C) A lawful nonconforming use which has been abandoned, including a use involving occupancy by four or five adults which has been voluntarily waived and relinquished pursuant to Section 20.06.090(c)(4) (Residential Occupancy), shall not be resumed or replaced by another nonconforming use.

Dwelling, Accessory Unit

An additional residential dwelling unit, but not a mobile home, camper, or recreational vehicle, that is located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Without limiting the generality of the previous sentence, this definition includes a transportable living unit that meets either the applicable City building code or the construction standards of the federal Manufactured Housing Act, contains less than 500 square feet of gross floor area, is mounted on a permanent foundation, and is connected to City utilities as required for other types of dwelling units.

Dwelling, Cottage Development

A cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings containing less than 500 square feet of gross floor area, commonly referred to as Tiny Homes, provided that each home meets either the Indiana Building Code or the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to city water, sewer, and electric services. This definition shall not include a "Manufactured Home Park."

Dwelling, Duplex

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

Dwelling, Fourplex

A single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family.

Dwelling, Live/Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Manufactured Home

Means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds 950 square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, [MobileManufactured Home](#)."

Dwelling, Mobile Home

Any factory-fabricated portable structure, residential or nonresidential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and that is not a "Dwelling, Manufactured Home" as defined by this UDO.

Ordinance	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-01-21 Technical						
	Chapter 2					
	20,22	20,22	20.02.020 Table 02-4 and Table 02-5	Side Yard first floor setback	Add [3] to the first floor setback for the R2 district and [2] to the first floor setback for the R3 district	Visually clarifies that the 2' reduction for side yard setback requirements also applies to the base setback.
	26	26	20.02.020 Table 02-7	RM Rear Setback says 10' in Table 02-7 and 15' in Table 04-2	Make setback 15' in both sections	Sync discrepancy
	28	28	20.02.020 Table 02-8	RH Rear setback says 10' in Table 02-8 and 15' in Table 04-2	Make setback 15' in both sections	Sync discrepancy
	34	34	20.02.030 Table 02-11	Minimum landscape area is 25%	Minimum landscape area is 40%	Balances percentage of landscape area to impervious surface coverage
	66-67	67	20.02.060(a)(8)(B)(i)		Reverse language from (i) and (ii) so that table reference is correct.	Adjusts location text so that table will correspond with correct citation.
	Chapter 4					
	107	108	Table 04-2	RM Front Setback says 15' in Table 02-7 and 10' in Table 04-2	Make setback 15' in both sections	Sync discrepancy
	107	108	Table 04-2	RH Front setback says 15' in Table 02-8 and 10' in Table 04-2	Make setback 15' in both sections	Sync discrepancy
	108	108	20.04.020 Table 04-3	Minimum landscape area is 25%	Minimum landscape area is 40%	Balances percentage of landscape area to impervious surface coverage for MN.
	108-109	108,110	20.04.020 Table 04-2 and 04-3		Add row for side and rear parking setback and reference section- [20.04.080(h)(1)(A)(i)]	References the required 8' side and rear parking setback/landscaped area.
	137	140	20.04.050(d)(2)	Sidewalk installation for construction of a single family residence	Adds language from previous UDO to not require the construction of a sidewalk with the construction of a single family residence if on a non-classified street and no adjacent sidewalks. Extends that language to duplex and triplex.	Inserts missing language previously approved
	144	147	20.04.060(c)(1)(D)	When measurements of the minimum 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.	Remove	The duplicate language has caused confusion.
	164	167	20.04.070(d)(3)(B)(iv)		Move EIFS reference from "iv" to "v"	Moves EIFS reference from wood-grained materials to stucco section where it more closely matches.
	188	192	20.04.080(n)(1)(E)	Fences and walls located in the RE, IN, and MI	Change IN to PO	replaces incorrect citation
	Chapter 6					
	293	298	20.06.050(i) Figure 06.05-10	Missing text - Step #6 graphic labeled "insert text here"	In Step #6 graphic labeled "insert text here" should say "Common expiration and revocation procedures apply".	Fixes error where text should have been added.
	Chapter 7					

				Dwelling, Manufactured Home- Means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds 950 square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Manufactured Home."	Means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and that was constructed after January 1, 1981, and that exceeds 950 square feet of occupied space. This definition includes double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses, or other sub-elements, nor any other dwelling unit that is defined as a "Dwelling, Manufactured Mobile Home."	
	369	374*	20.07.010			Fixes an incorrect word in the definition.
	All Chapters					
		106, 161, 272, 293, 347		Change of Use	Change in Use	The UDO refers to both Change of and Change in Use. The proper and defined term is Change in Use

ORDINANCE 21-16
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.02

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on March 22, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
(A) ZO-02-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies a regulation in the new UDO related to the stepback requirement in the Mixed-Use Downtown zoning district.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-16 is a true and complete copy of Plan Commission Case Number ZO-02-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 8, 2021.



Date: March 22, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of March, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-02-21 amends Chapter 2 of the 2020 Unified Development Ordinance (UDO), by adding text to clarify standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-02-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: March 22, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-02-21 on March 8, 2021 and voted to send the petition to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-02-21 | Chapter 2: Zoning Districts

ZO-02-21 | Chapter 2: Zoning Districts

This petition clarifies that the step back requirement in the DC, DG, and ST character areas are for the entirety of the building over the respective story limit in each overlay. This is the only amendment in this chapter. This amendment is needed so that it is clear that a partial step back does not meet code.

(4) Primary Building Roof Design

(A) All primary buildings shall incorporate the roof shapes shown in the following table:

Table 02-25: Primary Building Roof Design

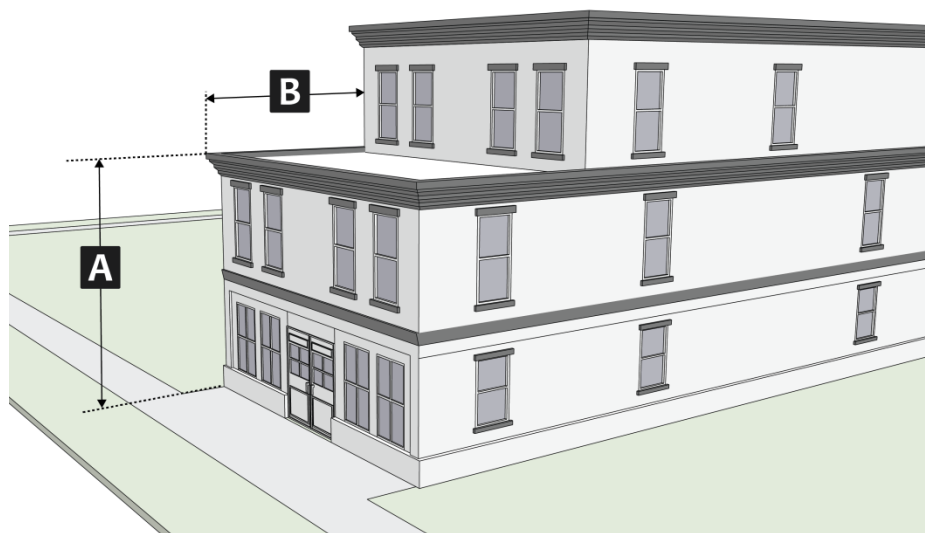
Character Area	Roof Shape Permitted
CS, DC	Flat roofs with parapets.
UV	Kirkwood Corridor: Flat roofs with parapets. Restaurant Row: Sloped or pitched gable and/or hip roofs.
DE	Sloped or pitched gable and/or hip roofs; except that primary buildings facing Rogers, Walnut, Third, or Washington Streets or College Avenue may incorporate flat roofs with parapets. Each section of a sloped or pitched roof with a roof ridge greater than 40 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.
DG, ST	Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.

- (B) Where roofs with parapets are permitted, the parapet height shall not exceed 15 percent of the supporting wall height.
- (C) Where sloped roofs are permitted, the roof shall have at least an 8:12 pitch.

(5) Upper Floor Façade Stepbacks

All primary buildings shall comply with the following standards for upper floor stepbacks:

- (A) The first three stories of building façade in the DC character area, and the first two stories in the DG and ST character areas shall comply with the build-to range in Section 20.02.010 (Dimension Standards).
- (B) Portions of the building façade facing the street above three stories in the DC character area, and portions of the building façade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.

**Figure 47: Upper Floor Façade Stepbacks**

Ordinance	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-02-21 Chapter 2						
	64	64	20.02.060(a)(5)(f)	Portions of the building facade facing the street above three stories.....	All portions of the building facade facing the street above.....	Clarifies that <u>all</u> portions of the building above three stories must be setback from the front facade.

ORDINANCE 21-17
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.03

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-03-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Use Regulations.

****ORDINANCE CERTIFICATION****


In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-17 is a true and complete copy of Plan Commission Case Number ZO-03-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.

Date: April 5, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative
		Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-03-21 amends Chapter 3 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-03-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-03-21 on March 22, 2021 and voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 9-0. The Plan Commission voted on two additional amendments brought forward by staff, in order to expand the uses in the Mixed-Use Employment (ME) zoning district. Both amendments were approved and added to the petition.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-03-21 | Chapter 3: Use Regulations

ZO-03-21 | Chapter 3: Use Regulations

This petition deals with the amendment of details related to allowed uses. The 30 amendments can be roughly divided into seven (7) categories: Clarification; Student Housing; Parking; Livestock; Accessory Structures; Accessory Dwelling Units; Home Occupation; and Mixed-Use Employment.

Clarification

1. Add a 15 day time limit to the existing temporary use ‘special event’.

2. Add the existing food protection fencing description to the Use Specific Standards for ‘urban agriculture, noncommercial’, while leaving it in the Landscaping, Buffering, and Fences.
3. Clarify that the existing language for structures related to livestock or livestock waste are for Large or Medium livestock, as those are the only defined livestock sizes in existing code. (See more below)
4. Clarify that each hose (typically one side) in a fuel dispenser is one unit, as opposed to the unit being both sides or two hoses.
5. Amend the existing regulation that storage units in the MN, MM, or MD district are required to be in 2 story buildings, so that the 2nd story can contain other uses besides storage.
6. Clarify that limits on accessory structures refers to enclosed accessory structures, as is the practice.
7. Limit farm produce sales to 180 days within a calendar year, as opposed to 180 consecutive days.

Student Housing

1. Asterisk added to the ‘P’ for Student Housing in MS, so that the Use Specific Standards for the use will apply in that district.
2. In Multifamily and Mixed Use districts, changing Student Housing separation requirements so that buildings on one lot also need to meet the separation requirement. Projects using the Affordable Housing Incentive are exempt from the requirement.
3. In Multifamily and Mixed Use districts, reducing building floor plate maximums by half. Projects using the Affordable Housing incentives may have double the floor plate maximum. In the MS district, setting a building floor plate maximum. Projects using the Affordable Housing incentives will have no maximum. These changes are made to adjust the size limitations to be more appropriate.
4. In the RH zoning district, reducing maximum building height by one story. Projects that need additional height to meet Affordable Housing incentives can be taller. This adjustment is made to make the maximum height more appropriate for by-right projects.

Parking

1. Add a 20 foot setback requirement for parking on the ground floor inside of a building facing a road for multifamily uses. Parking garages along streets and sidewalks hamper the interface of the site and the public realm, so the proposal is to limit the use in that area.
2. Limit parking garage space in a student housing use to 50% of the ground floor area for buildings along the street. This is also included to limit the direct interface of inactive space and the public realm.

Livestock

1. Add setback requirements for structures containing small livestock that are smaller than those required for medium or large livestock. 35 feet from the front property line, 15 feet from side lines, and 25 feet from rear lines so that smaller livestock buildings may be possible on smaller urban lots.
2. Amend the Table to clarify it lists Area Required for animals, which is not always pasture size in the proposal.

3. Add 'Small Livestock' to the table, allowing 2 per lot if the lot equals minimum lot size for the zoning district.
4. Delete the Note about small livestock because it cannot be administered as weight of the animal is in the definition of medium livestock. The addition of small livestock to Chapter 7 and this table should take care of that use.
5. Delete reference to age of animal. The addition of small livestock to Chapter 7 and this table should take care of that use.

Accessory Structures

1. In the RM, RH, and RMH districts, add a minimum square footage to the maximum footprint for accessory structures so that developments with only one or two small buildings can also have typical accessory structures. The regulation was previously percentage-based only, so smaller developments were extremely limited.
2. Delete the 50 percent maximum in the RE zoning district, as agricultural buildings are limited by this number. The provision will also be deleted if the RE district is removed.
3. Add a note for the R1 to exempt agricultural structures from the size limitations.
4. In Mixed Use districts, add a minimum square footage to the maximum footprint for accessory structures so that developments with only one or two small buildings can also have typical accessory structures. The regulation was previously percentage-based only, so smaller developments were extremely limited.

Accessory Dwelling Units

1. Remove minimum lot size requirement for ADUs. The site will still be subject to all impervious surface coverage and setback requirements.
2. Clarify what the gross floor area in a detached ADU references, so that it is clear that only the portion of the structure that is used for the ADU is limited to the square footage. This matches intent and practice.
3. Change the side and rear yard setbacks of a detached ADU to 5 feet, which was in the regulation in the previous legislation.
4. Remove the interested party notification requirement for ADUs, as the use is by-right and we have found that notice for by-right projects creates confusion for those receiving the letter.

Home Occupation

1. Change the Home Occupation maximum from 15% of the structure used to 50% of the structure to reflect changing practices in how and where people work. Add that Home Occupations can occur in accessory structures that meet the maximum size requirements for their zoning district. Clarify that exempted uses are excluded from size limitations.
2. Add that Home Occupations can occur in accessory structures and may not interfere with off-street parking requirements.

Mixed-Use Employment (Added at Plan Commission)

1. Add Medium Scale Retail as a permitted use.
2. Increase permitted Restaurant size to 5,000 square feet.

20.03.020 Allowed Use Table

Table 03-1: 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 20.03.010(e).

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	*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
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)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
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)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house						P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory						C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

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Chapter 20.03: Use Regulations

20.03.020 Allowed Use Table

Table 03-1: 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 20.03.010(e).

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	
Amenity center	P*	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C											P							
Recreation, indoor				P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C											C	P	P			C		
Sexually oriented business											C*	P*					P*		20.03.030(d)(7)
Stadium														C					
Food, Beverage, and Lodging																			
Bar or dance club									P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery									P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel									P			P	C		P				
Restaurant						C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																			
Artist studio or workshop	A*	A*	A*	A*	A*	P	P			P	P	P	C	C	P				20.03.030(d)(11)
Check cashing											C	C							
Financial institution									P		P	P	C		P		A		
Fitness center, small						A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large									P	P	P	P			P	A			
Office										P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small						A	A		P	P	P	P	P	C	P				
Personal service, large									C	C	P	P	P		P				
Tattoo or piercing parlor											P	P			P				
Retail Sales																			
Building supply store											P	P					P		
Grocery or supermarket						A	A		P	P	P	P	P		P				
Liquor or tobacco sales											P	P			P				
Pawn shop											P	P			P				
Retail sales, small						C	C		P	P	P	P	P		P				
Retail sales, medium									P		P	P	P		P				
Retail sales, large												P			P				
Retail sales, big box												P					P		
Vehicles and Equipment																			
Equipment sales or rental										P*	P*	P*			P*		P*		20.03.030(d)(13)
Transportation terminal											P	P		P	P		P		
Vehicle fleet operations, small											P	P					P		

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Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

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	
Wind energy system, large													P*				P*		20.03.030(f)(4)
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
ACCESSORY USES																			20.03.030(g)(1)
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through											A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display										T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles						A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve						A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
TEMPORARY USES																			20.03.030(h)(1)
Book buyback									T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales									T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(6)
Special event	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>	<u>T*</u>		<u>T*</u>	<u>23.03.030(h)(7)</u>

20.03.030 Use-Specific Standards

(a) Generally

- (1) The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

(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.

(5) Dwelling, Multifamily

(A) Ground Floor Parking

Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building façade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.

(A)(B) Size

In the MN and R4 zoning districts, no more than eight multifamily dwelling units shall be constructed on one single lot or parcel.

(B)(C) Ground Floor Units

- i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays, and the ME zoning district.
- ii. In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street.

(6) Dwelling, Live/Work

- (A) The residential unit shall be located above or behind the nonresidential areas of the structure.
- (B) The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (C) The resident owner or employee is responsible for the commercial or manufacturing activity performed.
- (D) In the R4, RM, and RH zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the unit.
- (E) Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- (F) The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.

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- (E) Where minimum spacing is required by subsections (C) and (D) above, the distance shall be measured from the nearest property line of the property from which spacing is required to the nearest property line on which the group home will be located, using a straight line, without regard to intervening structures or public rights-of-way.

(12) Residential Rooming House

- (A) No residential rooming house shall contain more than four bedrooms, not including the living space occupied by the residential rooming house owner.
- (B) No bedroom occupied by a person other than the residential rooming house owner shall be rented for a period of less than 30 consecutive days.

(13) Student Housing or Dormitory

(A) Ground Floor Parking

No more than 50% of the ground floor of a building adjacent to a public street can be used for parking.

(A)(B) Location

In the RM, RH, MN, MM, MC, and MI zoning districts, each student housing or dormitory use shall be separated from any other student housing or dormitory use by at least 300 feet,

- i. By at least 300 feet, as measured between the closest points on the two lots containing the student housing or dormitory uses, and
- ii. By at least 300 feet, as measured between the closest points of two or more residential or mixed use structures within one lot containing the student housing or dormitory use.

However, if the affordable housing incentive codified at Section 20.04.110(c) has been earned, only the requirements of 20.03.030(b)(13)(A)(i) apply to each student housing or dormitory use in the RM, RH, MN, MM, MC, and MI zoning districts.

(B)(C) Building Floor Plate

- i. In the MN zoning district, the maximum building floor plate for a student housing or dormitory use shall be 2,5005,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the MN zoning district shall be 5,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).
- ii. In the RM and MD zoning districts, the maximum building floor plate for a student housing or dormitory use shall be 5,00010,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the RM and MD zoning districts shall be 10,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

iii. In the RH, MM, MC, and MI zoning districts, the maximum building floor plate for a student housing or dormitory use shall be ~~10,000~~20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, the maximum building floor plate for a student housing or dormitory use in the RH, MM, MC, and MI zoning districts shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g).

In the MS zoning district, the maximum building floor plate for a student housing or dormitory use shall be 20,000 square feet per lot, pursuant to the measurement standards in Section 20.04.020(g) (Building Floor Plate). However if the affordable housing incentive codified at Section 20.04.110(c) has been earned, there shall be no maximum building floor plate for a student housing or dormitory use in the MS zoning district.

~~(C)~~(D) **Building Height**

- i. In the RH zoning district, the maximum building height for a student housing or dormitory use shall be ~~four~~three stories, not to exceed ~~40~~50 feet, except as necessary to accommodate additional height earned through the affordable housing incentive in Section 20.04.110(c).
- ii. In the MD-DC character area, the maximum building height for a student housing or dormitory use shall not exceed 40 feet.
- iii. In the MD-CS, MD-UV, MD-DE, MD-DG, and MD-ST Downtown Character Overlays, the maximum building height for a student housing or dormitory use shall not exceed 30 feet.

(c) Public, Institutional, and Civic Uses

(1) Art Gallery, Museum, or Library

In the R4 zoning district, art galleries, museums, and libraries shall be limited to 7,000 square feet gross floor area.

(2) Community Center

In the RM and RH zoning districts, community centers shall be a Permitted use when created through renovation of an existing building. If a community center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(3) Day Care Center, Adult or Child

- (A) When located in a Residential zoning district, an adult or child day care center shall not be located closer than 500 feet to any other adult or child day care center.
- (B) When a license is required by the state, proof of licensing shall be presented with the petition for the conditional use approval. Day care centers exempt from state licensing requirements shall provide proof of exemption.
- (C) The operation of the facility shall not include overnight occupancy by the clients.
- (D) A Level 3 buffer pursuant to Section 20.04.080(g)(3) (Buffer Yard Types), shall be established along the property line(s) separating a day-care center and any single-family detached, duplex, triplex, or fourplex dwellings.

(c) **Public, Institutional, and Civic Uses**

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(4) **Jail or Detention Facility**

- (A) Adequate access shall be provided to a street classified as a collector or arterial per the Transportation Plan.
- (B) The design and intensity of the use, site, and structure shall be compatible with the surrounding area.
- (C) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired

(5) **Urban Agriculture, Noncommercial**

(A) **Structures**

- i. Greenhouses and hoop houses are limited to a maximum height of 15 feet, shall be located at least 10 feet from any lot line and may not cover more than 25 percent of the property.
- ii. Cold frames are limited to a maximum height of four feet and shall be located at least 10 feet from any lot line.
- iii. Agricultural stands are limited to a maximum height of 12 feet and shall be located at least 10 feet from any abutting lot with an occupied residential use.
- iii. Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(B) Location

- i. Structures containing large or medium livestock or any structures containing livestock waste (except chicken coops) shall meet the following minimum setbacks:
 1. Front setback: 75 feet;
 2. Side setback: 50 feet;
 3. Rear Setback: 75 feet.
- ii. Structures containing small livestock shall meet the following minimum setbacks:
 1. Front setback: 35 feet;
 2. Side setback: 15 feet;
 3. Rear Setback: 25 feet.

(C) Number of Livestock

- i. Domesticated livestock are permitted in accordance with the requirements indicated in Table 03-3 below, unless otherwise prohibited or limited by this UDO or other regulation.
- ii. The maximum number of livestock per acre shall be cumulative between the categories of domesticated animals.
- iii. Animals less than four months of age shall be calculated at one-half the unit value.

Table 03-3: Number of Animals Allowed

Animal Type	<u>Pasture-SizeArea Required</u> (minimum)	Livestock per Acre (maximum)
Large Livestock	1 acre <u>of pasturage</u>	1 per acre of pasturage
Medium Livestock	0.5 acres <u>of pasturage</u>	1 per 0.5 acre of pasturage [1]
<u>Small Livestock</u>	<u>Lot size equals district minimum</u>	<u>2 per minimum area required</u>

Notes:

~~[1] Hybrid or miniaturized medium livestock that weight less than 100 pounds when fully grown shall count as one-third each towards the maximum animals per acre allowed.~~

(2) Kennel

- (A) The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
- (B) Animals shall not be permitted outside except within a secure animal run, and no outdoor animal run shall be permitted within 200 feet of any adjacent residential district or use, except where the adjoining property is owned or occupied by the operator of the kennel.
- (C) The perimeter of the kennel operation shall be enclosed with an opaque fence that meets the following standards:
 - i. Minimum depth underground: 12 inches.
 - ii. Height: Eight feet from grade.
 - iii. Minimum gauge of chain-link fence: 11

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.
- (C) In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (D) In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (E) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) In the ME zoning district:
 - i. All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials;
 - ii. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; and
 - iii. At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

(15) Vehicle Impound Storage

Vehicle impound storage lots shall be screened with a solid fence or wall at between eight and 10 feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(16) Vehicle Parking Garage

In the MD-CS, MD-DC, MD-UV, MD-DG, and MD-ST Downtown Character Overlays, a freestanding primary use vehicle parking garage, or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require conditional use permit approval pursuant to Section 20.06.050(b) (Conditional Use Permit).

(17) Vehicle Repair, Major or Minor

- (A) All major overhaul, body and fender work, upholstery and welding, and spray painting shall be conducted within a completely enclosed building.

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- (B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- (C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- (D) The storage of hazardous materials is prohibited.
- (E) Security fencing shall not include razor wire or barbed wire.
- (F) Where the site is adjacent to a Residential zoning district or a portion of a PUD zoning district designated for single-family residential uses:
 - i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m) (Screening);
 - iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
- (G) If the facility is located in an MN, MM or MD district, all storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways. ~~storage units on upper floors with access doors to storage units accessed from interior hallways.~~
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

(3) **Gravel, Cement, or Sand Production, or Quarry**

Each facility shall be screened with a solid fence or wall between eight and 10 feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

(f) **Utilities and Communication**

(1) **Communication Facility**

(A) **Purpose**

These standards are intended to provide sensible and reasonable development standards that comply with the requirements of state and federal law for public and private telecommunication service and to:

- i. Maximize the use of any communication facilities in order to reduce the total number of facilities needed to serve the communications needs of the area;
- ii. Minimize the adverse, undesirable visual effects of communication facilities; and
- iii. Provide for the reasonable location of communication facilities in the city.

- (D) In the MN, MM, and MC zoning districts, brewpubs, distilleries, or wineries shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.
- (E) In the MD zoning district, brewpubs, distilleries, or wineries shall maintain at least 50 percent of the gross floor area of the facility for public use as a tavern, restaurant, or tasting area.
- (F) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that:
 - i. The location and flow of shipping traffic does not impact access by other users; and
 - ii. The proposed shipping routes are designed to accommodate the weight of the delivery vehicles.

(10) Restaurant

- (A) In the ~~current RM and, RH, and ME~~ zoning districts, the restaurant shall contain no more than 2,500 gross square feet of floor area. Such smaller establishments typically include but are not limited to cafes, coffee shops, delis, and small restaurants. In the ME zoning district, the restaurant shall contain no more than 5,000 gross square feet of floor area.
- (B) In the RM and RH zoning districts, structures containing this use shall be similar in appearance to the surrounding buildings with respect to architectural style, roof pitch, color and materials.

(11) Artist Studio or Workshop

In the RE, R1, R2, R3, and R4 zoning districts:

- (A) The artist studio shall be accessory to a residential use.
- (B) No retail activity shall be permitted in association with the artist studio.
- (C) No display of art pieces for public viewing, such as within a gallery, shall be permitted.
- (D) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

(12) Office

In the MH zoning district, only office uses performing services related to the medical or health care industries are permitted.

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. _____
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.

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(1) **Generally**

Accessory uses and structures customarily incidental to the principal use and/or structure shall be permitted subject to site plan requirements, all necessary permits and approvals, and other applicable requirements.

(A) **Compliance Required**

Accessory structures shall comply with all dimensional and development standards for the subject zoning district regardless of whether a temporary use permit or certificate of zoning compliance is required.

(B) **Exemptions**

The installation of flag poles and/or detached structures that serve as covered, short-term Class II bicycle parking facilities shall not count towards the maximum number of accessory structures allowed.

(C) **Prohibitions**

A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, or motor vehicle shall not be used as an accessory structure in any zoning district.

(D) **Timing**

Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure or for agricultural purposes.

(E) **Number and Size Permitted**

The maximum number (per lot or parcel) and maximum footprint (cumulative total per parcel) of [enclosed](#) accessory structures permitted is indicated in the table below:

Table 03-4: Number and Size of [Enclosed](#) Accessory Structures Permitted

Zoning District	Maximum Number	Maximum Footprint (cumulative total)
RE	None	50 percent of the square footage of the primary structure
R1	2	1,000 square feet or 50 percent of the square footage of the primary structure, whichever is less [1]
R2		840 square feet
R3		580 square feet
R4		400 square feet
RM, RH, RMH	None	840 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint, whichever is greater.
MS, MN, MM, MD, MC, ME, MH		1000 square feet or 15 percent of the cumulative square footage of the primary building(s) footprint, whichever is greater.
MI, EM, PO	None	None

[NOTES:](#)

[\[1\] Agricultural accessory structures are exempt from the size limitations.](#)

(F) **Location**

- i. Unless otherwise authorized in this UDO, accessory structures shall be located no closer than 35 feet from the front property line and five feet from side and rear property lines.

(3) Detached Garage Design

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) Drive-Through

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

(5) Dwelling, Accessory Unit**(A) Purpose**

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

(B) Generally

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

(C) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) Standards for Attached ADUs

- i. The maximum square footage of any attached ADU shall be 840 square feet.

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~~v.~~iv. No more than one family, as defined in Chapter 20.07: (Definitions), shall reside in one accessory dwelling unit; provided, however, that units lawfully in existence prior to the effective date of the ordinance from which this section derives where the number of residents located in one accessory dwelling unit lawfully exceed that provided by the definition of family in Chapter 20.07: (Definitions), may continue to be occupied by the same number of persons as occupied the accessory dwelling unit on that effective date.

~~vi.~~v. A request for an ADU shall be required to submit a separate site plan petition with the Planning and Transportation Department.

(C) Utilities

All ADUs shall be connected to the public water main and sanitary sewer that are adjacent to the property on which the ADU is located, per City of Bloomington Utilities' Rules and Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to the property and the primary dwelling on the lot uses a septic system, the ADU may use the septic system in compliance with Monroe County Health Department Standards.

(D) Standards for Attached ADUs

- i. The maximum square footage of any attached ADU shall be 840 square feet.
- ii. The maximum height of any attached ADU shall be the same as that applicable to the primary dwelling structure in the zoning district where the ADU is located.
- iii. Each ADU shall be set back from each property line by at least the same setback distance applicable to the primary dwelling structure in the zoning district where the ADU is located.

(E) Standards for Detached ADUs

Detached ADUs shall meet the architectural and foundation requirements for a single-family dwelling within the applicable zoning district as found in Section 20.04.070(d)(3) (Residential).

- i. The maximum gross floor area of ~~the detached ADU portion of any accessory structure~~~~any detached ADU~~ shall be 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.030(g) (Accessory Uses and Structures), whichever is less.
- ii. The detached ADU shall not exceed 25 feet in height.
- iii. The detached ADU shall not extend closer to any street than the existing primary dwelling structure.
- iv. The detached ADU shall comply with the requirements for accessory structures in Section 20.03.030(g) (Accessory Uses and Structures). Where one or more of the standards in Section 20.03.030(g) (Accessory Uses and Structures) conflict with these use-specific standards, these use-specific standards shall govern.
- v. A detached ADU shall be set back from any side or rear property ~~line that does not abut an alley by at least 10 feet, and from any side or rear property line that abuts an alley~~ by at least five feet.
- vi. Existing single-story detached accessory structures converted to ADUs shall be exempt from the setback requirements pursuant to Section 20.06.090(d) (Nonconforming Structures).

(F) **Historic Districts**

If located within a historic district, any exterior changes or new construction shall be in compliance with the historic district's guidelines and any required certificate of appropriateness shall be obtained pursuant to Title 8 (Historic Preservation and Protection) of the Bloomington Municipal Code.

(G) **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.
- 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.

~~(H) **Noticing**~~

- ~~i. The petitioner shall be responsible for mailing notice to all persons owning land within 300 linear feet from any property line of the parcel for which an ADU is being requested.~~
- ~~ii. Mailed notices shall be postmarked and sent via first class mail at least 10 days prior to final action by the Director. A notarized affidavit shall be submitted stating compliance with this section before any permits are issued.~~
- ~~iii. The mailed notice shall include:~~
 - ~~1. The physical address, zoning designation, and primary use of the subject property;~~
 - ~~2. A brief narrative summarizing the request and demonstrating compliance with this Section 20.03.030(g)(5);~~
 - ~~3. The location and hours where a copy of the petition is on file for examination; and~~
 - ~~4. Any other information relevant to the petition required by the Director.~~

~~(H)~~**(H) Recorded Documents**

- i. Prior to receiving a building permit for an ADU, the petitioner shall record a deed or title restriction with the Monroe County Recorder, in a form acceptable to the City, stating that:
 1. The ADU shall not be sold separately from the primary unit; and
 2. Either primary dwelling unit or the ADU shall be occupied by the owner(s) of record as their primary residence.
- ii. If at any time the City determines that the subject property is in violation of this UDO or in violation of the deed or title restriction, the ADU approval shall be withdrawn. In addition, the City may require that the ADU be removed from the property, which may include but is not limited to removal of any second kitchen on the property, including all kitchen appliances and cabinets.

(G) Maximum Floor Area

- ~~i. No more than 15 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation. However, no Home Occupation shall be limited to less than 200 square feet, nor shall the area of a Home Occupation exceed 500 square feet.~~
- i. For Home Occupations located within a primary structure no more than 50 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation.
- ~~ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 15 percent or 500 square feet of the dwelling unit, whichever is less.~~
- ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 50 percent of the dwelling unit.
- ~~iii. Area used for storage of materials or products used in the Home Occupation shall be included in this calculation.~~
- iii. Area used for storage of material or products used in the Home Occupation shall be included in this calculation.
- iv. For Home Occupations located within an accessory structure no more than 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.0309(g) (Accessory Uses and Structures), whichever is less maybe be used in connection with the Home Occupation.
- v. Exempted Uses are excluded from square footage limitations in Section 20.03.030 (g)(6)(A)

(H) Multiple Home Occupations

- i. More than one Home Occupation may be permitted within an individual dwelling unit.
- ii. Where multiple Home Occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all Home Occupation activities, not to each Home Occupation individually.

(I) Residential Character

There shall not be any interior or exterior, structural or aesthetic alterations that change the residential character of the dwelling unit within which the Home Occupation operates.

(J) Location and Entrance

- ~~i. The Home Occupation shall be conducted entirely within the primary structure or attached garage.~~
- ii. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.

(K) Outdoor Display and Storage

Outdoor display of goods, materials, supplies, or equipment is prohibited.

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(C) Portable lavatories shall be located as to minimize impacts to adjacent residential uses.

(4) **Farm Produce Sales**

A temporary use permit is not required to operate a farm produce sales use, but such use shall comply with the standards of this UDO, in addition to the following standards:

- (A) Temporary tents, structures, or stands used for the sale of farm produce shall not exceed 150 square feet;
- (B) Farm produce sales operations shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the principal use in this UDO;
- (C) Farm produce sales shall not operate on the same lot for more than 180 ~~consecutive days~~ in a calendar year; and
- (D) The Bloomington Community Farmers' Market and any other farmers' market approved by the City shall be exempt from this requirement.

(5) **Real Estate Sales or Model Home**

Real estate sales or model homes are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.

(6) **Seasonal Sales**

- (A) Fireworks sales shall be permitted only at locations within the MC zoning district.
- (B) A temporary use permit shall be required and shall be valid for a maximum of 30 consecutive days.
- (C) No property shall be issued more than three temporary use permits in a calendar year.
- (D) The temporary use shall be located on a lot that fronts on a collector or arterial street.
- (E) The temporary use shall be located at least 50 feet from any residential district.

(7) **Special Event**

- (A) A temporary use permit is required for a special event and is permitted for 15 days. No property shall be issued more than one special event permit per calendar year.

Ordinance	Memo Section	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-03-21 Chapter 3							
Added by Plan Commission	Student Housing	73	73	Table 03-1	Student housing or dormitory use	Adding Use Specific Standard for MS	Adding a Building Floor Plate Maximum
	Mixed-Use Employment	75	78	Table 03-1	None	Add 'P' in ME to Retail Sales, Medium	The purpose is to allow for more supportive uses in the ME zoning district.
	Clarification	77 and 104	79 and 105	Table 03-1 and 20.03.030(h)		Add new section (7) Special Event- A temporary use permit is required for a special event and is permitted for 15 days. No property shall be issued more than one special event permit per calendar year. *Also include a reference to this Use Specific Standard in Table 03-1 and an asterisk next to the "T" in the table.	Adds a time limit for special events.
	Parking	80	80	20.03.030(b)(5)(A)	Multifamily. No language limiting the amount of the ground floor of a building that can be used for parking	Any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building facade facing a public street. If there are multiple primary buildings on a site, this requirement only applies to the building closest to a public street.	Provides a limitation on the amount of a ground floor that can be used for parking to insure that there is a use on the ground floor besides parking.
	Parking	84	84	20.03.030(b)(13)(A)	Student Housing. No language limiting the amount of the ground floor of a building that can be used for parking	No more than 50% of the ground floor of a building adjacent to a public street can be used for parking.	Provides a limitation on the amount of a ground floor that can be used for parking to insure that there is a use on the ground floor besides parking.
	Student Housing	84	84	20.03.030(b)(13)(B)	In the RM, RH, MN, MM, MC, and MI zoning districts, each student housing or dormitory use shall be separated from any other student housing or dormitory use by at least 300 feet.	Student Housing: Adjusting Separation Requirement	Separation required on one lot for non-incentive projects.
	Student Housing	84	84 and 85	20.03.030(b)(13)(C); ii, & iii	Different building floor plate allowances for student housing in different districts	Student Housing: Adjusting Building Floor Plate	Larger building floor plates allowed for incentive projects
	Student Housing	84	85	20.03.030(b)(13)(D)	In the RH zoning district, the maximum building height for a student housing or dormitory use shall be four stories, not to exceed 50 feet...	In the RH zoning district, the maximum building height for a student housing or dormitory use shall be three stories, not to exceed 40 feet...	Reducing base height allowance in the RH for non-incentive projects
	Clarification	85	85	20.03.030(c)(5)	Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.	Duplicate language from 20.04.080(n)(1)(G)	Duplicates this requirement to the Use Specific Standards since this exception for fencing is related specifically to this use. However, needed still in Fence section because there is context there.
	Clarification	87	87	20.03.030(d)(1)(B)	Structures containing livestock or livestock waste (except chicken coops) shall meet the following setbacks:	Structures containing Large or Medium livestock or any structures containing livestock waste (except chicken coops) shall meet the following minimum setbacks	Clarifies the setbacks are for Large or Medium livestock
	Livestock	87	87	20.03.030(d)(1)(B)	None	Structures containing Small livestock shall meet the following minimum setbacks: Front setback: 35 feet; Side setback: 15 feet; Rear Setback: 25 feet	Adds reduced setbacks for small livestock
	Livestock	87	87	20.03.030(d)(1)(C) Table 03-3	Pasture Size (minimum)	Area required (minimum)	
	Livestock	87	87	20.03.030(d)(1)(C) Table 03-3	None	Add "Small Livestock --- Area required (minimum)= Lot size equals district minimum --- Livestock per Acre (maximum)= 2 per minimum area required	
	Livestock	87	87	20.03.030(d)(1)(C) Table 03-3	Note	Delete	Small Livestock addition covers this.
	Livestock	87	87	20.03.030(d)(1)(C)(iii)	Animals less than four months of age shall be calculated at one-half the unit value	Delete	Very difficult to enforce long term.
Added by Plan Commission	Clarification	90	91	20.03.030(d)(14)(A)the use shall be limited to a total of four metered fuel dispenser units.	Add second sentence under (A) that says "For the purpose of this section, each hose shall count as one fuel dispenser unit".	Clarifies what is counted for a fuel dispensary unit.
	Clarification	92	93	20.03.030(e)(2)(G)(i)	Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways	Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways.	Modifies language to clarify that other permitted uses are allowed on the upper floors of a self storage building and that does not have to be storage units.
	Mixed-Use Employment	90	94	20.03.030(d)(10)	Existing regulations limit Restaurant to 2,500 square feet in ME.	Allow Restaurant to be 5,000 square feet.	The purpose is to allow for more supportive uses in the ME zoning district.
	Clarification	97	97	20.03.030(g)(1)(E) and Table 03-4	The maximum number (per lot or parcel) and maximum footprint (cumulative total per parcel) of accessory structures permitted....	The maximum number (per lot or parcel).....of enclosed accessory structures	Clarifies that only enclosed accessory structures are regulated by number and size.
	Accessory Structures	97	97	20.03.030(g)(1) Table 03-4	RM, RH, RMH 15 percent of the cumulative square footage of the primary building(s) footprint	RM, RH RMH 840 sq ft. or 15 percent of the cumulative square footage of the primary building(s) footprint whichever is more.	Allows for a minimum cumulative total square footage for accessory structures in districts with varied sized primary structures
	Accessory Structures	97	97	20.03.030 (g)(1) Table 03-4	Maximum Footprint (cumulative total) 50 percent of the square footage of the primary structure	Delete RE	These properties are largely urban farms and accessory structures on farms are larger than primary structures.
	Accessory Structures	97	97	20.03.030 (g)(1) Table 03-4	Maximum Footprint (cumulative total) 50 percent of the square footage of the primary structure	Add Note for R1: Agricultural structures are exempt from size limitations.	These properties are largely urban farms and accessory structures on farms are larger than primary structures.

	Accessory Structures	97	97	20.03.030 (g)(1) Table 03-4	MS, MN, MM, MD, MC, ME, MH 15 percent of the cumulative square footage of the primary building(s) footprint.	MS, MN, MM, MD, MC, ME, MH 1,000 square feet or 15 percent of the square footage of the primary structure, whichever is greater	Many commercial and MFR structures are small enough that a 15% limit often limits the size of an accessory structure to square footage less than would be allowed at a similarly sized SFR. This is different than then proposed change to RM/RH/RMH because these structures are more often commercial, and many uses are likely to desire and utilize additional square footage.
	Accessory Dwelling Unit	98	98	20.03.030(g)(5)(B)(iii)	ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district	Remove	Removes minimum lot size requirement to allow an ADU.
	Accessory Dwelling Unit	98	99	20.03.030(g)(5)(E)(i)	The maximum gross floor area of any detached ADU shall be 840 square feet.....	The maximum gross floor area of the detached ADU portion of any accessory structure shall be 840.....	Codifies an interpretation
	Accessory Dwelling Unit	99	99	20.03.030 (g)(5)(E)(v)	A detached ADU shall be set back from any side or rear property line that does not abut an alley by at least 10 feet, and from any side or rear property line that abuts an alley by at least five feet.	A detached ADU shall be set back from any side or rear property line by at least five feet.	
	Accessory Dwelling Unit	99	100	20.03.030(g)(5)(H)	Public notification requirements for ADU	Remove	Removes notification requirements for ADUs. Notification causes confusion for non-discretionary approval.
	Home Occupation	101	102	20.03.030 (g)(6)(G)	i. No more than 15 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation. However, no Home Occupation shall be limited to less than 200 square feet, nor shall the area of a Home Occupation exceed 500 square feet. ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 15 percent or 500 square feet of the dwelling unit, whichever is less. iii. Area used for storage of materials or products used in the Home Occupation shall be included in this calculation.	i. For Home Occupations located within a primary structure no more than 50 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation. ii. If there is more than one Home Occupation being conducted within a dwelling unit, then all Home Occupations within the dwelling unit shall cumulatively use no more than 50 percent of the dwelling unit. iii. Area used for storage of material or products used in the Home Occupation shall be included in this calculation. iv. For Home Occupations located within an accessory structure no more than 840 square feet or the maximum square footage allowed for accessory structures permitted by Section 20.03.0309 (g) (Accessory Uses and Structures), whichever is less maybe be used in connection with the Home Occupation. v. Exempted Uses are excluded from square footage limitations in Section 20.03.030 (g)(6)(A)	Update Home Occupation standards to allow more space to be used.
	Home Occupation	100	102	20.03.030 (g)(6)(J)	i. The Home Occupation shall be conducted entirely within the primary structure or attached garage	Delete i. Change ii. The use of any attached or detached garage for a Home Occupation shall not interfere with the provision of any required off-street parking.	Allows Home Occupations in detached structures and maintain rules for parking
	Clarification	104	105	20.03.030(h)(4)(C)	Farm produce sales shall not operate on the same lot for more than 180 consecutive days; and	Farm produce sales shall not operate on the same lot for more than 180 days in a calendar year; and	Limits farm produce sales to only 180 days and allows enforcement

ORDINANCE 21-18
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.04

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-04-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Development Standards and Incentives.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-18 is a true and complete copy of Plan Commission Case Number ZO-04-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.



Date: April 5, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected

Fund Balance as of January 1
Revenue to Date
Revenue Expected for Rest of year
Appropriations to Date
Unappropriated Balance
Effect of Proposed Legislation (+/-
)

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

Projected Balance

\$ _____

\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ XX _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-04-21 amends Chapter 4 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-04-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-04-21 on March 22, 2021 and voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-04-21 | Chapter 4: Development Standards & Incentives

ZO-04-21 | Chapter 4: Development Standards & Incentives

This petition deals with the amendment of details related to allowed uses. The 27 amendments can be roughly divided into seven (7) categories: Clarification; Transportation Plan Terminology Sync; Parking; Access; Architecture; Landscaping; Signage.

Clarification

1. Amend Table title for development standards compliance thresholds to be clear that the table applies only to conforming sites and structures. Text in that section describes this, but often people view the table directly and we want its application to be clear.
2. Clarify that ability to use existing encroaching setbacks for additions is limited to primary structures. This is the intent and practice.

3. Remove 'porch' from allowable encroachment as the definition has been updated to describe a traditional porch and to exclude an open/uncovered porch, which does not exist.
4. Add 'Disturbance' section to the Karst Conservancy Easement section to make it clear that no disturbance is allowed. While current code does limit disturbance, this format syncs with the way other environmental features are discussed for clarity.
5. Remove term 'on platted lots' so that the Flood Hazard Reduction section applies to all lots, not just platted lots.
6. Added R4 to the requirement for vehicular access to a site utilizing alleys when possible, as R4 should follow this convention as R3 does.
7. Add RM and RH to parking standards for single-family, plex, mobile home, and manufactured home lots, so that those uses in those districts will be held to the same standards as those uses in other Residential districts.
8. Clarify that crushed stone that has a raised border is allowed for single-family driveways. This is the intent and practice.
9. Adding existing language from Table 04-5 so that Transition Standards setback standards are clear if you look in this location first.
10. Add R4 to Affordable Housing incentives where R1-R3 are already listed.

Transportation Plan Terminology Sync

1 through 4. Update the term 'Neighborhood' to 'Local' when discussing the lowest classified roads, in order to sync the language with the new Transportation Plan terminology.

Parking

1. Adjust 'medical clinic' parking maximum from 3.3 spaces per 1000 square feet of gross floor area to 5 spaces per 1000 square feet of gross floor area. We have seen that this particular use often requires slightly more parking because of overlapping appointment times and a lack of street parking in most locations.
2. Add a longer parking area for alley-access parking for multifamily zoned parcels.
3. Add a provision to make sure that a driveway deriving site access from an alley on corner lot has to be set back at least 15 feet from the public street.
4. Add a motorcycle parking space standard, as some areas are appropriate to have designated parking for that user.

Access

1. Allow drive-through lanes and drives to be even with the front of a building, rather than 20 feet behind the front building wall.

Architecture

1. Include Mixed-Use Student Housing in the Architectural Standards section, as no standards were previously specified.
2. Add metal as a secondary finish material in mixed-use districts.
3. Add anti-monotony standards to mixed-use districts.

Landscaping

1. Add exception for required public pedestrian facilities so that they are not counted against the impervious surface requirements. Sometimes, there is not room for public sidewalks in the right-of-way and the facilities have to be located on private property with an access easement.
2. Clarify that mulch and decorative stone can only be used around plantings and not to fill large beds or open spaces. This is the intent and practice of allowing these materials.
3. Remove the requirement for 50 percent of required shrubs to be evergreen. This is a carryover from previous codes. However, it is very difficult to find the required number of shrubs that meet diversity requirements in local species. In practice, this requirement has become impossible to meet.

Signage

1. Changes regulation to apply to all second-story uses equally, as opposed to separate regulations for non-retail tenants.
2. Allow for a multi-tenant center sign to be either a wall or projecting sign.

Chapter 20.04: Development Standards & Incentives

20.04.010 Applicability

(a) New Development

The requirements of this chapter shall apply to all new development pursuant to Section 20.01.020 (Authority, Applicability, and Jurisdiction), unless otherwise exempted in this Chapter.

(b) Activities That Trigger Compliance

- (1) Construction of any new primary structure on a lot shall require compliance with all standards in this Chapter unless an exception is stated in this UDO.
- (2) Table 04-1 identifies activities that trigger compliance for conforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives). These standards shall not exempt development activity that falls below the thresholds identified in Table 04-1 from complying with applicable standards of this UDO or any applicable federal, state, or local regulations. Additional information on applicability is provided in the referenced sections.
- (3) Section 20.06.090(f) (Nonconforming Site Features) identifies activities that trigger full and limited compliance for lawful nonconforming sites and structures with specific development standards contained in Chapter 20.04: (Development Standards & Incentives).
- (4) For purposes of this section, "entire site" shall mean the total area of the lot on which development is occurring. "Disturbed area" shall mean those areas of the lot or those portions of the structure that are included in the project area or that are affected by the proposed development activity.

Table 04-1: Development Standards Compliance Thresholds For Conforming Sites and Structures

UDO Standard	UDO Section	Change of Use		New Development		Redevelopment			
						Minor Site Plan		Major Site Plan	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional Standards	20.04.020		✓	✓			✓	✓	
Environment	20.04.030		✓	✓			✓	✓	
Floodplain	20.04.040		✓	✓			✓	✓	
Access and Connectivity	20.04.050	✓		✓		✓		✓	
Parking and Loading	20.04.060	✓		✓		✓		✓	
Site and Building Design	20.04.070		✓	✓			✓	✓	
Landscape, Buffering, and Fences	20.04.080		✓	✓		✓		✓	
Outdoor Lighting	20.04.090	✓		✓			✓	✓	
Signs	20.04.100	✓		✓		✓		✓	

Table 04-6: 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, <u>and</u> steps, <u>and</u> 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 the RE, R1, and R2 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure.
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 <u>primary</u> structures	For single-family, duplex, and triplex structures, additions to existing <u>primary</u> -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).

(f) Building Height

(1) Measurement

Maximum building heights are expressed in both overall dimension and the number of stories, where applicable.

(A) Stories

Story height is measured between the floor of a story to the floor of the story above it. For single-story buildings and the uppermost story of a multistory building, the measurement shall be from the floor of the story to the ceiling.

- (B) Adjacent to slopes of greater than 18 percent;
- (C) Adjacent to water resources;
- (D) Adjacent to other environmental features that are required to be preserved as part of this UDO;
or
- (E) Presence of tree cover on 50% or more of the surface area of the slope.

(6) Construction Measures

Any development on slopes between 12 percent and 18 percent shall incorporate construction measures such as retaining walls and walkout basements as well as current preferred practices for erosion control measures during construction, as provided in Section 20.04.030(d)(3)(A).

(7) Street Grades

Arterial and collector streets shall not exceed grades of six percent and ~~neighborhood-local~~ streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.

(8) Street Design

All drives and streets shall follow the topography with a minimum of cutting and filling.

(9) Soil Constraints

When unstable or contaminated soils are found, the effect of cutting and filling, alterations to slope, and the stabilization measures required to either avoid or address unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.

(10) Overlapping Preservation Areas

Where acreage set aside to fulfill the conservation or buffer requirements in Section 20.04.030(e), Section 20.04.030(g), Section 20.04.030(h), and Section 20.04.030(i) also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.

(d) Siltation and Erosion Prevention

(1) Applicability

- (A) This subsection applies to any land development or land-disturbing activities that include one or more of the following conditions:
 - i. That disturbs a ground surface of 1,000 square feet or more;
 - ii. That involves excavation or filling of dirt, sand, or clean fill, including but not limited to single-family development;
 - iii. That involves street, highway, or bridge construction, enlargement, relocation or reconstruction; or
 - iv. That involves the laying, repairing, replacing, or enlarging of an underground pipe, facility, or any utility.
- (B) All municipal government departments, including the City Utilities Department, shall comply with this section.

(3) Compound Karst Features

For the purposes of this subsection, compound karst features shall be defined as any two or more karst features where the last closed contour of the features are located within 100 feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour at its widest point of each individual karst feature with a tangential line.

(4) Karst Conservancy Easement (KCE)

All karst features shall be protected by Karst Conservancy Easements (KCE). Such easements shall be established in accordance with the following standards:

- (A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.
- (B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.
- (C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within 25 feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's geographic information system (GIS) using a contour interval of two feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.
- (D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in 20.04.030(g)(3) above and all of the area within 25 feet horizontally from the outer boundary of the compound karst feature.

(5) Setback

No structures shall be located within 10 feet of a Karst Conservancy Easement.

(6) Stormwater Discharge

Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.

(7) Stormwater Detention

Karst Conservancy Easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.

(8) Disturbance

No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole nor within 25 feet of the last closed contour of the sinkhole.

(8)(9) Spring or Cave Entrances

Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.

(h) Wetlands

(1) Applicability

This section shall apply to all land-disturbing activities on properties containing wetland resources.

(3) Conflicting Provisions

- (A) This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (B) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (C) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (D) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

(4) Interpretation

- (A) In the interpretation and application of this ordinance all provisions shall be:
 - i. Considered as minimum requirements;
 - ii. Liberally construed in favor of the governing body; and
 - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

(5) Warning and Disclaimer of Liability

The degree of flood protection required by this UDO is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this UDO does not create any liability on the part of the City of Bloomington, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this UDO or any administrative decision made lawfully thereunder.

(d) Flood Hazard Reduction

All development ~~on platted lots~~ shall comply with the provisions of this Section 20.04.040(d). Petitions for new or revised subdivisions shall also comply with the standards in Section 20.05.050(c).

(1) Conditional Uses

The following are conditional uses in the floodway fringe, subject to approval under Section 20.06.050(b) (Conditional Use Permit).

- (A) Transportation facilities, including, but not limited to, bridges, streets or drives;
- (B) Any other flood-tolerant or open space uses, such as storage of materials not subject to flood damage that do not contain hazardous pollutants;
- (C) Parking lots constructed solely of permeable pavers;
- (D) Recreational equipment; and
- (E) Buildings/structures.

(2) General Standards

The following standards apply to all SFHAs and known flood prone areas:

- (A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(c) Driveways and Access**(1) Number of Drives****(A) Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

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

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

(B) All Other Uses

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

(2) Location and Separation of Drives**(A) Generally**

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

(B) Street Classification

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

(C) Distance Calculations

- i. The distances applicable to the standards outlined in this Section 20.04.050 shall be determined as follows:
 1. By measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive; or
 2. By measuring from the back of curb or edge of pavement of the first entrance or drive to the back of curb or edge of pavement (whichever is less) to the second entrance or drive.

- ii. If the parcel is not large enough to achieve the separation required below, then the drive shall be installed at a location farthest from the intersection subject to approval by the Transportation and Traffic Engineer.

(D) Arterial or Collector Streets

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

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

ii. All Other Uses

1. No entrance or drive along an arterial or collector street shall be installed:
 - [a] Within 150 feet of any intersecting street.
 - [b] Within 100 feet of another driveway entrance.
2. If the distance separation requirement cannot be met, then the entrance or drive shall be located equidistant from the two adjacent drives, or as approved by the City Engineer.

(E) Local~~Neighborhood~~ Streets

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

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

ii. All Other Uses

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

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

In the R3 and R4 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.

(3) Driveway and Access Design

(A) Generally

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

(B) Driveway Pavement Widths**i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

The width of a driveway between the required front building setback and the street shall not exceed 18 feet.

ii. All Other Uses

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

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

(C) Surface Material

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

(4) Vision Clearance Triangle**(A) Applicability**

- i. A vision clearance triangle shall be maintained at every street intersection.
- ii. Vision clearance triangles for intersections may be reduced upon a determination by the City Planning and Transportation Department that such a reduction is not expected to have a significant impact on vehicle, bicycle, or pedestrian safety at the intersection and such a reduction is within engineering standards or guidelines for vehicle, bicycle, or pedestrian modes.

(10) Paths, Sidewalks, and Trails**(A) Construction Standards**

All path, sidewalk, and trail improvements shall be constructed as per the City of Bloomington standards and/or AASHTO requirements.

(B) Additional Facility Amenities

Additional amenities shall be required in accordance with the design standards identified in the Transportation Plan.

(C) Sidewalks**i. Material and Width**

Sidewalks shall be constructed of durable, smooth, and skid resistant material approved by the City and a minimum width of five feet.

ii. External Sidewalks

Sidewalks shall be located a minimum of one foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages.

iii. Internal Sidewalks

Sidewalks shall be provided that link abutting streets to primary entrances of primary buildings on the site, link separate facilities within the site to each other, and provide access to adjoining transit stops. Internal sidewalks shall not be required for lots containing primary single-family, duplex, triplex, or fourplex dwelling uses.

iv. Separation

Sidewalks shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five foot separation is maintained.

1. In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage or against the minimum landscape area for the property.
2. In situations where the City Planning and Transportation Department has determined that a pedestrian easement is not feasible due to right-of-way width constraints or site elevation constraints, the City Planning and Transportation Department may approve the following design options:
 - [a] A 10-foot-wide sidewalk with reduced vegetated plot width.
 - [b] Integral sidewalk with a minimum six-inch curb and six-foot wide sidewalk.

v. Cross-Slopes

All sidewalks (over entrances and drives, intersections, etc.) shall be constructed to comply with the Americans with Disabilities Act and all applicable adopted City standards.

Table 04-10: Maximum Vehicle Parking Allowance

DU = dwelling unit sq. ft. = square feet

Use	Maximum Vehicle Parking Allowance
Supportive housing, large	
PUBLIC, INSTITUTIONAL, AND CIVIC USES	
Community and Cultural Facilities	
Art gallery, museum, or library	2 spaces per 1,000 sq. ft. GFA
Cemetery or mausoleum	No limit
Club or lodge	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Community center	No limit
Conference or convention center	2 spaces per 1,000 sq. ft. GFA for surface parking No limit for structured parking
Crematory	3.3 spaces per 1,000 sq. ft. GFA
Day-care center, adult or child	3.3 spaces per 1,000 sq. ft. GFA
Government service facility	No limit
Jail or detention facility	No limit
Meeting, banquet, or event facility	4 spaces per 1,000 sq. ft. GFA
Mortuary	3.3 spaces per 1,000 sq. ft. GFA
Park	No limit
Place of worship	1 space per 4 seats in main assembly area, or 5 spaces per 1,000 sq. ft. GFA, whichever is greater
Police, fire, or rescue station	No limit
Urban agriculture, noncommercial	No limit
Educational Facilities	
School, college or university	No limit
School, public or private	No limit
School, trade or business	4 spaces per 1,000 sq. ft. GFA
Healthcare Facilities	
Hospital	1 space per patient bed design capacity
Medical clinic	3.3 5 spaces per 1,000 sq. ft. GFA
Methadone treatment facility	3.3 spaces per 1,000 sq. ft. GFA
Opioid rehabilitation facility	3.3 spaces per 1,000 sq. ft. GFA
COMMERCIAL USES	
Agricultural and Animal Uses	
Kennel	No limit
Orchard or tree farm, commercial	No limit
Pet grooming	No limit
Plant nursery or greenhouse, commercial	3.3 spaces per 1,000 sq. ft. of GFA retail sales
Veterinarian clinic	3.3 spaces per 1,000 sq. ft. GFA
Entertainment and Recreation	

- ii. Parking areas shall be designed to ensure safe and easy ingress, egress, and movement through the interior of the lot.
- iii. For surface parking lots with 100 or more parking spaces, landscaped bioretention areas located below the surface level of the parking spaces, shall be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.
- iv. No park strip shall be used for parking unless otherwise approved by the City Planning and Transportation Department based on considerations of pedestrian and traffic safety, visual appearance, and buffering.
- v. All parking shall comply with parking landscape standards in Section 20.04.080 (Landscaping, Buffering, and Fences).
- vi. For single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, Parking shall be prohibited within the setback between the street and the building except on a driveway that meets the provisions of this Section 20.04.060.
- vii. No commercial vehicles or trailers shall be parked overnight at a residence unless that home is occupied by the business owner or employee.

(B) In the RE, R1, R2, R3, ~~and R4~~, RM, and RH District

- i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding 18 feet in width.
- ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the RE, R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the RM and RH districts, the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet in width. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.
- ~~iii.~~ For lots at the corner of a street and the alley, the driveway on the alley shall be setback 15' from the intersection of the street and the alley.

(3) Dimensions of Parking Spaces and Drive Aisles

All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards:

- (A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- (B) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:
 - i. Any raised curb in the overhang areas is no more than four inches in height; and
 - ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.

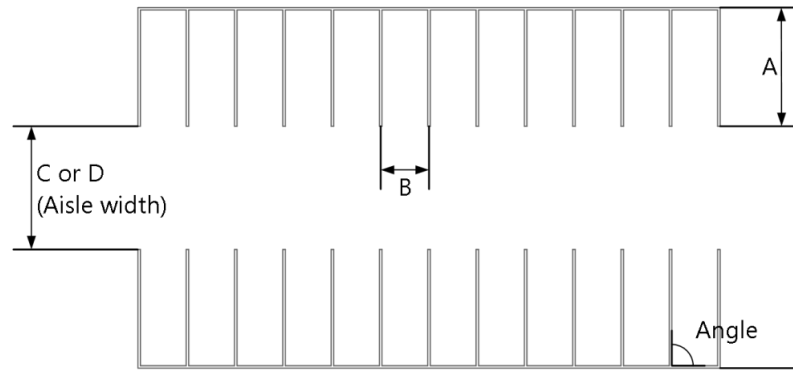


Figure 52: Illustrative Scale and Character

Table 04-11: Parking Dimensions (in feet) [2]

Angle	Parking Space		One-Way Aisle	Two-Way Aisle
	A	B	C	D
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	15.0	8.5	12.0	20.0
45°	17.0	8.5	12.0	20.0
60°	17.5	8.5	16.0	20.0
90°	16.0	8.5	20.0	20.0

Notes:

[1] End spaces may be a minimum of 20 feet in length where no obstruction exists.

[2] Parking spaces for motorcycles may be provided and must be a minimum of 3 feet in width and 6 feet in depth.

- (C) If the petitioner can provide different acceptable standards based on a professionally recognized source of parking lot design, the City Planning and Transportation Department may approve alternative standards pursuant to the minor modification process outlined in Section 20.06.080(a) (Minor Modification).

(4) Stacked Parking

Stacked parking arrangements are permitted.

(5) Back-out Parking**(A) Generally**

All on site vehicle parking areas shall be designed to avoid the need for vehicles to back onto public streets when exiting the parking space, unless otherwise stated in this UDO.

(B) Exceptions

Single-family, duplex, triplex, and fourplex uses in any zoning district shall be permitted to back-out directly onto an alley or a public street, other than an arterial street.

(C) Back-out Parking Waiver

Back-out parking within the required side or rear setback may be allowed onto adjacent alleys subject to the following standards:

- i. The lot in question does not exceed 20,000 feet in area;

- ii. A maximum of eight back-out parking spaces are permitted per site; and
- iii. Parking shall directly access an improved alley.

(6) Stormwater Drainage

- (A) Parking lots shall be constructed such that all surface water is directed into an approved landscape bumpout, island, or endcap per Section 20.04.080(h)(2) (Landscape Bumpouts, Islands, and Endcaps). Stormwater run-off that cannot be directed into approved landscape bumpouts, islands, or endcaps shall be treated using one or more of the best management practices prescribed in Section 20.04.060(i)(6)(E) or directed into the stormwater drainage system.
- (B) Water draining from a parking lot shall not flow across a sidewalk.
- (C) Stormwater drainage plans for off-street parking lots shall be reviewed and approved by the City.
- (D) All parking lots, excluding drives that do not afford direct access to abutting parking spaces, shall have a slope of five percent or less.
- (E) For all new parking lots containing 12 or more spaces, the following best management practices shall be used to improve stormwater infiltration and water quality:
 - i. Permeable pavement materials shall be installed. If such materials are the only practice employed from this list, then they shall cover at least 25 percent of the total parking lot area; or
 - ii. Treatments such as culvert outfalls, bioretention basins, or vegetated swales designed to the specifications of City of Bloomington Utilities shall be installed; or
 - iii. Other combinations of best management practices for stormwater infiltration and water quality subject to approval by the City of Bloomington Planning and Transportation and Utilities Departments.

(7) Surface Material

- (A) Except for single family residences or as stated in subsection (6) above, or an exception is provided elsewhere in this UDO, all areas used for parking shall be hard surface of concrete, asphalt, brick pavers, or other approved material. Where crushed stone parking surfaces are approved, they shall be contained within a raised, permanent border.
- (B) All new driveway aprons onto a street shall be surfaced with concrete. Enlargement or modification of an existing driveway shall require the driveway apron to be surfaced with concrete, except that the driveway apron for a single-family, duplex, triplex, or fourplex use on a local street may use asphalt or concrete.
- (C) Areas using permeable parking pavers shall not count towards impervious surface calculations.
- (D) Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, and display areas for vehicle sales and rental uses, all off-street parking spaces shall be striped or otherwise designated to clearly mark each space.
- (E) All driving lanes and parking aisles in parking lots shall be curbed, unless an alternative design allowing for adequate stormwater management is approved.

(B) Lighting Fixture Styles

- i. Lighting fixture styles shall generally conform to the prevailing pattern of street lighting found on adjacent properties and street block faces.
- ii. All pedestrian scaled street lighting in the MD district shall be of a traditional design style (gas lamp, acorn, or similar decorative style) except as otherwise provided below.
- iii. Properties in the following Downtown Character Overlays may use traditional or contemporary design styles:
 - 1. Downtown Core;
 - 2. University Village (excluding Kirkwood Corridor and Restaurant Row);
 - 3. Downtown Gateway; and
 - 4. Showers Technology.

(d) Building Design

(1) Third-Party Review

The Planning and Transportation Director may retain an independent third-party consultant to review any proposed building design in order to assist with review of compliance with the standards in this 20.04.070(d). Where the decision on an application is made by the Plan Commission or City Council (as shown in Table 06-1), the consultant may offer alternative compliant design option(s) that addresses each element of building design addressed in this 20.04.070(d). The body making the final decision on the application may approve some or all of the suggested design options if it determines that the suggested option:

- (A) Significantly enhances the visual appeal of the building;
- (B) Significantly enhances the perceived quality of the building facades visible from public streets;
- (C) Creates no adverse impacts on surrounding properties beyond those that would be permitted if the standards in this 20.04.070(d) were applied; and
- (D) Strengthen the public-private interaction at the street level.

(2) Mixed-Use and Nonresidential**(A) Applicability**

The following standards shall apply to parcels in the MN, MM, MC, MS, ME, MI, and MH zoning districts.

(B) Exceptions

Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1). Such residential dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(3).

(C) Materials

All facades of a primary building shall consist of one or more of the following primary and secondary exterior finish materials:

i. Primary Exterior Finish Materials

- 1. Cementitious siding;
- 2. Masonry;

3. Brick;
4. Natural stone;
5. Precast concrete;
6. Split-faced block; and/or
7. Transparent glass.

ii. Secondary Exterior Finish Materials

1. Wood;
2. EIFS; or

3. Metal (except corrugated)

3.4. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

(D) Exterior Facades

All facades of a primary building shall incorporate three or more of the following design elements every 40 feet to avoid blank, uninterrupted walls:

- i. Awning or canopy;
- ii. Change in building facade height (minimum of five feet of difference);
- iii. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;
- iv. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building façade.

(E) Patterns

All facades of a primary building visible from any roadway shall contain the following color and texture changes:

- i. Facades shall consist of at least one primary and one secondary color.
- ii. At least one of these elements, either texture or color, shall repeat horizontally across the facade.
- iii. Variations in texture and color elements shall repeat vertically a minimum of every 30 feet.

(F) Eaves and Roofs

Buildings with sloped roofs (those greater than 3:12 pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls.

(G) 360-Degree Architecture

Those sides of a building that are not visible from the street frontage shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.

(H) Primary Pedestrian Entry

- i. One primary pedestrian entrance shall be provided for every façade facing a street.
- ii. On corner or through lots, the façade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.

- iii. The pedestrian entry shall contain at least three of the following architectural details:
 - 1. Pilasters or facade modules;
 - 2. Public art display;
 - 3. Prominent building address, building name, and lighting;
 - 4. Raised corniced entryway parapet; or
 - 5. Buttress and arched entry.

(I) Windows on Primary Facades

All first-story windows on the primary façade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

(J) ~~Anti-Monotony~~ Standards

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

~~(J)~~(K) Street Addresses

- i. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
- ii. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
- iii. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.

(3) Residential

(A) Applicability

The following standards shall apply to the construction, expansion, addition, or alteration of any building in the RE, R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) Materials

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. V-grooved tongue-and-groove siding;
- iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- iv. Cedar or other wood materials _____
- v. Stucco, plaster, or similar systems _____
- vi. Stone;
- vii. Split face block, ground face block, or brick;

(5) Neighborhood Transition Standards**(A) Setbacks**

Buildings abutting a property in the RE, R1, R2, R3, or R4 zoning district shall comply with the minimum building setback of the adjacent residential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater. When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

(B) Building Height

- i. Any portion of a building within 50 feet of a property in the RE, R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings within 50 feet are not eligible for additional building height under Section 20.04.110 (Incentives).
- ii. Any portion of a building between 50 feet and 100 feet of a property in the RE, R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district, plus one story (not to exceed 15 feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings between 50 feet and 100 feet are not eligible for additional building height under Section 20.04.110 (Incentives).
- iii. Any portion of a building beyond 100 feet from a property in the RE, R1, R2, R3, or R4 zoning district shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond 100 feet are eligible for additional building height under Section 20.04.110 (Incentives).
- iv. Building features referenced in Table 04-7: *Authorized Exceptions to Height Requirements*, shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

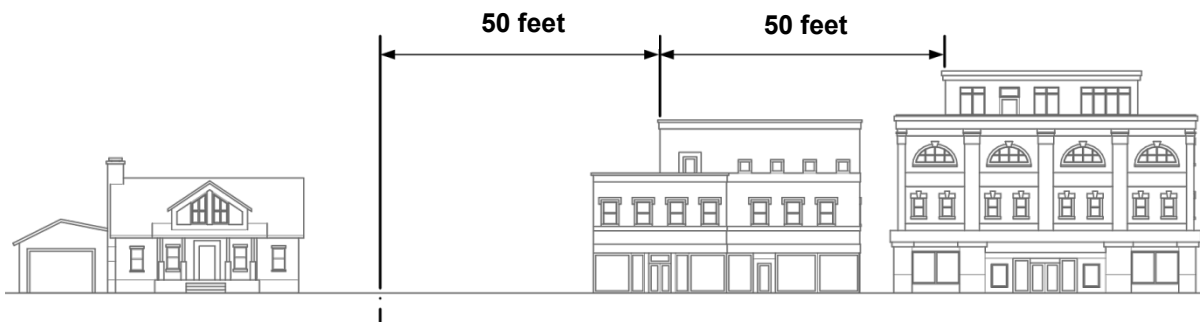


Figure 3.2 E: Building Height in Transition Areas

(6) Street Addresses

- (A) Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than three inches in height.

(F) Substitution**i. Public Art**

The Planning and Transportation Department may allow up to five percent of the minimum landscape area requirement to be replaced with public art. Public art shall not replace required buffer yard landscaping as required by Section 20.04.080(g) or required parking lot landscaping required by Section 20.04.080(h) and shall not count towards impervious surface area on the lot.

ii. Existing Vegetation

1. The City Planning and Transportation Department may permit the substitution of required landscape with existing vegetation provided that the existing vegetation is in good health and quality and is found on the permitted plant list in this UDO.
2. Vegetation preserved to meet the requirements of Section 20.04.030(i), (Tree and Forest Preservation), may be substituted for required landscaping, provided it meets the requirements of Section 20.04.080(c)(2).
3. Existing vegetation listed in Section 20.04.080(d), shall be credited towards required landscaping based on the following values:

[a] Deciduous Trees

A credit of one tree per every four inches DBH of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than four individual required trees.

[b] Evergreen Trees

A credit of one tree per every 12 feet in height of an existing qualified evergreen tree is earned. No single existing tree shall count towards more than three individual required trees.

[c] Shrubs

A credit of one shrub per every one existing qualified shrub is earned.

(G) Ground Cover

- i. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot bumpouts, islands, endcaps smaller than 324 square feet, and areas within 12 inches of a building foundation may use decorative mulch or stone.
- ii. ~~Planting beds shall not extend more than~~ Except as provided in Section 20.04.080(c)(2)(G)(i), decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.

(3) Tree Protection

- (A) Any existing trees intended to be preserved and counted toward minimum landscape requirements shall be protected during the entire duration of construction.
- (B) Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.
- (C) No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

ii. Type

A minimum of 75 percent of the required trees shall be large, canopy trees.

iii. Location

Trees shall be planted within 10 feet of the parking lot edge.

(C) Shrubs**i. Number**

Parking lot perimeter areas shall contain a minimum of three shrubs per one parking space.

~~ii. Type~~

~~A minimum of 50 percent of the required shrubs shall be evergreen.~~

~~iii.ii. Location~~

Shrubs shall be planted within five feet of the parking lot edge.

~~iv.iii. Height~~

Shrubs planted in parking lot perimeter areas shall be selected from species that grow to a minimum height of four feet.

(2) Landscape Bumpouts, Islands, and Endcaps**(A) Number**

Parking lots with 12 or more parking spaces shall provide one landscape bumpout, island, or endcap per every 10 parking spaces.

(B) Minimum Area

The width and length of each required landscape bumpout, island, or endcap shall be equal to the width and length of the adjacent parking space.

(C) Minimum Planting

Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided.

(D) Stormwater Filtration

Parking lot bumpouts, islands, or endcaps shall be installed lower than the parking surface to allow stormwater run-off to enter the bumpout, island, or endcap for natural treatment and filtration. Any parking areas with curbing shall incorporate gaps to allow stormwater to enter the bumpout, island, or endcap.

(E) Placement

Landscape bumpouts, islands, or endcaps shall be installed to control vehicular circulation and define major drives. Such islands shall be placed at intervals of no more than 10 consecutive spaces.

- i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A).
- ii. Fences and walls along the lot frontage of the secondary front building wall, shall not exceed four feet forward of the build to line or the building setback line, whichever applies.
- iii. Behind the build to line or front building setback line, on the secondary front building wall, fences and walls shall not exceed eight feet in height, except as provided in Subsection (1)(G) above.
- iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.
- v. Any determinations as to the secondary front building wall shall be decided by the City Planning and Transportation Department.

(C) Through Lots

On through lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

- i. Fences and walls along the front setback of the front building wall shall comply with Section 20.04.080(n)(3)(A).
- ii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a ~~neighborhood-local~~ street or secondary collector street, shall meet the building setback.
- iii. Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a primary collector street or arterial street, shall be set back at least 10 feet from the property line.
- iv. The portion of fences up to and between the build to line/building setback line and the secondary front building wall that exceed five feet in height, shall, by use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for permanent open-topped fencing.
- v. Where no primary structure exists on the parcel, fences and walls shall not exceed four feet in height, except as provided in Subsection (1)(G) above.

(4) Fence and Wall Design

(A) Prohibitions

Except in the EM zoning district, the following shall be prohibited from use as a component of a fence or wall:

- i. Barbed wire;
- ii. Security wire;
- iii. Sharpened top spikes;
- iv. Electrified wires; and
- v. Other similar elements or materials.

ii. Multi-tenant Centers**1. First Story**

The cumulative square footage of all permanent wall signs for an individual use shall not exceed one and one-half square feet per lineal foot of the use's façade width facing either a public or private street or parking area if no street frontage is adjacent for locations on the first floor. For purposes of this section, only one façade of the building will be used to measure allowance with the exception of corner locations in multi-tenant buildings, which shall be permitted to use the side facade as additional facade width.

2. Upper Story ~~Retail~~ Uses

[a] ~~Retail~~ Uses located above the first story shall be permitted a wall sign allowance equal to 50 percent of the total allowance permitted for first story uses as provided in Section 20.04.100(l)(2)(A)ii.1 above.

[b] The sign shall be located on the lease space or along a wall within five feet of the lease space.

~~3. Upper Story Office Uses~~

~~Non-retail tenants without first story street frontage shall be permitted to display a maximum of four square feet of signage at the exterior entrance.~~

~~4.3. Additional Sign~~

Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed 20 square feet in area. .

iii. Multifamily

Developments containing more than two units shall be permitted wall signage that shall not cumulatively exceed 24 square feet.

iv. Limits

No property shall be limited to less than 20 square feet of wall signage and no use or tenant shall exceed 100 square feet of wall signage.

(B) Location

Wall signs for individual tenants within a multi-tenant center shall be located on the tenants lease space, except as regulated in Section 20.04.100(l)(2)(A)ii.2 above.

(C) Maximum Projection

No part of a wall sign, other than a projecting sign or awning, shall project more than 12 inches from the wall or face of the building to which it is attached.

(3) Projecting Signs

The following standards apply to projecting signs:

- (A) Any property that uses a freestanding sign shall be prohibited from using a projecting sign.
- (B) A maximum of one projecting sign is permitted per tenant per street frontage.
- (C) A minimum separation of 100 feet shall be provided between all projecting signs on the same building facade.
- (D) Projecting signs shall be limited to a maximum of 54 square feet in area.
- (E) Projecting sign areas shall count toward overall wall sign square footage allowance.

(5) Affordable Housing Incentives**(A) Reduced Bulk Requirements**

The following dimensional standards shall apply to single-family, duplex, triplex, and fourplex residential lots in the R1, R2, ~~and R3~~, and R4 zoning districts that meet either of the two criteria in subsection (2) above:

- i. The minimum lot area for subdivision may be reduced up to 30 percent.
- ii. The minimum lot width for subdivision may be reduced up to 20 percent.
- iii. The side building setbacks may be reduced to five feet regardless of the number of stories.
- iv. The rear building setback may be reduced to 15 feet.
- v. Where these standards conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern.

(B) Primary Structure Height**i. Eligibility**

In addition to the eligibility criteria in 20.04.110(c)(2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

1. The building shall contain six or more dwelling units; and
2. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

ii. Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by one floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iii. Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iv. Sustainable Development Bonus

1. Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
2. The additional floor of building height granted under this subsection (iv) shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(6) Other Standards

The following standards shall apply to all affordable housing projects seeking incentives under this section 20.04.110(c).

Ordinance	Memo Section	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-04-21 Chapter 4							
	Clarification	105	106		"Table 04-1: Development Standards Compliance Thresholds"	"Table 04-1: Development Standards Compliance Thresholds For Conforming Sites and Structures "	Add "for conforming sites and structures" to the title of the table so its clear the table only applies to conforming sites
	Clarification	112	115	20.04.020(e)(3) Table 04-6	Additions to existing structures	Additions to existing primary structures...	clarifies that the allowance to utilize existing setbacks applies to primary structures and not accessory structures
	Clarification	111	115	20.04.020 (e) table 04-6	Type of Exception Awnings, balconies, canopies, patios, steps, and uncovered/open porches	remove uncovered/open porches, or any reference to porch as they should not have an exception	The definition of porch is changing and porches should not be allowed an exception
	Transportation Plan Terminology Sync	115	118	20.04.030(c)(7)	Arterial and collector streets shall not exceed grades of six percent and neighborhood streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.	Arterial and collector streets shall not exceed grades of six percent and neighborhood - local streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.	Matches language of UDO with Transportation Plan
	Clarification	122	125	20.04.030(g)		Add new section (8) Disturbance- No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole and the 25 feet of the last closed contour of a sinkhole.	Adds specific language preventing disturbance around a sinkhole.
	Clarification	127	130	20.04.040(d)	All development on-platted-lots shall comply.....	All development shall comply.....	Removes the word "platted lot" to make this section applicable to all property and not just platted lots of record.
	Access	134	137	20.04.050(c)(2)(A)(i)(2)	Within the front parking setback running less than 45 degrees.....	Closer to a street than the existing or proposed front building wall.	Allow drive-through lanes and drives to be even with the front of a building rather than 20' behind the front.
	Clarification	135	138	20.04.050(c)(2)(F)	In the R3 zoning district, a driveway accessing the street shall be prohibited.....	In the R3 and R4 zoning district, a driveway.....	Adds R4 reference to this section since it also applies.
	Transportation Plan Terminology Sync	135	138	20.04.050(c)(2)(E) & (E)(i)	Neighborhood Streets	replace with Local Streets, to match language of the Transportation Plan	Matches language of UDO with Transportation Plan
	Transportation Plan Terminology Sync	136	139	20.04.050(c)(3)(B)(ii)(2)	24 feet if from a nonresidential use onto a neighborhood street.	24 feet if from a nonresidential use onto a neighborhood - Local street.	Matches language of UDO with Transportation Plan
	Landscaping	139	142	20.04.050(d)(10)(C)(iv)(1)	In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property	In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface or minimum landscape area coverage for the property	Adds clarification that for situations where a sidewalk is not able to be located within the right-of-way that it does not count toward the minimum landscape area as well as the maximum impervious surface coverage.
	Parking	147	150	20.04.060(e) Table 04-10	Medical clinic maximum parking allowance is 3.3 spaces per 1000 sq. ft. GFA	Adjust to 5 spaces per 1000 sq. ft. GFA	Several variances have been approved with a demonstrated need for these uses to have a slightly higher need
	Clarification	153	156	20.04.060(i)(2)(B) and (B)(ii)	In the RE, R1, R2, R3, and R4 District	In the RE, R2, R3, R4, RM, and RH District	Adds allowance for these standards to be used in the RM and RH districts for single family uses.

	Parking	153	156	20.04.060(i)(2)(B)(ii)	None	Add "In the RM and RH district the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet in width".	Adds allowance for a longer rear yard driveway in the RM and RH district since the occupancy is higher.
	Parking	153	156	20.04.060(i)(2)(B)(ii)	None	Add " for corner lots on an alley, the parking area from the alley shall be setback at least 15' from the property line adjacent to the public street."	
	Parking	154	157	20.04.060(i)(3) Table 04-11		Add Footnote: Parking spaces for motorcycles may be a minimum of 3 feet wide by 6 feet deep.	Adds allowance for reduced parking stall dimensions for motorcycle parking spaces
	Clarification	155	158	20.04.060(i)(7)(A)		Except for single family residences or as stated in subsection (6) above.....	Allows for SFR to utilize crushed stone for driveways.
	Architecture	162	165	20.04.070(d)(2)(A)		Add Mixed Use Student Housing District (MS) to list of applicable districts	includes the MS district in the architectural section
	Architecture	162	166	20.04.070(d)(2)(C)(ii)		Add metal (except corrugated) to list of permitted secondary exterior finish materials	Adds allowance for metal to be used as a secondary material
	Architecture	162	167	20.04.070(d)(2)		Add anti-monotony standards to the Mixed Use zoning districts	Adds language
	Clarification	165	169	20.04.070(d)(5)(A)		Add sentence at end of paragraph that uses same language from Table 04-5 "When adjacent to the RE, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet".	Add reference to additional setback requirement to the Transition Zone section.
	Landscaping	170	174	20.04.080(c)(2)(G)(ii)	Planting beds shall not extend more than one foot beyond.....	Except as provided in 20.04.080(c)(2)(G)(i) Decorative mulch or stone shall not extend more than one foot beyond.....	States that mulch and stone can only be used around landscaping.
	Landscaping	184	188	20.04.080(H)(1)(c)(ii)	A minimum of 50 percent of the required shrubs shall be evergreen	There are extremely limited options for native evergreen shrubs, and this requirement greatly limits the species diversity of shrubs in landscape plans.	Removes the requirement for 50 percent evergreen shrubs.
	Transportation Plan Terminology Sync	189	193	20.04.080(n)(3)(C)(ii)	Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood street or secondary collector street, shall meet the building setback	Fences and walls greater than four feet in height, along the lot frontage of the secondary front building wall, when adjacent to a neighborhood-Local street or secondary collector street, shall meet the building setback	Matches language of UDO with Transportation Plan
	Signage	207	211	20.04.100(l)(2)(A)(ii)(2) & (3)	Upper Story Retail Uses - / Upper Story Office Uses - Non-retail tenants without first story street frontage.....	Strike 'Retail' / Upper Story Office-Uses - Non-retail tenants without first-story street frontage.....	Combines signage allowance for all second story uses
	Signage	207	211	20.04.100(l)(2)(A)(ii)(4)	Multi-tenant centers shall be permitted a single wall sign that does not exceed 20 square feet in area.	Multi-tenant centers shall be permitted a single wall or projecting sign that does not exceed 20 square feet in area.	Adds allowance for a center sign to be a projecting sign.
	Clarification	213	217	20.04.110(c)(5)(A)	The following dimensional standards shall apply..... residential lots in the R1, R2, and R3 zoning districts.....	Add R4 to list of allowable districts	Expands the areas for possible affordable housing opportunities

ORDINANCE 21-19
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.05

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on March 22, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-05-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition contains language to sync standards with Transportation Plan guidance and clarifies language related to new single-family or plex residential lots, as well as language related to common areas for environmentally sensitive areas. There are 5 corrections identified.

****ORDINANCE CERTIFICATION****


In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-17 is a true and complete copy of Plan Commission Case Number ZO-03-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.

Date: April 5, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation Budget Transfer Salary Change Zoning Change New Fees	End of Program New Program Bonding Investments Annexation	Penal Ordinance Grant Approval Administrative Change Short-Term Borrowing Other
_____	_____	_____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-03-21 amends Chapter 3 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-05-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: March 22, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-05-21 on March 8, 2021 and voted to send the petition to the Common Council with a positive recommendation with a vote of 9-0.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-05-21 | Chapter 5: Subdivision Standards

ZO-05-21 | Chapter 5: Subdivision Standards

This petition amends tree plot width and sidewalk/multiuse path language to require widths to match Transportation Plan guidance if it is wider than the base UDO widths; clarifies that any new single-family or plex residential lot must have street frontage, but that multifamily lots are not required to have street frontage (matches old UDO regulation); requires environmentally sensitive areas to be placed in common area (matches old UDO regulation); and syncs neighborhood intersection distances with Transportation Plan. There are 5 amendments identified. These amendments are needed to provide clarity on development standard requirements in subdivisions by relating them to the Transportation Plan, as well as correcting two items that were potentially inadvertently changed from the last UDO.

(c) Traditional Subdivision (TD)**(1) Purpose**

The traditional subdivision is intended to be used as follows:

- (A) Ensure the creation of a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as nonresidential activity centers;
- (B) Create a pedestrian-scale streetscape design featuring narrow street profiles, on-street parking, building forward orientation, short block lengths, and decorative street lighting;
- (C) Facilitate compatible development of parcels located next to existing subdivisions characterized by more grid-like street patterns;
- (D) Facilitate development on properties not characterized by environmental features;
- (E) Provide a range of development options (including mixed-uses, affordable housing, accessory dwelling units) where warranted by adjacent development patterns; and
- (F) Help achieve the goals and policies related to land development in the Comprehensive Plan.

(2) Development Standards**Table 05-3: TD Subdivision Development Standards**

General Standards	
Parent tract size (minimum)	3 acres
Applicable base zoning districts	R2, R3, R4, RM, RH, MS, MN, MM
Open space required (minimum) [1]	5%
Lots served by alleys (minimum percentage)	67%
Block length (maximum)	800 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	Required on at least one side of all streets
Tree plot width (minimum)	Residential areas: Per Transportation Plan, or 7 feet, whichever is greater Mixed-use/nonresidential areas: 0 feet, tree grates required
Sidewalk/multiuse path width (minimum)	Residential areas: Per Transportation Plan, or 5 feet, whichever is greater Mixed-use/nonresidential areas: 8 feet

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

(e) Lots

(1) Generally

- (A) The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts.
- (B) Residential lots shall have side lot lines that are within 15 degrees of a right angle to the street and right-of-way.
- (C) Except as permitted by this UDO, lots shall not be permitted to be through lots.

(2) Intersection Radii

- (A) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet in radius, or by chords of such arcs.
- (B) At intersections of streets, the property line corners shall be rounded by arcs with radii of not less than 25 feet, or by chords of such arcs.
- (C) At intersections of alleys, the property line corners shall be rounded by arcs with radii of not less than 10 feet, or by the chord of such arcs.

(3) Design

- (A) Commercial developments (e.g., multi-tenant centers, commercial areas, and office parks) shall be designed as a single project no matter how many lots are created. All areas of the parent tract shall be shown as they are intended to be laid out and used.
- (B) All lots shall be designed with a depth-to-width ratio not to exceed four to one.
- (C) The minimum lot width of all lots shall be measured at the required front building setback line.
- (D) All new [single-family, duplex, triplex, and fourplex](#) residential lots shall have frontage on a public street right-of-way or shall be part of a cottage home development with frontage on a public street right-of-way.
- (E) The Plan Commission may modify lot and setback standards in order to create a common area development plat. This approval is subject to the following standards:
 - i. A petitioner shall request a common area development designation with the primary plat;
 - ii. All individual units shall be placed on an individual lot;
 - iii. All units shall have individual utility service;
 - iv. Lot lines shall not extend more than 10 feet from any structure; and
 - v. All areas outside of individual lots shall be placed within common area.
- (F) The Plan Commission may approve alternative setback standards in order to create a zero-lot line development plat, subject to the following standards:
 - i. The petitioner shall request a zero-lot line development designation with the primary plat;
 - ii. All individual units shall be placed on an individual lot; and
 - iii. All units shall have individual utility service.

(f) Monuments and Markers

(1) Installation of Monuments and Markers

All monument and marker improvements shall be installed per 865 IAC 1-12-18.

(2) Centerline Monuments

Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.

(3) Reporting

Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit from the surveyor certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

(g) Open Space

(1) Generally

- (A) All residential developments shall have a percentage of the land set aside for open space.
- (B) Subdivisions shall provide the minimum required open space per Table 05-5: Subdivision Development Standards.

(2) Common Areas

In addition to easements required by Subsection 20.07.080(b): Easements, the following environmental features shall be placed within Common Areas on the plat:

- (A) Karst Features: All karst features and their required buffer zones that have a total area of one-half (0.5) acre or greater.
- (B) Riparian Buffers: All riparian buffers defined as Streamside or Intermediate Zones.
- (C) Floodways: All areas within regulatory floodways.
- (D) Wetlands: All delineated wetlands and required wetland buffer areas.
- (E) Forested Areas: All contiguous areas of tree cover totaling one (1) acre or greater that are required to be preserved.

(2)(3) Site Features that Qualify as Open Space

The following features count toward the minimum open space requirements as described:

(A) Conservation Areas

Any required preservation/conservation area shall count toward open space requirements.

(B) Man-made Water Features

Any man-made water feature (including retention facilities) shall count toward minimum open space if it supports aquatic life and provides native habitat as follows:

i. Surface Area

A surface area at normal pool elevation of at least 32,670 square feet (0.75 acres); and

ii. Perimeter Access

1. A buffer area around the full circumference of the water feature of at least 50 feet from the top of bank shall be available as open space.

- ii. A permanent public sign shall be installed at the terminus of the stub street stating clearly that the street will connect to future development.

(F) Gated Entrances

Gated entrances are not permitted.

(G) Intersections

All intersections of two streets shall be within 15 degrees of perpendicular as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted.

LocalNeighborhood street intersections with center line offsets of less than 125 feet shall not be permitted.

(H) Right-of-way Width

- i. The minimum right-of-way width shall be as indicated on the Transportation Plan unless specified otherwise in this UDO.
- ii. The minimum right-of-way dimensions established in the Transportation Plan may be reduced upon approval of the City Traffic and Transportation Engineer and Fire Chief, or designee if:
 - 1. The reduction will mitigate environmental impacts; or
 - 2. The reduction will result in alignment with adjacent streets.

(I) Street Width

- i. The minimum street pavement width shall be as indicated on the Transportation Plan. Street width shall be determined by measuring from back of curb to back of curb unless specified otherwise in this UDO.
- ii. The minimum street width dimensions established in the Transportation Plan may be reduced upon approval of the City Traffic and Transportation Engineer and Fire Chief, or designee if:
 - 1. The reduction will mitigate environmental impacts; or
 - 2. The reduction will result in alignment with adjacent streets.

(J) Curb Type

All subdivisions shall use vertical curbs.

(K) Cul-de-sac Length

The maximum cul-de-sac length shall be as indicated in Table 05-5: Subdivision Development Standards.

(L) Cul-de-sac Terminus

The terminus of each cul-de-sac shall be a round bulb, large enough to accommodate the largest fire truck in service within the city.

(M) Permanent Dead-end Streets

Dead-end streets are prohibited. Dead-end streets do not include culs-de-sac or stub streets.

(N) Eyebrows

Eyebrow street designs shall not be permitted.

Ordinance	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-05-21 Chapter 5						
	222	226	20.05.030(c)(2)Table 05-3	Tree Plot Width (minimum)- Residential areas: 7 feet	per Transportation Plan, or 7 feet, whichever is greater	synchronize UDO with standards in Transportation Plan
	222	226	20.05.030(c)(2)Table 05-3	Sidewalk/multiuse path width (minimum) Residential areas: 5 feet	Per Transportation Plan, or 5 feet, whichever is greater	synchronize UDO with standards in Transportation Plan
	229	233	20.05.050(e)(3)(D)	All new residential lots shall have frontage on a public street.....	All new single family, duplex, triplex, and fourplex residential lots shall have frontage on a public street.....	Clarifies existing language
	230	234	20.05.050(g)(2)		Add language from 20.07.080(c) of the previous UDO that requires particular environmental features over a certain size to be placed in common area	Adds missing language from the previous UDO protecting environmental features.
	233	238	20.05.050(j)(5)(G)	Neighborhood street intersections with center line offsets of less than 125 feet shall not be permitted.	Neighborhood Local street intersections with center line offsets of less than 125 feet shall not be permitted.	Matches language of UDO with Transportation Plan

ORDINANCE 21-20
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.06

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-06-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Administration and Procedures of the UDO.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-20 is a true and complete copy of Plan Commission Case Number ZO-06-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.



Date: April 5, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-06-21 amends Chapter 6 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-06-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-06-21 on March 22, 2021 and voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 9-0. The Plan Commission voted on two additional amendments brought forward by staff, in order clarify bonding requirements. Both amendments were approved and added to the petition.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-06-21 | Chapter 6: Administration & Procedures

ZO-06-21 | Chapter 6: Administration & Procedures

There are 6 amendments in this petition. The petition amends the requirements for the minimum thresholds for a Major Site Plan and also syncs expansion limitations for buildings in the floodplain with the State code. The petition also clarifies that City of Bloomington projects are not responsible for providing erosion control or public improvements bonds.

1. Delete the provisions that require major site plan review for expansions of existing developments that increase the units on a lot by 10 percent or more. The dwelling unit percentage expansion provision requires small apartment buildings that add one or two units to be seen by the Plan Commission. That was not the intent of the provision.

2. Delete the provisions that require major site plan review for expansions of existing developments that increase the gross floor area by more than 10,000 square feet or 25%, whichever is less. This provision, in practice, has caused confusion for interested parties. The threshold is so low, that additions have gone to Plan Commission that are by-right, where the Plan Commission must approve. The benefit of transparency is important, which is why the thresholds for this and 1 and 3 were set so low, but appear to be capturing too much.
3. Amend the minimum unit threshold for major site plan review from 30 to 50 units. In practice, 50 is a more reasonable number for the scale of project that should be seen by the Plan Commission.
4. Replace language that restricts expansion of structures in a floodplain from a one-time expansion to being allowed if State code is met.
5. Explicitly states that erosion control bonds are not required for City projects, as an entity cannot bond to itself.
6. Explicitly states that public improvement bonds are not required for City projects, as an entity cannot bond to itself.

9. Projects that qualify for affordable housing incentives and/or sustainable development incentives established in Section 20.04.110 (Incentives), provided that, if located adjacent to one or more lots in an R1, R2, R3, or R4 district or such project does not contain more than 50 dwelling units.

ii. **Major Site Plan Review**

Major site plan approval is required for any project that meets or exceeds the following criteria, unless otherwise exempted from site plan review under Section 20.06.050(a)(2)(B):

1. Development located within 500 feet, measured radially, from the centerline of State Road 37;
2. Development that contains more than 15,000 square feet of gross floor area;
3. Development that contains more than 5030 dwelling units;
- ~~4. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 10,000 square feet or more than 25 percent, whichever is less;~~
- ~~5. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by 10 percent or more;~~
- ~~6.4.~~ Any expansion, alteration, or modification of a lawful nonconforming site feature or building that meets or exceeds the thresholds established in paragraphs (2), (3), (4), or (5) above;
- ~~7.5.~~ Projects that qualify for affordable housing or sustainable development incentives on parcels located adjacent to one or more lots in an R1, R2, R3, or R4 district that contain more than 50 dwelling units;
- ~~8.6.~~ Any minor site plan determined by the Planning and Transportation Director to require major site plan review due to unusual size, complexity, or the creation of potential significant unanticipated impacts on the city or surrounding neighborhoods; or
- ~~9.7.~~ Any project that would individually qualify for minor site plan review but that, when considered collectively with prior minor site plan approvals for adjacent lots or sites under common or related ownership within the last three years, would have required major site plan review, if the Planning and Transportation Director concludes that the combined impact of any such adjacent projects creates impacts similar to those requiring major site plan review.

(3) **Minor Site Plan Review Process**

Figure 06.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

i. Duration

1. Grading permits shall be valid for a period of 180 days, as measured from the date on the certificate of zoning compliance or run concurrently with the building permit or other construction authorizations, whichever is longer.
2. At the written request of the petitioner, the city may extend the period one or more times for up to a maximum of an additional 180 days. The city may require additional erosion control measures as a condition of the extension if they are necessary to meet the requirements of this UDO.

ii. Changes or Amendments

1. The petitioner may submit revisions or amendments to an approved grading permit for consideration by the local, state, and federal authorities having jurisdiction. A revision or amendment to an approved grading permit shall only be authorized upon review and approval by all the local, state, and federal authorities having jurisdiction.
2. Changes to the grading permit shall be approved in writing.

iii. Financial Bond Required

1. In conjunction with the approval of grading permit, the petitioner shall provide a financial guarantee for erosion control measures, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the City, that all erosion control measures required under the provisions of this UDO and Planning and Transportation Department requirements shall be completed.
2. If the City draws on the erosion control bond to stabilize and reestablish the site, either the erosion control estimate prepared by the licensed engineer or the documented actual dollar per acre amount for reestablishment of the site, whichever is greater, shall be used.

2.3. The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

(f) Certificate of Zoning Compliance

(1) Purpose

The Certificate of Zoning Compliance procedure is intended to provide a mechanism for City staff to ensure that the establishment of and alterations to uses, sites, and structures conform to the standards of this UDO.

(2) Applicability

(A) Generally

- i. A Certificate of Zoning Compliance shall be required for any of the following activities:
 1. Alteration, erection, construction, reconstruction, division, enlargement, demolition, partial demolition or moving of any building, structure, sign, or mobile home;
 2. Establishment of a use or change in use to another use (see Section 20.06.090(c)(2) (Change in Use)_____

iii. Financial Bond Required

1. Purpose

In conjunction with the approval of a secondary plat, the petitioner shall be required to provide a financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the city, that all public facility improvements and installations required under the provisions of this UDO and Planning and Transportation Department requirements shall be completed.

2. Applicability

[a] A performance agreement between the petitioner and the city, supported by a performance surety or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public facility improvements; provided, however, that any improvements to be dedicated to Monroe County within the City of Bloomington shall be bonded in accordance with Monroe County bonding policy.

[b] The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any other individual public facility improvements and installations or their performance guarantees.

[c] The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the city. The time period and amount of the performance guarantee shall be determined by the Board of Public Works and shall comply with Indiana Code § 36-7-4-709(i).

~~[e]~~ [d] The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.

3. Review

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

- [a] Be in a sum of not less than one hundred twenty-five percent of the approved estimate of the total improvement construction cost of the project in order to be sufficient to complete the improvements and installations in compliance with this UDO and City Planning and Transportation Department requirements;
- [b] Provide bond satisfactory to the city or to the county;
- [c] Run to and be in favor of the city or the county;
- [d] Specify the time for the completion of the improvements and installations (both on site and off site);

5. The building permit application was filed prior to the effective date of this UDO, unless otherwise provided by Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).
- ii. In the event that said application or permit expires or is suspended or revoked as provided in the Bloomington Municipal Code or other applicable regulation of the city or Monroe County, any new permit application may be subject to the regulations in this UDO, subject to Section 20.01.040(b) (Effect of Change in the Law after Filing of Complete).

(D) Abandonment of Residential Occupancy

Where such a use is classified as a lawful nonconforming use under this Section 20.06.090(c)(4), the use shall not be subject to termination through cessation or abandonment except when the right to continue such a lawful nonconforming use is terminated by the owner's execution and proper recording in the chain of title, in a form acceptable to city staff, of an express, voluntary, permanent, and irrevocable waiver and relinquishment of such right.

(d) Nonconforming Structures

(1) Authority to Continue

A lawfully nonconforming structure may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as set forth in Section 20.06.090(f)(2) and the following provisions. No increase in the degree of nonconformity with any development standard is permitted except as expressly provided herein.

(2) Nonconforming Structures in Regulated Floodplains

(A) Changes to Structures

Any structure or use located in a regulated floodplain shall be governed by the general regulations of this Section 20.06.090 to the extent that nonconformance is related to requirements other than those governing regulated floodplains. To the extent that nonconformance is related to the regulations of the regulated floodplains, modifications to a lawful nonconforming structure are allowed ~~only on a one-time basis and only~~ where:

- i. A permit is issued by the Department of Natural Resources for such modifications; and
- ii.

~~ii. Such modifications may not increase the value of the structure, excluding the value of land, by more than 40 percent of its pre-improvement market value unless such structure is brought into compliance. If the addition, in combination with all other additions to the abode or residence that have been constructed since the abode or residence was originally built, would increase the market value of the abode or residence to an amount more than fifty percent (50%) greater than: (1) the market value of the abode or residence if no additions have been constructed since the abode or residence was originally built; or (2) the approximate market value the abode or residence would have in the form in which the abode or residence was originally built if at least one (1) addition has already been constructed. (d) For the purposes of subsection (c), the market value of an abode or a residence does not include the value of the land on which the abode or residence is built.~~

(B) Replacement of Structures

A lawful nonconforming structure or any structure which contains a lawful nonconforming use which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood elevation; all necessary permits must be obtained from the Department of Natural Resources and all other applicable requirements of state law are met; and that application for a building permit must be made within six months of the date of destruction or removal.

(3) Restoration and Repairs

A lawful nonconforming structure, or a structure containing a lawful nonconforming use, may be restored when the conditions of this Section 20.06.090 have been met regardless of other regulations in this UDO. Replacement, restoration, and repairs shall conform to building code and other applicable regulations set forth by the Bloomington Municipal Code.

(4) Structure Damaged or Destroyed

- (A) A lawful nonconforming structure or a structure which contains or is associated with a lawful nonconforming use, which has been partly or completely destroyed or removed by accidental cause, including Acts of God, may be replaced, provided the owner or agent makes application for a building permit within six months of the date of destruction or removal.
- (B) The replacement structure shall be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architecture and constructed of similar materials, unless any deviation would bring the structure or use into or closer to compliance with the regulations of this UDO, to the extent possible and to the extent permitted by building code or other applicable regulation.

(e) Nonconforming Lots

A lawfully nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this UDO is required as established in Section 20.06.090 (Nonconformities).

Ordinance	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-06-21 Chapter 6						
	269	274	20.06.050(a)(2)(C)(ii)(5)	Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by 10 percent or more;	Delete	This requirement for major site plan review is too stringent and not needed. These situations are limited compliance only. Will lessen by-right developments at PC, as well. Captures one additional unit on a two-unit, would require PC approval. Will lessen by-right developments at PC, as well.
	269	274	20.06.050(a)(2)(C)(ii)(4)	Expansions, alterations, or modifications that increase the gross floor area of an existing structure by more than 10,000 square feet or more than 25 percent, whichever is less;	Delete	This requirement for major site plan review is too stringent and not needed. These situations are limited compliance only. Will lessen by-right developments at PC, as well.
	269	274	20.06.050(a)(2)(C)(ii)(3)	Development that contains more than 30 dwelling units	Development that contains more than 50 dwelling units.	This requirement for major site plan review is too stringent and not needed. These situations are limited compliance only. Will lessen by-right developments at PC, as well.
Added by Plan Commission	287	298	20.06.050(e)(3)(C)(iii)(1)	None	Add new section: The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.	Clarify that the City cannot post an erosion control bond to itself for City projects.
Added by Plan Commission	306	317	20.06.060(c)(3)(E)(iii)(2)	None	Add new section: The posting of a performance guarantee is not required when the petitioner is the City of Bloomington.	Clarify that the City cannot post a public improvements bond to itself for City projects.
	344	349 350	20.06.090(d)(2)(A)(ii)	prohibits additions to structures to a one-time basis that does not increase the value more than 40%.	Add language from the Flood Control Act 14-28-1-26(c)- A person may not construct an addition to an abode or a residence located in a floodway if the addition, in combination with all other additions to the abode or residence that have been constructed since the abode or residence was originally built, would increase the market value of the abode or residence to an amount more than fifty percent (50%) greater than: (1) the market value of the abode or residence if no additions have been constructed since the abode or residence was originally built; or (2) the approximate market value the abode or residence would have in the form in which the abode or residence was originally built if at least one (1) addition has already been constructed. (d) For the purposes of subsection (c), the market value of an abode or a residence does not include the value of the land on which the abode or residence is built."	Replaces language in UDO that only allows for a one-time addition, to be consistent with the State code.

ORDINANCE 21-21
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.07

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-07-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies and amends regulations in the new UDO related to Definitions of the UDO.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-21 is a true and complete copy of Plan Commission Case Number ZO-07-21 which was given a recommendation of approval by a vote of 8 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.



Date: April 5, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected
Fund Balance as of January 1
Revenue to Date
Revenue Expected for Rest of year
Appropriations to Date
Unappropriated Balance
Effect of Proposed Legislation (+/-
)

\$
\$
\$
\$
\$
\$
\$

\$
\$
\$
\$
\$
\$
\$

Projected Balance

\$

\$

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-07-21 amends Chapter 7 of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend definitions, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-07-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-07-21 on March 22, 2021 and voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 8-0. The Plan Commission voted on one additional amendment, in order clarify a use for housing related to people experiencing homelessness. The amendment was approved and added to the petition.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-07-21 | Chapter 7: Definitions

ZO-07-21 | Chapter 7: Definitions

This petition clarifies some existing definitions and proposes some new definitions. There are 7 amendments that can be split between amended and new.

Amended

1. Building or Structure, Primary: Clarifying that multiple uses can occur on a lot. The existing definition says ‘the primary use’, however a lot may have more than one.
2. Multifamily: Amending so that upper floor units, which is no longer a use in the code, is still allowed and treated like multifamily residential.

3. Family: Syncing the ADU reference with the changes that were made in the 2019/2020 update to allow for a family to live in each unit. The definition of family was not updated to reflect that change at the time, though the ADU section was.
4. Medical Clinic: Add 'birthing center' as a specific type of medical clinic, so that they are clearly regulated at this scale and not as a 'hospital'.
5. Porch: Amend definition to meet a standard architectural definition as an 'uncovered' porch has presented issues for staff over the years.
6. Supportive Housing: Amend the definition related to housing for people experiencing homelessness.

New

1. Firearm Sales: Add definition because this use was previously regulated under a definition that is no longer in code. Having its own defined use clarifies administration of the use.
2. Small Livestock: Add definition in order to clarify what can be permitted as small livestock.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Building

Building (Generally)

For all other contexts, any structure having a roof supported by columns, walls or air pressure.

Building (Floodplain Regulations)

For purposes of floodplain regulations, see "Structure."

Building Base

The street level portion of a building facade. The building base is typically one or two stories tall in height and contains such features as display windows, kick plates, pedestrian entrances and a sign band.

Building Cap

The uppermost portion of a building facade. The building cap is typically located above the uppermost windows and contains a cornice that is integrated with the roof form and downspouts/gutters for stormwater diversion.

Building Code

The Indiana Building Code, which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Middle

The area of the facade of a building between the base and the cap. This area includes evenly spaced and similarly sized windows, as well as balconies and other architectural features.

Building or Structure, Accessory

Means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and that is customarily incidental to the primary building or structure or to the primary use of the land. This includes, but is not limited to, Automated Teller Machines (ATMs) and automated ice dispensers.

Building or Structure, Attached

A building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Building or Structure, Detached

A building or structure that has no structural connection with the primary building or structure or any other building or structure.

Building or Structure, Enclosed

A building or structure that is fully enclosed on all sides by solid walls and a roof that are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

Building or Structure, Lawful Nonconforming

Any building or structure that does not comply with one or more provisions of this UDO, but that lawfully existed upon the effective date of the provisions of this UDO with which the building or structure does not comply.

Building or Structure, Primary

A building or structure in which is conducted ~~any the~~ primary use that is a permitted use of the lot on which it is located.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Dwelling, Multifamily

~~One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," "Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."~~ One or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-Family Detached", "Dwelling, Single-family Attached," "Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."

Dwelling, Short-Term Rental

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a "Bed and Breakfast," "Residential Rooming House," or "Hotel/Motel." This definition does not include offering the use of one's property where no fee is charged or collected.

Dwelling, Single-family Attached

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

Dwelling, Single-family Detached

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "Dwelling, Manufactured Home" but does not include "Dwelling, Mobile Home." A single-family detached dwelling may also include an "Accessory Dwelling Unit" if it meets the requirements for that additional use under this UDO.

Dwelling, Triplex

A single building on a single lot containing three dwelling units under one roof, each of which is occupied by one family.

Easement

A nonpossessory interest in land granted by a property owner to the city, the general public, a corporation, or other persons for specific purposes including but not limited to the construction of utilities, drainage ways, and streets, or for the protection of natural features.

Easement, Conservancy

An easement that restricts any land-disturbing activities within a defined area. The purpose of a conservancy easement includes retaining or protecting natural, scenic, or open space values of real property; assuring its availability for forest, recreational or open space use, and protecting natural resources.

Easement, Drainage

An easement that permits the unobstructed flow of upstream stormwater runoff. A drainage easement may include detention or retention ponds, swales, wetlands or underground pipes, and that allows the City Utilities Department access for installation, maintenance, repair or removal of drainage facilities.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Expansion to an Existing Manufactured Home Park or Subdivision

For purposes of floodplain regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior Finish Material, Primary

An exterior finish material that covers more than 20 percent of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

Exterior Finish Material, Secondary

An exterior finishing material that covers 20 percent or less of a building facade. Windows, doors, building trim, cornices, and similar architectural features shall not count toward calculation of the square footage of the building facade.

FAA

The United States Federal Aviation Administration.

Façade

That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The facade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a facade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one facade, and a facade may cross building lines, provided there is unitary ownership or control of both buildings.)

Facade Open Area

Areas within a building facade that provide voids or relief, such as windows or balconies.

Facade, Primary

Those portions of a facade that are adjacent to or front on a private or public street, park or plaza.

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.~~

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

- 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 in which no more than two adults per bedroom occupy the facility.

Farm Produce Sales

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, and baked goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Farmer's Market

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.

FCC

United States Federal Communications Commission.

FEMA

The United States Federal Emergency Management Agency.

FHA

The Fair Housing Act.

Final Plan, PUD

The detailed construction drawings for all or part of a Planned Unit Development.

Financial Institution

A federal or State-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The term does not include "check cashing," except where separately permitted. Accessory uses may include automatic teller machines and offices.

Findings of Fact

The written findings of an approving body as required by Indiana Code 36-7-4-707 for subdivisions of land, Indiana Code 36-7-4-915 for actions of the Board of Zoning Appeals, and Indiana Code 36-7-4-1406 for site plans.

Firearm Sales

A business in which at least 10% of the gross floor area is used for or 10% of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. This does not include "Pawn Shop."

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Livestock, Small

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

Lodging House

See "Residential Rooming House."

Lot

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this UDO, a lot may or may not coincide with a lot of record and shall be duly recorded.

Lot Area

The computed area contained within the boundary of all perimeter lot lines.

Lot Depth

The horizontal distance between the front and rear lot lines.

Lot Line, Corner

The point at which two lot lines meet.

Lot Line, Front

That portion of a lot that abuts and runs parallel to a street. For corner lots, both sides that abut a street are front lot lines.

Lot Line, Rear

The line dividing one lot from another and on the opposite side of the lot from the front lot line. In the case of an irregular or triangular shaped lot, a line 10 feet inside the lot boundary, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, a lot line that adjoins a front lot line and extends away from the street shall be considered side lot lines.

Lot Line, Side

Any lot line that is not a front lot line or a rear lot line.

Lot of Record

A lot that was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Multiuse Path

A hard-surface pathway physically separated from the street by a tree plot, located within the public right-of-way, and designed for bicyclists, pedestrians, and other non-motorized traffic.

Multi-use Trail

A hard-surface, off-road pathway used by bicyclists, pedestrians, and other nonmotorized traffic typically located within or along a greenway.

Mural

A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Unified Development Ordinance. Murals that function as a sign are regulated in the Unified Development Ordinance as a wall sign.

MUTCD

The Manual on Uniform Traffic Control Devices.

National Flood Insurance Program (NFIP)

The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929

As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Native Species

Naturally occurring, indigenous plants within the City of Bloomington. Native species are adapted to the soil and climate in which they live and have evolved defenses to many diseases and pests.

Nature Preserve

Areas with environmental resources intended to remain in a predominately natural or undeveloped state to provide resource protection or passive recreation.

New Construction

For purposes of floodplain regulations, any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New Manufactured Home Park or Subdivision

For purposes of floodplain regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Night Club

See "Bar or Dance Club."

Non-Boundary River Floodway

The floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88)

As adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

ZO-07-21 Red-Line Amendments with Plan Commission Amendment

Porch

An uncovered, unenclosed, structure projecting from the main wall of a primary building. A roofed structure that is not more than 50 percent enclosed (except for removable screens, or screen doors), on at least two sides, that projects from the exterior wall of a building. If a porch extends from the front of a building or from any side of the building that faces a street, that side of the porch must be open, and the side(s) that faces the street must not be more than 50 percent enclosed (except for removable screens, or screen doors).

Preliminary Plan, PUD

A drawing or map made to measurable scale upon which is presented a description and definition of the way in which the design requirements of the Planned Unit Development are to be met.

Premises

See "Property."

Preschool

See "School, Public or Private."

Preservation Area

Sites with environmental resources intended to be preserved in their natural state.

Primary School

See "School, Public or Private."

Property

A lot, parcel, tract, or plot of land and the improvements thereon.

Proposal

Any new construction, including accessory structures of at least eight hundred forty square feet, or any building addition larger than ten percent of the gross floor area of a structure.

Public Improvements

The erection, construction, alteration, operation, or maintenance of facilities serving the public interest that may include but is not limited to storm drainage facilities, streets, highways, parkways, sidewalks, pedestrian-ways, transportation corridors, trees, lawns, landscaping, parking areas, lot improvements, or utilities.

Public Place

Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public Safety and Nuisance

For purposes of floodplain regulations, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Way

Any street, alley, channel, tunnel, bridge, easement, right-of-way, or other way that is dedicated or granted for public use.

Substantial Demolition

The moving or razing of a building including the removal or enclosure of 50 percent or more of the structure.

Substantial Improvement

For purposes of floodplain regulations, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Substantial Removal

As used in the definition of "partial demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places.

Supermarket

See "Grocery or Supermarket."

Supportive Housing

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this UDO. This use does not include an "Opioid Rehabilitation Home, Small" or "Opioid Rehabilitation Home, Large," but includes and is not limited to:

- 1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
- 2) A [temporary or permanent](#) shelter for persons experiencing temporary homelessness. [For persons experiencing homelessness, there is no requirement that the persons live in a single housekeeping unit or that the shelter provide care exclusively to persons requiring medical, correctional, or other mandated supervision or a protective environment.](#)
- 3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

Supportive Housing, Large

A facility designed for and occupied by eight or more residents living together.

Supportive Housing, Small

A facility designed for and occupied by no more than seven residents living together.

Suspension

For purposes of floodplain regulations, the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Ordinance	Memo Section	Full UDO Page Number	RedLine Page Number	Citation	Current Language	Proposed Language/Change	Synopsis
ZO-07-21 Chapter 7							
	Amended	359	364	20.07.010	Building or Structure, Primary: A building or structure in which is conducted the primary use of the lot on which it is located.	A building or structure in which is conducted any primary use that is a permitted use.	Modifies language where there may be multiple buildings on a lot in which permitted uses are contained.
	Amended	369	375	20.07.010	Multifamily: One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."	Multifamily: One or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory," or "Dwelling, Accessory Unit."	Allows for upper floor dwelling units, and creates a definition for multiple buildings on a property that only have one unit in each building but less than five total units.
	Amended	373	378	20.07.010	ADU reference in Family: 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.	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.	Aligns definition of "family" for ADUs with adopted Use Specific Standards for ADUs
	New		379	20.07.010	New definition	Firearm Sales: A business in which at least 10% of the gross floor area is used for or 10% of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. This does not include "Pawn Shop." Allowed Use: P in MM, MC, ME	
	New	382	389	20.07.010	None	Add definition for "Livestock, Small: Small livestock includes domesticated animals weighing less than 100 pounds including but not limited to sheep, rams, lambs, burros, goats, kids, swine, other animals that the Planning and Transportation Director determines to be of similar size, weight, and that have similar impacts on the land, and any animals normally found in the wild state that are being kept for exhibition or commercial purposes or as private pets. Wild animals requiring a possession permit through the Indiana Department of Natural Resources are excluded from this definition and are prohibited.	
	Amended	386	393	20.07.010	Medical clinic definition	Add "birthing center" to list of uses included in this definition	Clarifies that birthing centers are allowed and classified as medical clinics.

	Amended	393	401	20.07.010	Porch: An uncovered, unenclosed, structure projecting from the main wall of a primary building.	A roofed structure that is not more than 50 percent enclosed (except for removable screens, or screen doors), on at least two sides, that projects from the exterior wall of a building, If a porch extends from the front of a building or from any side of the building that faces a street, that side of the porch must be open, and the side (s) that faces the street must not be more than 50 percent enclosed (except for removable screens, or screen doors)	Aligns UDO definition of porch to architectural definition
Added by Plan Commission	Amended	405	419	20.07.010	Supportive Housing definition	Amend 2) A temporary or permanent shelter for persons experiencing homelessness. For persons experiencing homelessness, there is no requirement that the persons live in a single housekeeping unit or that the shelter provide care exclusively to persons requiring medical, correctional, or other mandated supervision or a protective environment.	Amend the definition to be in line with how emergency shelters for individuals experiencing homelessness operate.

ORDINANCE 21-22
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Removal of Residential Estate (RE) and Amendment to Residential Large Lot (R1)
Zoning Districts Set Forth in BMC 20.02, 20.03, 20.04, 20.05, 20.06, 20.07

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-08-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington


SYNOPSIS

This petition removes the RE zoning district regulations from the UDO and combines the uses of the RE and R1 zoning districts into the R1 zoning district.

****ORDINANCE CERTIFICATION****

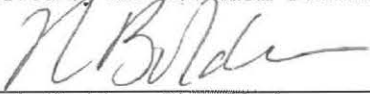
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-22 is a true and complete copy of Plan Commission Case Number ZO-08-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 22, 2021.

Date: April 5, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need

Emergency
Other

Funds Affected by Request:

Fund(s) Affected

Fund Balance as of January 1

\$

\$

Revenue to Date

\$

\$

Revenue Expected for Rest of year

\$

\$

Appropriations to Date

\$

\$

Unappropriated Balance

\$

\$

Effect of Proposed Legislation (+/-
)

\$

\$

Projected Balance

\$

\$

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes

No

XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-08-21 amends various chapters of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend the RE and R1 zoning districts, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-08-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-08-21 on March 22, 2021 and voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 9-0. The Plan Commission voted on one amendment to add all uses from RE to R1. The amendment was approved and added to the petition.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter. One petition is discussed below:

1. ZO-08-21 | Deletion of RE Zoning District

ZO-08-21 | Deletion of RE Zoning District

The deletion of the Residential Estate (RE) zoning district stems from the attempt to map the Residential Large Lot (R1) zoning district. The R1 zoning district was a new district added to the code in the April 2020 adopted version. When staff began considering locations for the R1 zoning district, we looked at lots that would meet the minimum lot size for R1 or larger that were not existing RE. It became apparent that most lot-sized based potential R1 areas were located in larger R2 surroundings with very similar development. Based on existing neighborhoods and surrounding development, it made more sense to leave those areas as R2. The other potential locations for R1 were existing RE areas. The decision was made to functionally combine the two districts.

This petition effectively combines the RE and R1 zoning districts by removing the RE district from code and the map; amending the R1 uses to incorporate a few uses that were allowed in RE but not R1; and mapping the new R1 district in the previous RE locations. This allows for continued availability of the agricultural uses from RE, while enabling the smaller lot development of R1. This encourages a more realistic urban agricultural scale that the Comprehensive Plan envisions. One aspect of RE is that it was created, in part, to provide protection for environmentally-sensitive areas by limiting subdivision with its 2.5 acre minimum lot size. Switching the minimum lot size to the R1 standard allows for additional development, while the existing environmental protections in code will still protect those sensitive areas and require their preservation.

The Plan Commission voted to add all uses that were Permitted, Conditional, Accessory, or Temporary in RE to R1 in the Use Table.

There is a map below indicating where proposed R1 is located, and which portions are existing RE.

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Chapter 20.02: Zoning Districts

20.02.010 Zoning Districts Established

(a) Summary Table of Zoning Districts

The following zoning districts are established as shown in Table 02-1. All development shall comply with all other applicable regulations in this UDO including, without limitation, Chapter 20.03: (Use Regulations) and Chapter 20.04: (Development Standards & Incentives).

Table 02-1: Summary Table of Zoning Districts

Prior District Name	District Name
Residential	
RE - Residential Estate	RE - Residential Estate
RE - Residential Estate	R1 - Residential Large Lot [New]
RS - Residential Single-Family	R2 - Residential Medium Lot
RC - Residential Core	R3 - Residential Small Lot
---	R4 - Residential Urban [New]
RM - Residential Multifamily	RM - Residential Multifamily
RH - Residential High-Density Multifamily	RH - Residential High-Density Multifamily
MH - Manufactured/Mobile Home Park	RMH - Manufactured/Mobile Home Park
Mixed-Use	
---	MS - Mixed-Use Student Housing
CL - Commercial Limited	MN - Mixed-Use Neighborhood-Scale
CG - Commercial General	MM - Mixed-Use Medium-Scale
CA - Commercial Arterial	MC - Mixed-Use Corridor
BP - Business Park	ME - Mixed-Use Employment
IN - Institutional	MI - Mixed-Use Institutional
CD - Commercial Downtown	MD - Mixed-Use Downtown
MD - Medical	MH - Mixed-Use Healthcare
Nonresidential	
IG - Industrial General	EM - Employment
QY - Quarry	
---	PO - Parks and Open Space [New]
Planned Development District	
PUD - Planned Unit Development	PUD - Planned Unit Development
Overlay Zoning Districts	
CSO - Courthouse Square	DCO - Downtown Character Overlay
DCO - Downtown Core Overlay	
UVO - University Village Overlay	
DEO - Downtown Edges Overlay	
DGO - Downtown Gateway Overlay	
STPO - Showers Technology Park Overlay	

20.02.020 Residential Zoning Districts

~~(a) RE: Residential Estate~~

~~(1) Purpose~~

~~The RE district is intended to provide residential development on large lots while allowing for limited agricultural and civic uses and protecting sensitive environmental resources.~~



Figure 1: Illustrative Scale and Character

ZO-08-21 Red-Line Amendments with Plan Commission Amendment

(2) ~~Dimensional Standards~~

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

Table 02-2: 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 [1]
E	Side	30 feet
F	Rear	60 feet
Other Standards		
	Impervious surface coverage (maximum)	15%
G	Primary structure height (maximum)	40 feet
	Accessory structure height (maximum)	30 feet

Notes:

[1] Or equal to the setback of the primary structure, whichever is greater.

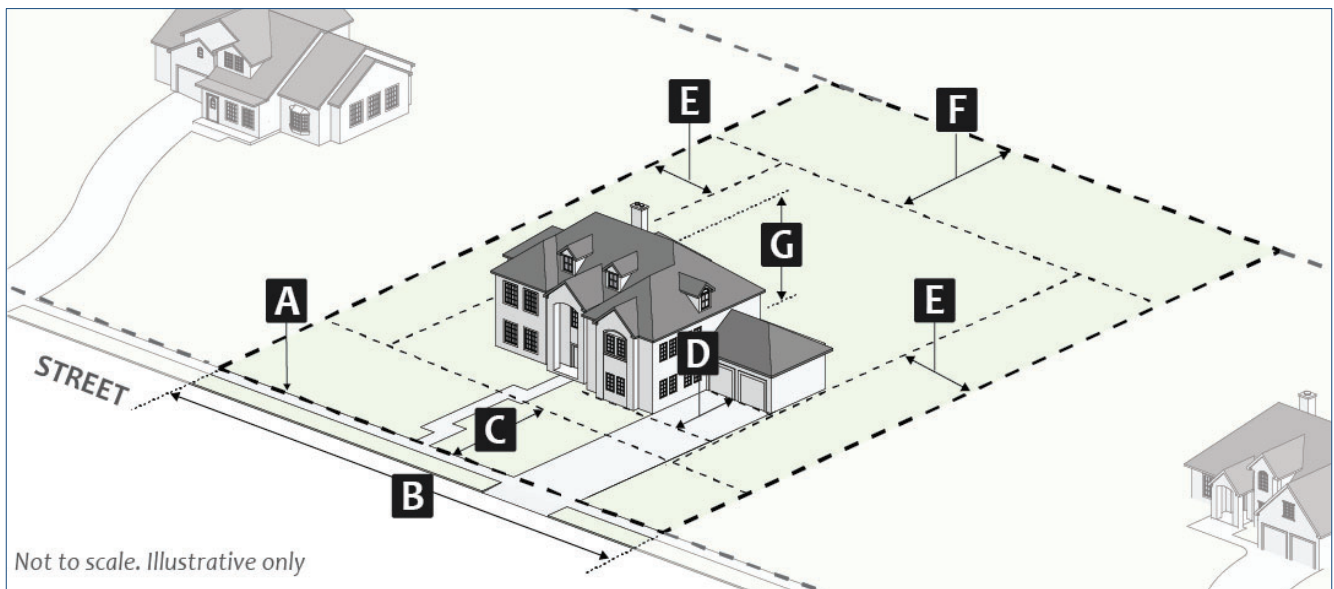


Figure 2: RE District Dimensional Standards

(2) Dimensional Standards

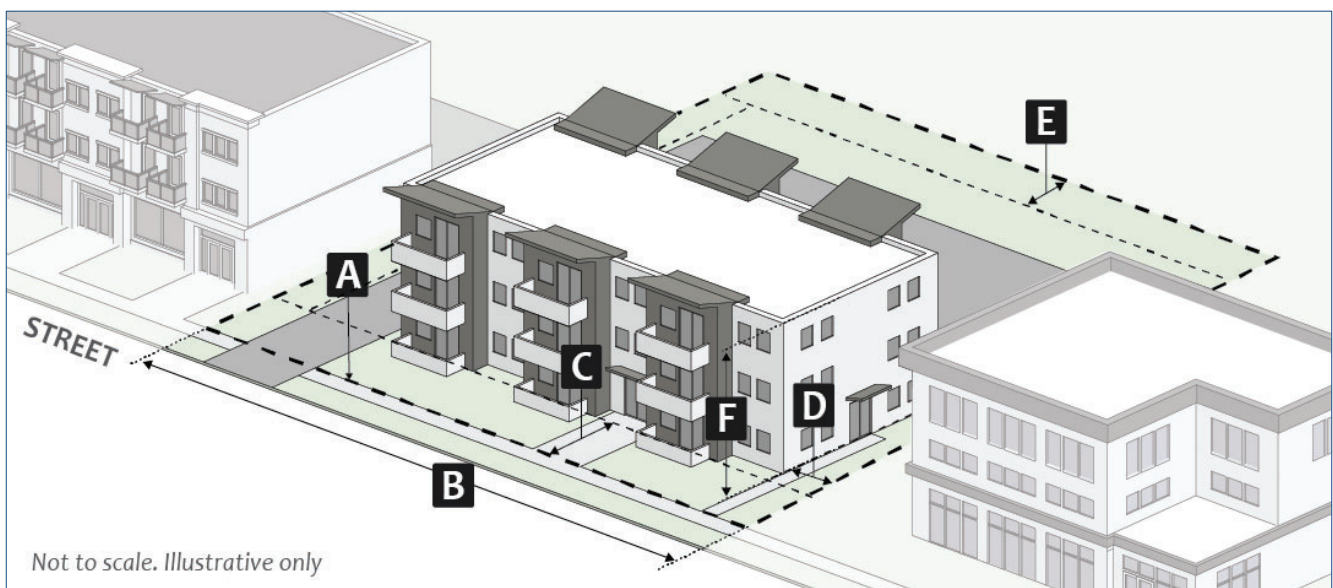
The following table is a summary of the district-specific dimensional standards. Additional standards from Section 20.04.010 (Dimensional Standards) also apply.

Table 02-6: 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)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2]	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	60%	
	Landscape area (minimum)	40%	
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.



ZO-08-21 Red-Line Amendments with Plan Commission Amendment

(2) Dimensional Standards

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

Table 02-7: 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)	R4 district standards apply
B	Lot width	50 feet	
Building Setbacks (Minimum)			
C	Front	15 feet	R4 district standards apply
	Attached front-loading garage or carport	25 feet [1]	
D	Side	10 feet [2]	
E	Rear	10 feet [2]	
Other Standards			
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall	R4 district standards apply
	Impervious surface coverage (maximum)	65%	
	Landscape area (minimum)	35%	
F	Primary structure height (maximum)	5 stories, not to exceed 63 feet [2] [3]	
	Accessory structure height (maximum)	20 feet	

Notes:

- [1] Or equal to the setback of the primary structure, whichever is greater.
- [2] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [3] See Section 20.04.110 (Incentives) for alternative standards.

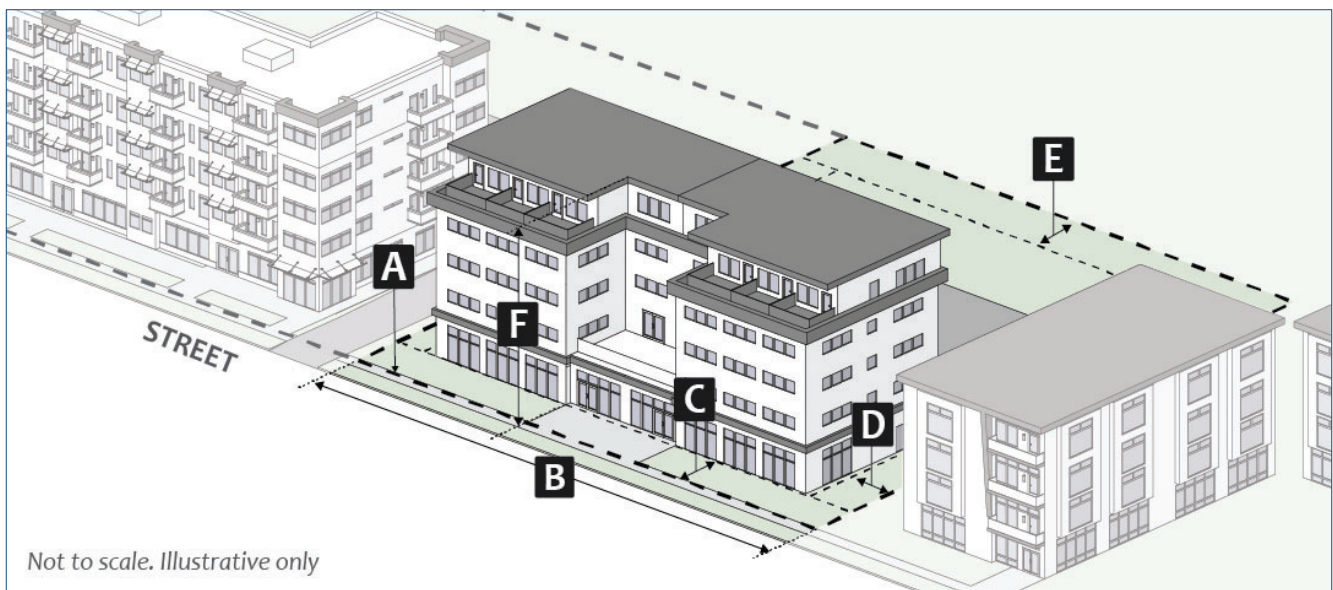


Figure 14: RH Dimensional Standards

(2) Dimensional Standards

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

Table 02-9: MS District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front	15 feet
D	Side	15 feet [1]
E	Rear	15 feet [1]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
G	Primary structure height (maximum) [2]	6 stories, not to exceed 75 feet [1] [2]
	Accessory structure height (maximum)	20 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.

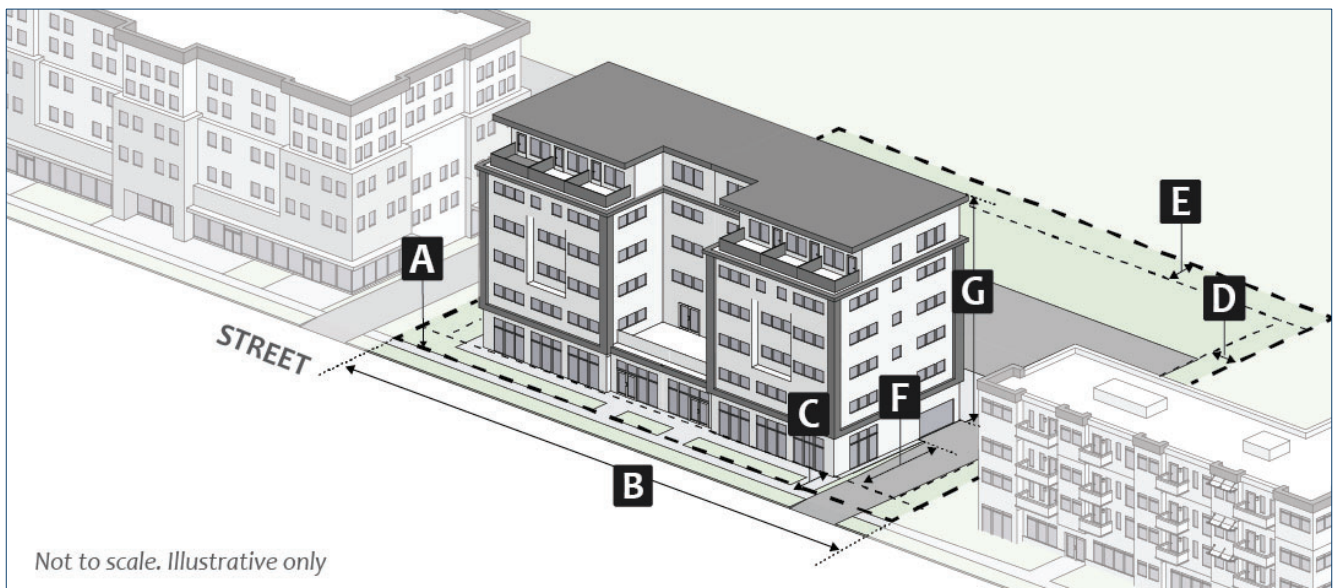


Figure 18: MS Dimensional Standards

(2) Dimensional Standards

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

Table 02-10: MN District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front build-to range	15 to 25 feet
	Front building façade at build-to range (minimum)	70%
D	Side	7 feet [1]
E	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	25%
	Area of any individual commercial tenant (maximum)	5,000 square feet gross floor area
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	Accessory structure height (maximum)	20 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

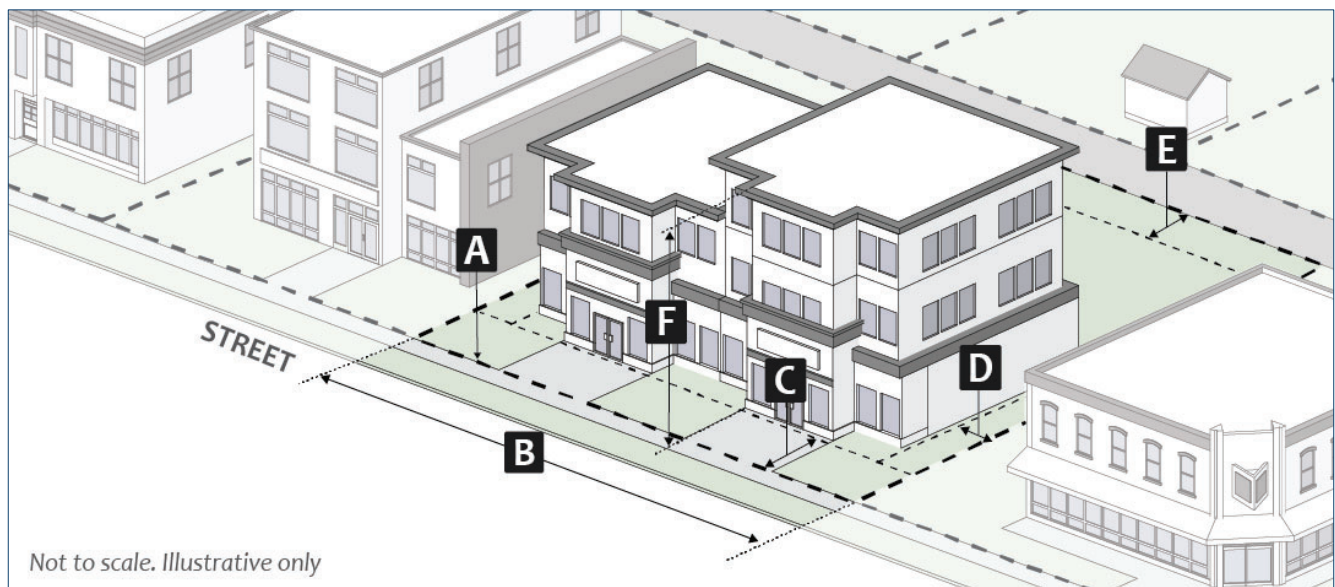


Figure 20: MN Dimensional Standards

(2) Dimensional Standards

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

Table 02-11: MM District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front build-to range	15 to 25 feet
	Front building façade at build-to range (minimum)	70%
D	Side	7 feet [1]
E	Rear	7 feet [1]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
G	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

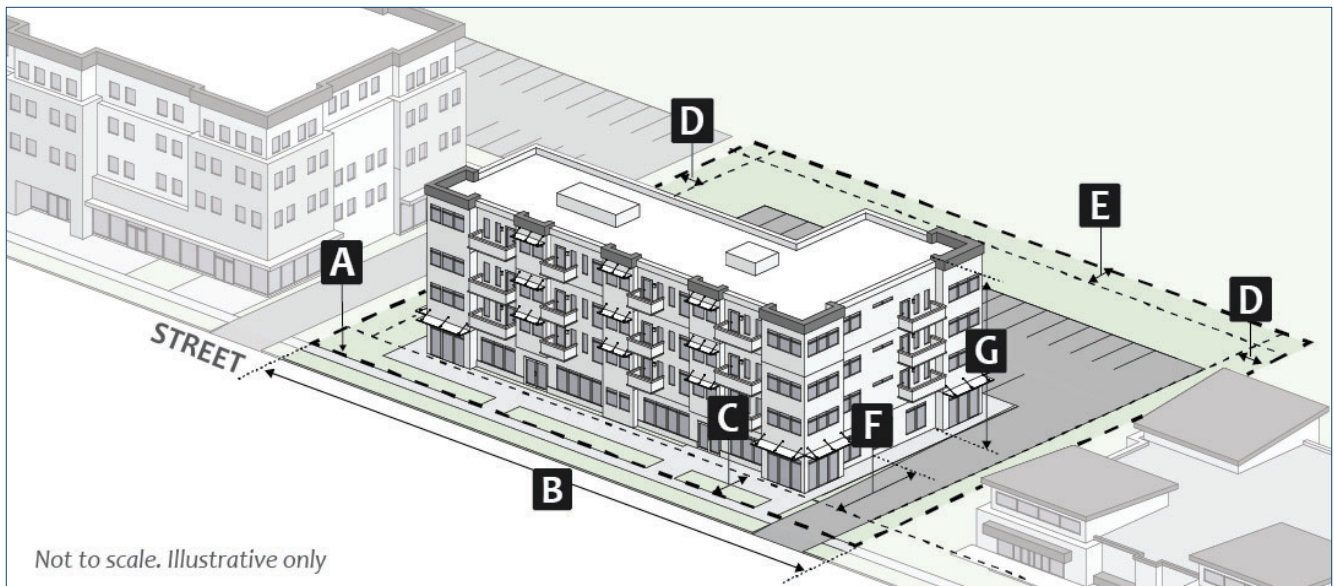


Figure 22: MM Dimensional Standards

(2) Dimensional Standards

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

Table 02-12: MC District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front	15 feet
D	Side	7 feet [1]
E	Rear	7 feet [1]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
G	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

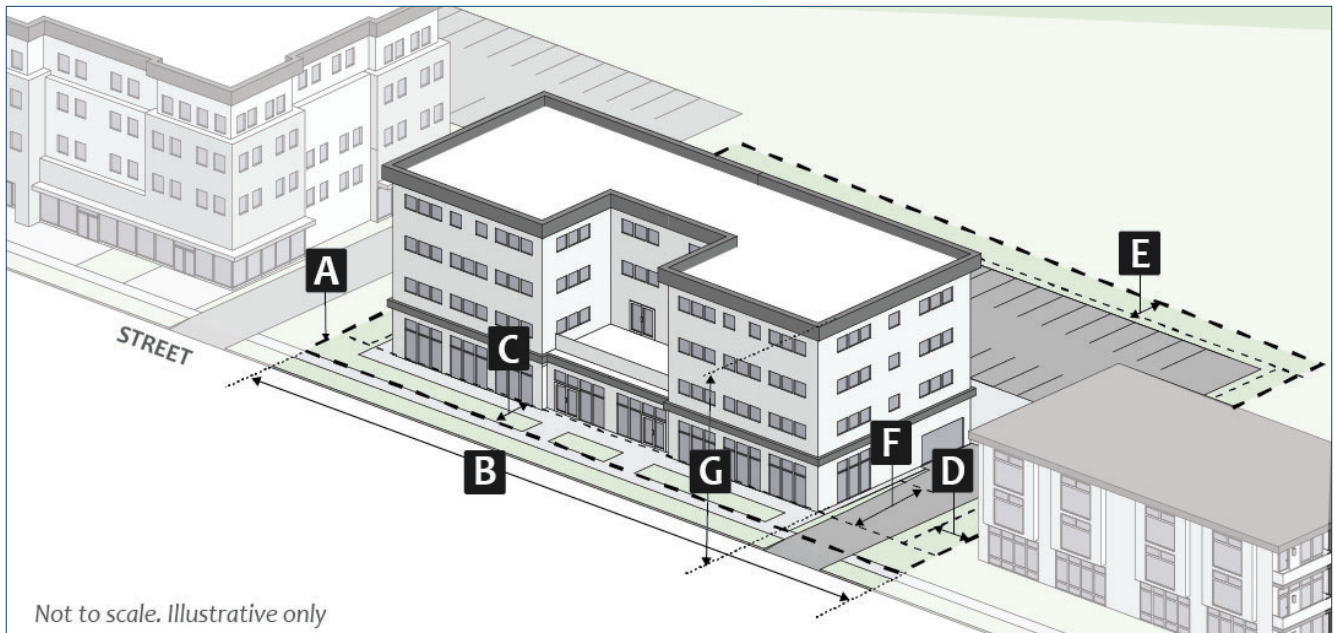


Figure 24: MC Dimensional Standards

(2) Dimensional Standards

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

Table 02-13: ME District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front	15 feet
D	Side	10 feet [1]
E	Rear	10 feet [1]
Other Standards		
F	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
G	Primary structure height (maximum)	5 stories, not to exceed 63 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

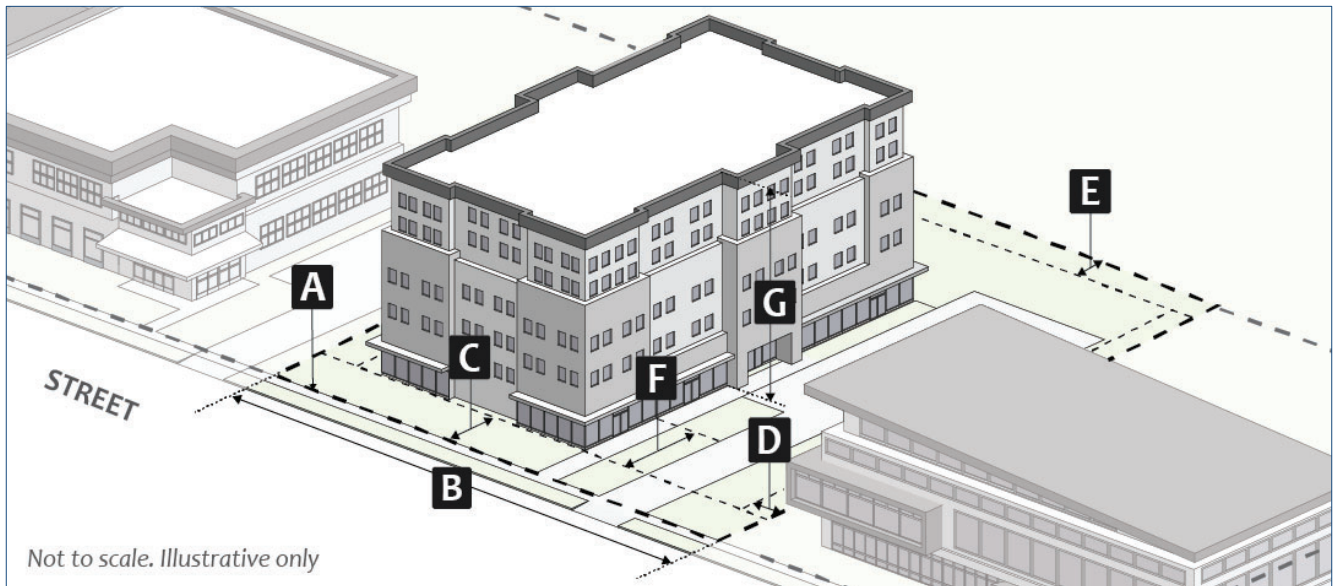


Figure 26: ME Dimensional Standards

(2) Dimensional Standards

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

Table 02-14: MI District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	5,000 square feet (0.115 acres)
B	Lot width	50 feet
Building Setbacks (Minimum)		
C	Front	15 feet
D	Side	10 feet [1]
	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
F	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3]
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

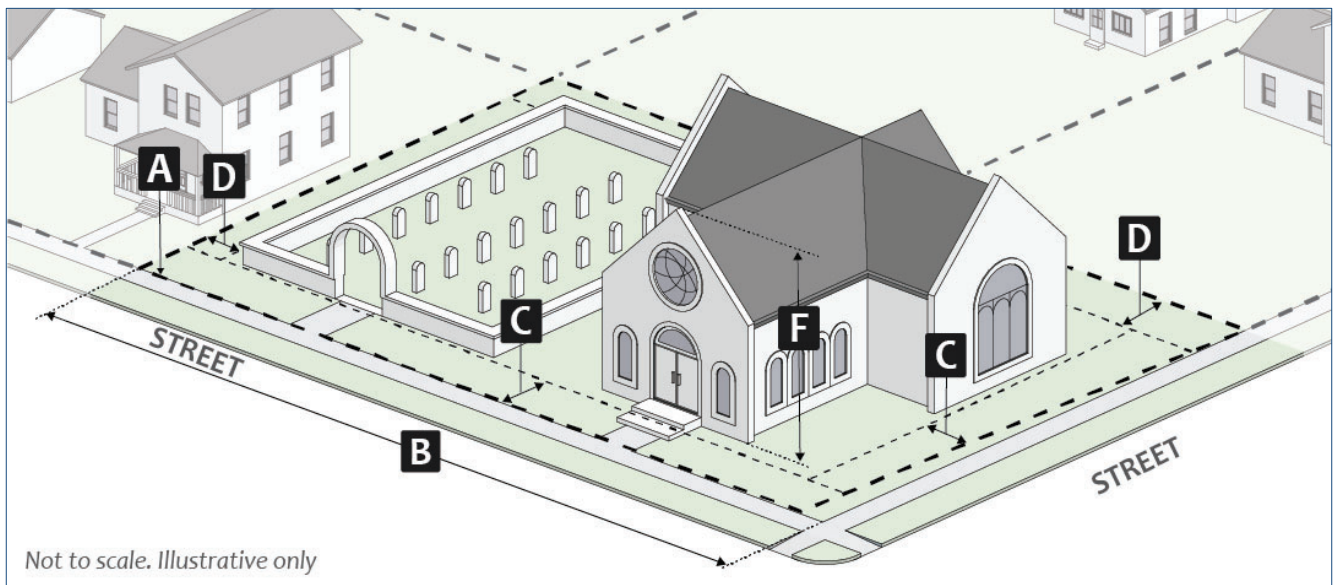


Figure 28: MI Dimensional Standards

(B) Dimensional Standards

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

Table 02-15: MD-CS Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 5 feet
B	Building façade at build-to range (minimum)	90%
	Front (maximum)	None
	Side (minimum)	None [1]
	Rear (minimum)	None [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	100%
C	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	25 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).



Figure 30: MD-CS Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-16: MD-DC Dimensional Standards

Building Setbacks		
A	Build-to range	0-5 feet
B	Building façade at build-to range (minimum)	70%
	Adjacent to B-Line (minimum)	10 feet
	Side (minimum)	None [1]
	Rear (minimum)	None [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	100%
C	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	35 feet
	Accessory structure height (maximum)	25 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

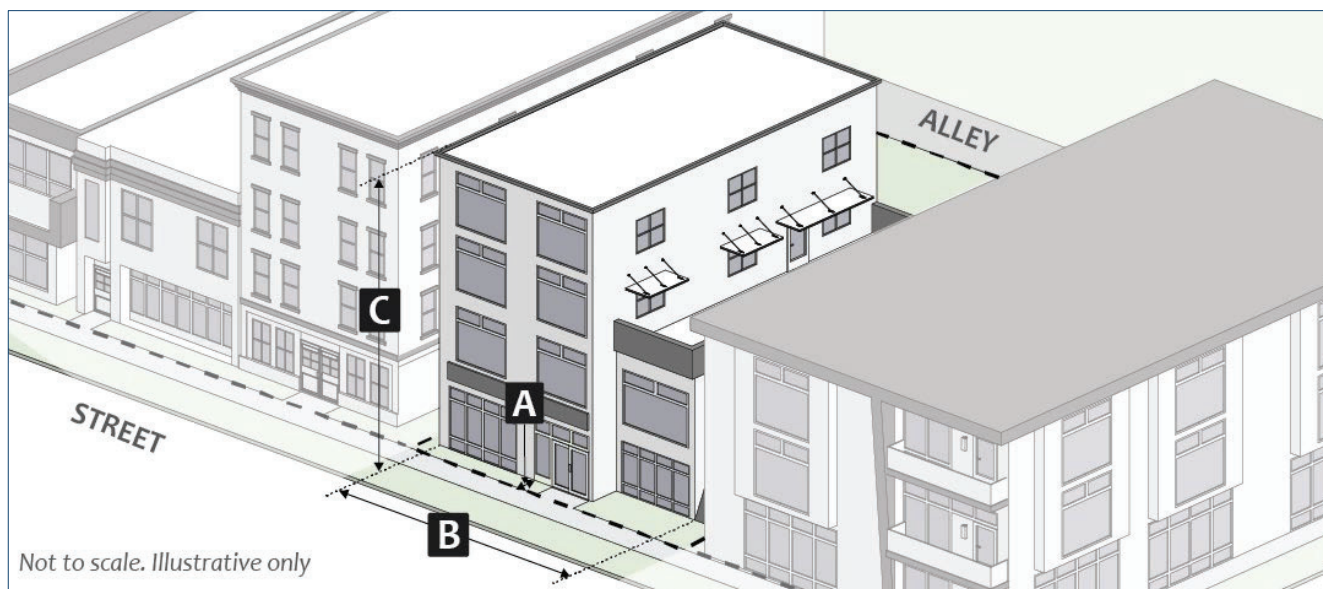


Figure 32: MD-DC Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-17: MD-UV Dimensional Standards

Building Setbacks				
A	Build-to range	0 to 15 feet		
	Building façade at build-to percentage (minimum)	70%		
	Side (minimum)	None [1]		
	Rear (minimum)	None [1]		
Other Standards		General	Kirkwood Corridor	Restaurant Row
C	Front parking setback (minimum)	20 feet behind the primary structure's front building wall		
	Impervious surface coverage (maximum)	85 %	100 %	85%
	Landscape area (minimum)	15%	n/a	15%
	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]	3 stories, not to exceed 40 feet [1] [2] [3] [4]	3 stories, not to exceed 35 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet	25 feet	20 feet
	Accessory structure height (maximum)	25 feet		

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

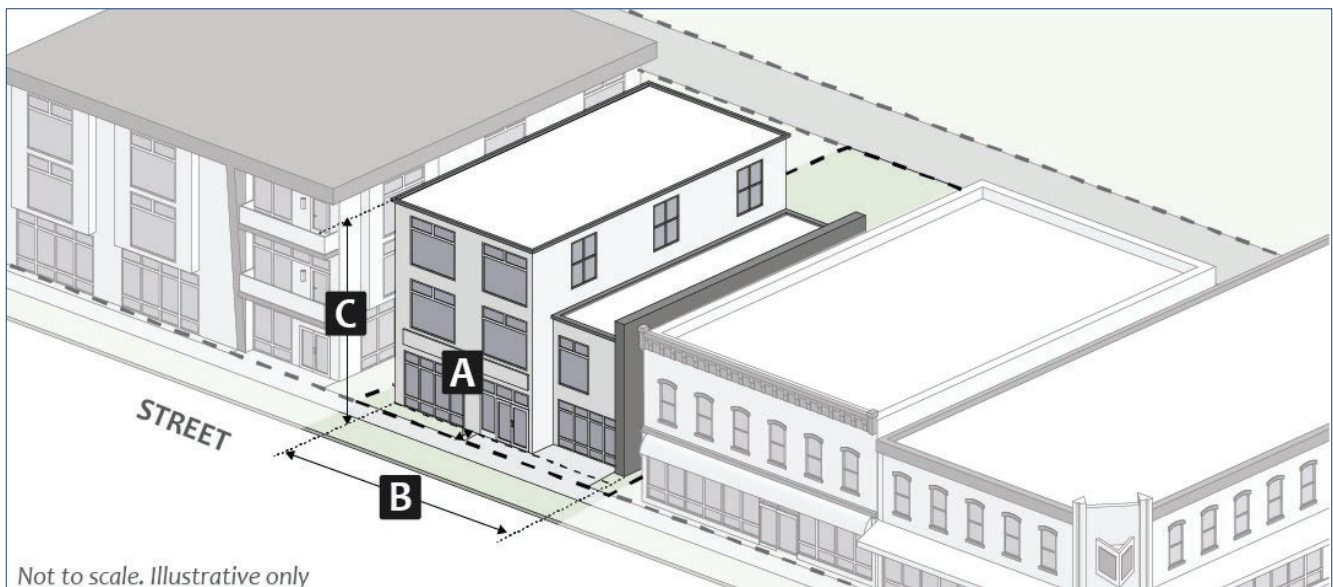


Figure 34: MD-UV Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-18: MD-DE Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 15 feet
B	Building façade build-to percentage (minimum)	70%
C	Side (minimum)	7 feet [1]
D	Rear (minimum)	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	75%
	Landscape area (minimum)	25%
E	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	20 feet
	Accessory structure height (maximum)	25 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

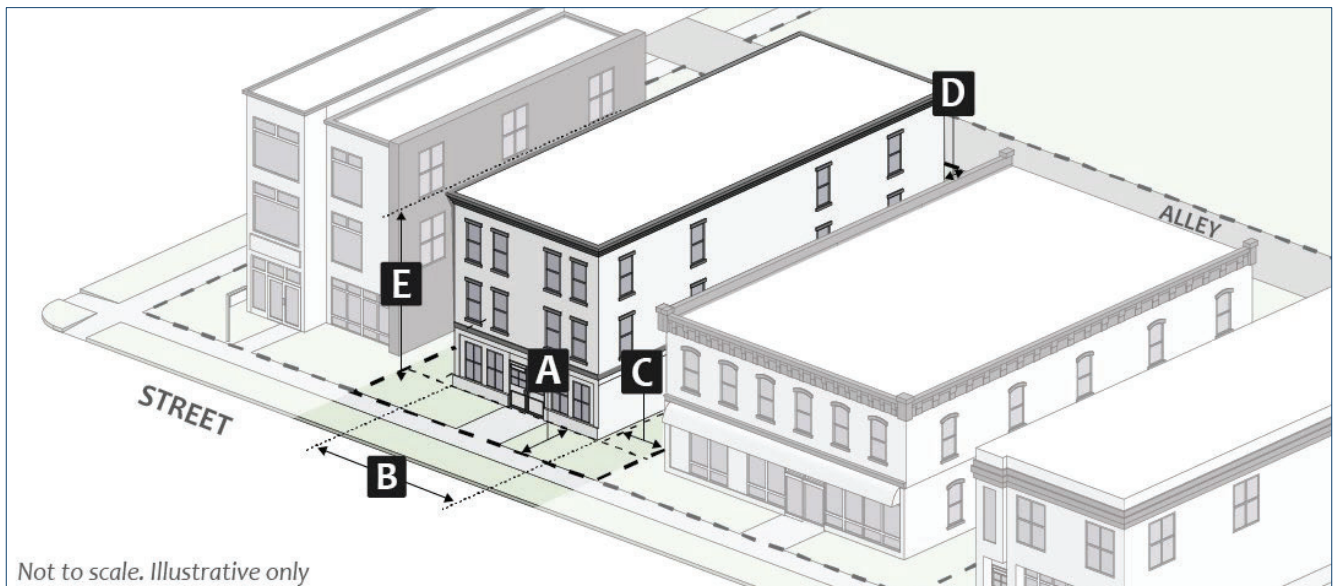


Figure 36: MD-DE Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-19: MD-DG Dimensional Standards

Building Setbacks		
A	Build-to range	0 to 15 feet
B	Building façade build-to percentage (minimum)	70%
C	Side (minimum)	5 feet [1]
D	Rear (minimum)	5 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	75%
	Landscape area (minimum)	25%
E	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

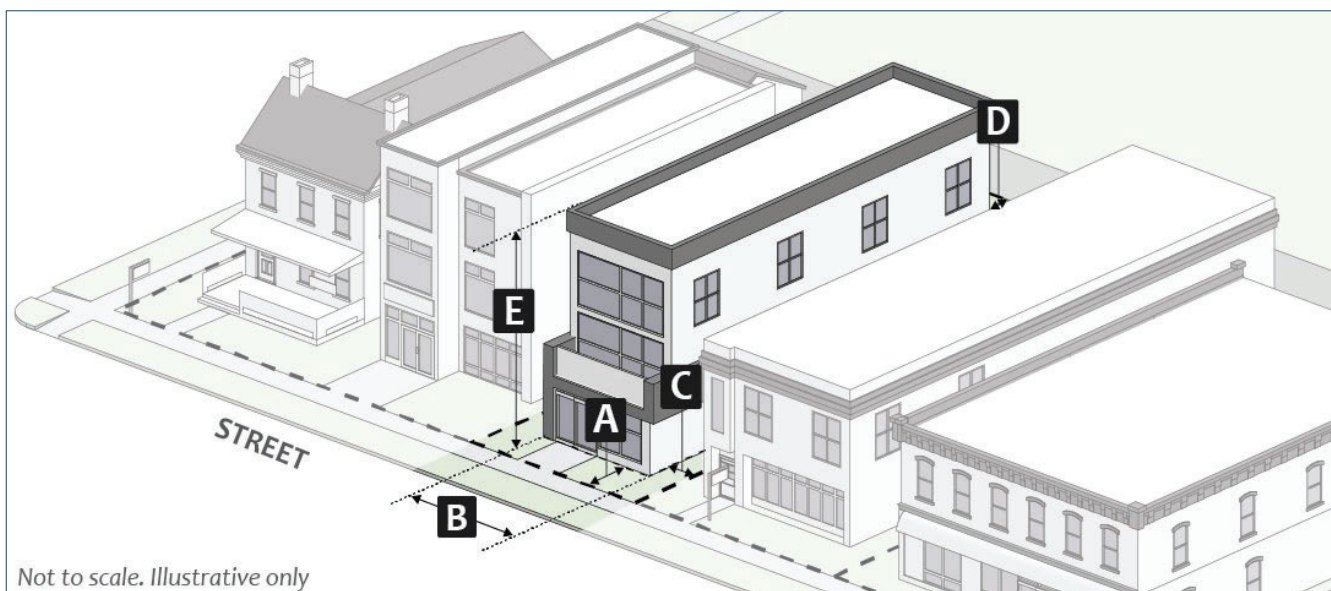


Figure 38: MD-DG Downtown Character Overlay Dimensional Standards

(B) Dimensional Standards

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

Table 02-20: MD-ST Dimensional Standards

Building Setbacks		
A	Front (maximum)	15 feet
B	Adjacent to B-Line (minimum)	15 feet
C	Side building setback (minimum)	5 feet [1]
D	Rear building setback (minimum)	5 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	75%
	Landscape area (minimum)	25%
E	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1] [2] [3] [4]
	Primary Structure height (minimum)	25 feet
	Accessory structure height (maximum)	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

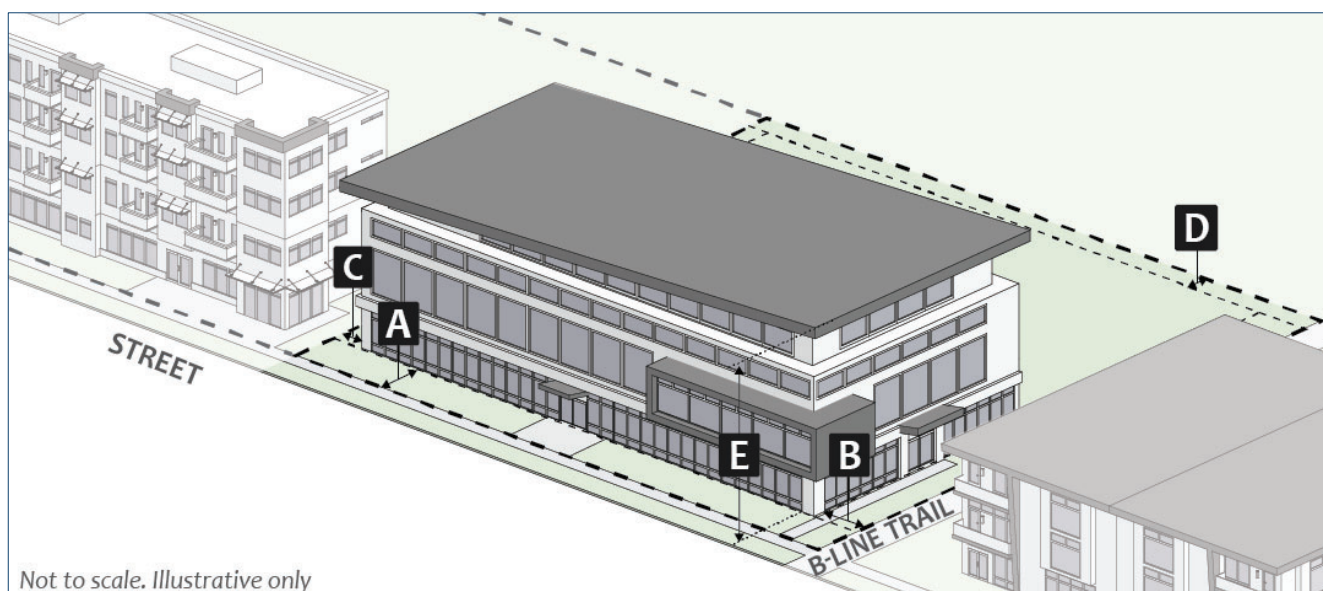


Figure 40: MD-ST Downtown Character Overlay Dimensional Standards

(2) Dimensional Standards

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

Table 02-21: MH District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	10,890 square feet (0.250 acres)
B	Lot width	65 feet
Building Setbacks (Minimum)		
C	Front	25 feet
D	Side	10 feet [1]
E	Rear	10 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	60%
	Landscape area (minimum)	40%
F	Primary structure height (maximum)	3 stories, not to exceed 40 feet [1] [2] [3]
	Accessory structure height (maximum)	25 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height on the ground floor shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

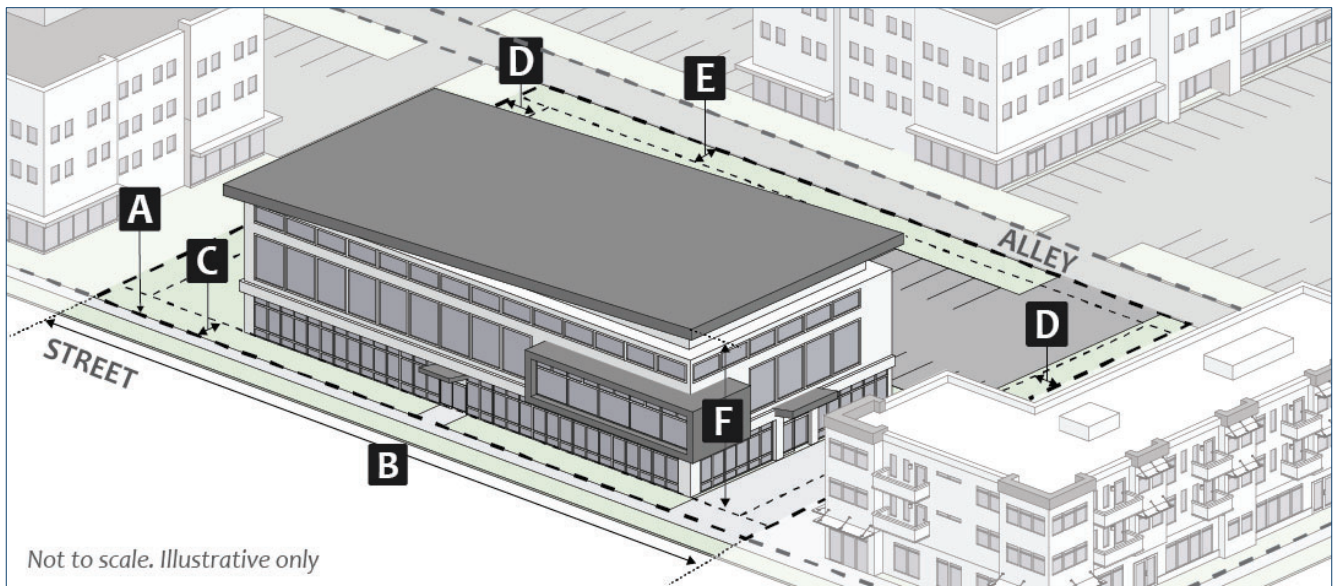


Figure 42: MH Dimensional Standards

(2) Dimensional Standards

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

Table 02-22: EM District Dimensional Standards

Lot Dimensions (Minimum, only for lots created after the effective date)		
A	Lot area	None
B	Lot width	100 feet
Building Setbacks (Minimum)		
C	Front	25 feet
D	Side	20 feet [1]
E	Rear	20 feet [1]
Other Standards		
	Front parking setback (minimum)	20 feet behind the primary structure's front building wall
	Impervious surface coverage (maximum)	70%
	Landscape area (minimum)	30%
F	Primary structure height (maximum)	4 stories, not to exceed 50 feet [1]
	Accessory structure height (maximum)	35 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

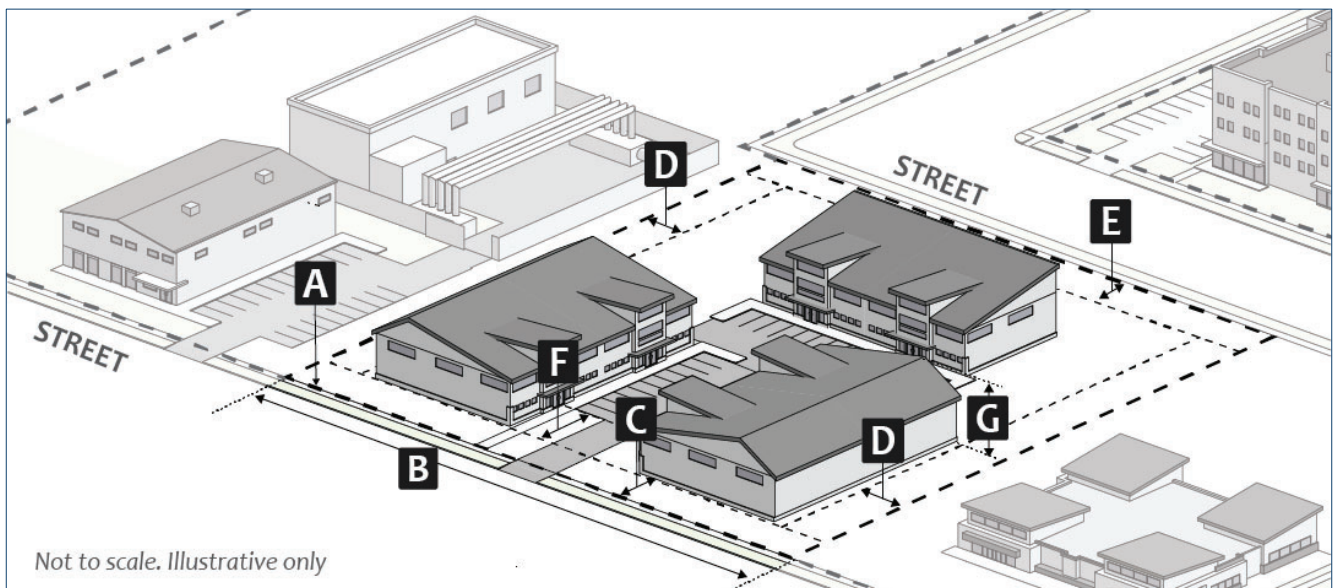


Figure 44: EM Dimensional Standards

20.03.020 Allowed Use Table

Table 03-1: 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 20.03.010(e).

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*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		*	*	*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
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)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
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)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house						P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory						C*	P*		P	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

Table 03-1: 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 20.03.010(e).

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	
Club or lodge											P	P			P				
Community center			C	C	C	P*	P*			P	P	P		P	P				20.03.030(c)(2)
Conference or convention center												P	P	P	P				
Crematory												C		C			C		
Day-care center, adult or child	A*	A*	A*	A*	A*	C*	C*	C*	P*	P*	P*	P*	C*	C*	P*	P*	A*		20.03.030(c)(3)
Government service facility											P	P	P	P	P		P		
Jail or detention facility														C*			C*		20.03.030(c)(4)
Meeting, banquet, or event facility											P	P	P	P	P				
Mortuary											P	P		P					
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	C	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C			
Police, fire, or rescue station	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		
Urban agriculture, noncommercial	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(c)(5)

Educational Facilities

School, college or university												C	C	P					
School, public or private	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	C*	P*	P*				20.03.030(c)(6)
School, trade or business											P	P	P	P	P		P		

Healthcare Facilities

Hospital														C		C			
Medical clinic										P	P	P	P	P	P	P			
Methadone treatment facility												P*		C*		C*			20.03.030(c)(7)
Opioid rehabilitation facility											C*	C*	C*		C*	C*			20.03.030(c)(7)

COMMERCIAL USES**Agricultural and Animal Uses**

Crops and pasturage	P*	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(d)(1)
Kennel												C*					C*		20.03.030(d)(2)
Orchard or tree farm, commercial	P	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P		20.03.030(d)(3)
Pet grooming										P*	P*	P*			P*		P*		20.03.030(d)(4)
Plant nursery or greenhouse, commercial	C	C									P	P	P						
Veterinarian clinic										C*	P*	P*			P*				20.03.030(d)(4)

Entertainment and Recreation

Table 03-1: 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 20.03.010(e).

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	
Amenity center	P*	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C	C										P							
Recreation, indoor				P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C	C										C	P	P			C		
Sexually oriented business											C*	P*					P*		20.03.030(d)(7)
Stadium														C					
Food, Beverage, and Lodging																			
Bar or dance club									P		P	P			P				
Bed and breakfast	C	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery									P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel									P			P	C		P				
Restaurant						C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																			
Artist studio or workshop	A*	A*	A*	A*	A*	P	P			P	P	P	C	C	P				20.03.030(d)(11)
Check cashing											C	C							
Financial institution									P		P	P	C		P		A		
Fitness center, small						A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large									P	P	P	P			P	A			
Office										P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small						A	A		P	P	P	P	P	C	P				
Personal service, large									C	C	P	P	P		P				
Tattoo or piercing parlor											P	P			P				
Retail Sales																			
Building supply store											P	P					P		
Grocery or supermarket						A	A		P	P	P	P	P		P				
Liquor or tobacco sales											P	P			P				
Pawn shop											P	P			P				
Retail sales, small						C	C		P	P	P	P	P		P				
Retail sales, medium									P		P	P			P				
Retail sales, large												P			P				
Retail sales, big box												P					P		
Vehicles and Equipment																			
Equipment sales or rental										P*	P*	P*			P*		P*		20.03.030(d)(13)
Transportation terminal											P	P		P	P		P		

Table 03-1: 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 20.03.010(e).

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	
Vehicle fleet operations, small											P	P					P		
Vehicle fleet operations, large												P					P		
Vehicle fuel station											P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																	P*		20.03.030(d)(15)
Vehicle parking garage						A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major												P*					P*		20.03.030(d)(17)
Vehicle repair, minor										C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental											P	P	P						
Vehicle wash											P*	P*					P*		20.03.030(d)(18)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry											P	P					P		
Food production or processing											C	C	C				C		
Manufacturing, artisan										P	P	P	C		P		P		
Manufacturing, light													P		C		P		
Manufacturing, heavy																	C		
Salvage or scrap yard																	C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																	P		
Contractor's yard												P	C				P		
Distribution, warehouse, or wholesale facility												C	C				P		
Storage, outdoor														P*			P*	A*	20.03.030(e)(1)
Storage, self-service									A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																	C*		20.03.030(e)(3)
Quarry																	C*		20.03.030(e)(3)
Stone processing																	P		

UTILITIES AND COMMUNICATION

Communication facility	C*	C*										C*	C*	P	C*	C*	P		20.03.030(f)(1)
Solar collector, ground- or building-mounted	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P		20.03.030(f)(2)
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(f)(3)

Table 03-1: 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 20.03.010(e).

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	
Wind energy system, large													P*				P*		20.03.030(f)(4)
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
ACCESSORY USES																			20.03.030(g)(1)
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through											A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display										T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles						A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve						A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
TEMPORARY USES																			20.03.030(h)(1)
Book buyback									T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales									T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(6)
Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	

20.03.030 Use-Specific Standards

(a) Generally

- The Use-Specific Standards listed in this Section 20.03.030 apply to those uses listed on the same line of Table 3-1, regardless of whether those uses are shown as Permitted, Conditional, Conditional Accessory, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use approval process in Section 20.06.050(b) (Conditional Use Permit), but relief may be granted through the Variance process in Section 20.06.080(b) (Variance).

- i. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the Indiana Department of Environmental Management; and either:
 1. Proof through maps, deeds, prior permits or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or
 2. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the Indiana Department of Environmental Management.
- ii. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.
- iii. As an alternative to meeting the standards in (i) or (ii) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

(6) School, Public or Private

- (A) Each public or private high school shall be located on a site with direct access to an arterial or collector street.
- (B) Each public or private elementary or middle school located on a site adjacent to an arterial or collector street shall provide an automobile pick-up/drop-off area adequate to protect student safety with access from either a collector or local street, and shall provide a direct pedestrian connection to at least one local street adjacent to the site.

(7) Methadone Treatment Facility or Opioid Rehabilitation Facility

- (A) Each clinic or facility shall be at least 1,000 feet from the nearest property line of a lot containing a primary use that falls under the Household Living category, Group Living category, a Place of Worship, or a Public or Private School;
- (B) Each clinic or facility shall include a waiting and departure lounge sufficient in size to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled services.

(d) Commercial Uses

(1) Crops and Pasturage

(A) Generally

- i. Except in the R1E zoning district, this use shall be accessory to a principal use on the same lot or parcel.
- ii. Land with a slope in excess of 15 percent shall not be considered in determining the total pasture size and shall not be used for pasture purposes.
- iii. All outside pens, exercise areas, and pastures shall be fenced.

(3) **Orchard or Tree Farm, Commercial**

Commercial orchards and/or tree farms shall be limited to 25 percent of the lot area when allowed as an accessory use.

(4) **Pet Grooming and Veterinarian Clinic**

If a pet grooming or veterinarian clinic has a kennel associated with it, then it shall comply with Section 20.03.030(d)(2) and the following standards:

- (A) In the MN, MM, and MD zoning districts, outdoor kennel facilities are not permitted.
- (B) In the MC zoning district, outdoor kennels shall require a conditional use permit pursuant to Section 20.06.050(b) (Conditional Use Permit).

(5) **Amenity Center**

In the ~~RE~~-R1, R2, R3, and R4 zoning districts, an amenity center shall not be established on a lot or parcel larger than one acre. The amenity center shall not exceed 5,000 square feet of gross floor area.

(6) **Recreation, Indoor**

In the R3, R4, RM, and RH zoning districts, indoor recreation facilities shall be permitted when created through the renovation of an existing building. If a recreation center requires new construction or a major addition to an existing structure (greater than 33 percent of the existing gross floor area), then the use shall be subject to a conditional use approval.

(7) **Sexually Oriented Business**

(A) **Purpose**

Within the city it is acknowledged that there are some uses, often referred to as sexually oriented businesses, which because of their nature can have a negative impact on nearby property, particularly when these sexually oriented businesses are concentrated together or located in direct proximity to places where children congregate including but not limited to: residential uses; child care centers; places of worship; schools; libraries; playgrounds; and/or parks. Special regulations for these sexually oriented businesses are necessary to ensure that these adverse impacts will not contribute to the blighting of surrounding areas. The primary goal of these regulations is to prevent the concentration or location of these uses in a manner that would exacerbate their adverse effects.

(B) **Location**

A sexually oriented business shall not be located on a property within 500 feet (measured from the nearest property line of the property from which spacing is required to the nearest wall of the building or tenant space that houses the sexually oriented business use using a straight line, without regard to intervening structures or public rights-of-way) of any of the following:

- i. Place of Worship;
- ii. School, Public or Private (preschool, K-12);
- iii. Day care center, adult or child;
- iv. Park (including publicly owned multiuse trails);
- v. Library;
- vi. Homeless Shelter;
- vii. ~~RE~~-R1, R2, R3, R4, or RMH zoning district, including any portion of a Planned Unit Development designated for single-family residential use;

- viii. RM or RH zoning district, including any portion of a Planned Unit Development designated for multifamily residential use; and
- ix. Another Sexually Oriented Business.

(C) **PUDs**

For the purposes of this section, sexually oriented businesses shall be considered permitted uses in any PUD zoning district created before February 12, 2007, where the underlying zoning is MC, MM, and IN.

(D) **Exterior Display**

No sexually oriented business shall be conducted in any manner that permits the observation from any right-of-way of material depicting specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening.

(8) **Bed and Breakfast**

- (A) In the ~~RE~~-R1, R2, R3, R4, and RM zoning districts, this use is limited to single-family detached dwellings.
- (B) In the ~~RE~~-R1, R2, R3, R4, and RM zoning districts, the maximum number of guest units for any bed and breakfast shall be three. In all other zoning districts, the maximum number of guest units for any bed and breakfast establishment shall be eight.
- (C) The business owner or manager of the bed and breakfast establishment shall be required to reside on the property or on an adjacent property.
- (D) Each guest stay shall be limited to a maximum of 30 consecutive days.
- (E) The exterior design of any exterior modification of the structure or premises shall include façade articulation, and numbers and locations of windows and building entrances on the primary building façade, that are similar to those in the surrounding area and neighborhood.

(9) **Brewpub, Distillery, or Winery**

- (A) In the MN zoning district, brewpubs, distilleries, or wineries shall not manufacture more than 5,000 barrels of beverage (all beverages combined) annually.
- (B) In the MM, MD, and MC zoning districts, brewpubs, distilleries, or wineries shall not manufacture more than 20,000 barrels of beverage (all beverages combined) annually.
- (C) Brewpubs, distilleries, or wineries shall maintain copies of all reports filed with the bureau of alcohol, tobacco and firearms (ATF) and shall be able to demonstrate, upon request of the city, that they have not exceeded the annual beverage production limit in any 12-month period.
- (D) In the MN, MM, and MC zoning districts, brewpubs, distilleries, or wineries shall maintain at least 15 percent of the gross floor area of the facility or 500 square feet of floor space, whichever is greater, for public use as a tavern, restaurant, or tasting area.
- (E) In the MD zoning district, brewpubs, distilleries, or wineries shall maintain at least 50 percent of the gross floor area of the facility for public use as a tavern, restaurant, or tasting area.
- (F) Brewpubs may ship beverages for consumption at other sites, but only if it is demonstrated that:
 - i. The location and flow of shipping traffic does not impact access by other users; and
 - ii. The proposed shipping routes are designed to accommodate the weight of the delivery vehicles.

(10) Restaurant

- (A) In the current RM, RH, and ME zoning districts, the restaurant shall contain no more than 2,500 gross square feet of floor area. Such smaller establishments typically include but are not limited to cafes, coffee shops, delis, and small restaurants.
- (B) In the RM and RH zoning districts, structures containing this use shall be similar in appearance to the surrounding buildings with respect to architectural style, roof pitch, color and materials.

(11) Artist Studio or Workshop

In the ~~RE~~, R1, R2, R3, and R4 zoning districts:

- (A) The artist studio shall be accessory to a residential use.
- (B) No retail activity shall be permitted in association with the artist studio.
- (C) No display of art pieces for public viewing, such as within a gallery, shall be permitted.
- (D) Use of the artist studio shall be limited to the production of art by the resident of the home in which the studio is located.

(12) Office

In the MH zoning district, only office uses performing services related to the medical or health care industries are permitted.

(13) Equipment Sales and Rental

- (A) Outdoor display of equipment for sale or rental shall only be permitted in the MC and EM zoning districts.
- (B) In the MC zoning district, all outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers.
- (C) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.

(14) Vehicle Fuel Station

- (A) In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units.
- (B) In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.
- (C) In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (D) In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (E) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) In the ME zoning district:
 - i. All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials;
 - ii. Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets; and

(G) Abandoned Towers

Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after 30 days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.

(H) Noncommercial Antennas

Noncommercial antennas for individual, private use, including but not limited to, amateur radio antennas, shall be permitted as an accessory use in all residential districts, subject to the following standards:

i. Height

The height of a noncommercial antenna shall not exceed 75 feet, measured from the ground, whether the antenna is mounted on the roof or on the ground.

ii. Setbacks

No such antenna shall be located within a front setback and shall be set back at least five feet from any side or rear property line.

(I) Additional Standards for the MD Zoning District

Communication facilities shall be strictly limited to antennas or other communication equipment accessory to the primary use of the building. No free-standing communication facilities are allowed.

- i. All antennas or other communication equipment shall be no taller than 10 feet above the height of the building to which they are affixed.
- ii. All communication facilities shall be mounted on a building of at least two stories in height.
- iii. Communication facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging, materials, and/or architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

(2) Solar Collector, Ground- or Building-Mounted

- (A) Accessory solar collectors shall only be located behind the front yard setback or on rooftops.
- (B) In the ~~RE~~-R1, R2, R3, and R4 zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum of 36 inches. For all other zoning districts, accessory building-mounted solar collectors may exceed the maximum building height requirement by a maximum five feet.

(3) Utility Substation and Transmission Facility

Utility substations and transmission facilities (not including sewer or water boost or lifting stations) shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

Table 03-4: Number and Size of Accessory Structures Permitted

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

(F) Location

- i. Unless otherwise authorized in this UDO, accessory structures shall be located no closer than 35 feet from the front property line and five feet from side and rear property lines.
- ii. Flag poles shall be located no closer than 12 feet from the front property line and one foot from the side and rear property lines.

(G) Design

Accessory structures larger than 120 square feet shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the principal building(s).

(2) Chicken Flocks

One chicken flock as defined in the Bloomington Municipal Code Section 7.01.010, may be kept as an accessory use to a permitted principal use, provided that such use is permitted by and complies with all regulations of Title 7 (Animals) of the Bloomington Municipal Code, as amended. The regulations of Title 7 (Animals) of the Bloomington Municipal Code are expressly incorporated into this UDO by reference.

(3) Detached Garage Design

- (A) For detached garages accessory to residential uses, exposed or corrugated metal facades are not permitted. The exterior finish building materials used for a detached garage shall comply with the standards in Section 20.04.070(d)(3)(B) (Materials).
- (B) Detached garages and carports shall be located a minimum of 10 feet behind the primary structure's front facade and five feet from side and rear property lines, except for exceptions listed in Section 20.04.020(e)(3) (Exceptions to Setback Requirements).

(4) Drive-Through

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

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Table 04-2: Residential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		RE	R1	R2	R3	R4	RM [1]	RH [1]	RMH [1]	
Lot Dimensions (Minimum, only for lots created after the effective date)									Entire Development	Dwelling Site
Lot area	sq. ft.	108,900	20,000 [2]	7,200 [2]	5,000 [2]	4,000	5,000	5,000	43,560	3,000
	acres	2.50	0.459 [2]	0.165 [2]	0.115 [2]	0.092	0.115	0.115	1.00	0.069
Lot width		200 feet	100 feet [2]	60 feet [2]	50 feet [2]	35 feet	50 feet	50 feet	200 feet	40 feet
Building Setbacks (Minimum)										
Front build-to line		None	None	None	15 feet [3]	None	None	None	None	None
Front		30 feet	15 feet	15 feet [3]	None	15 feet [3]	10 feet	10 feet	25 feet	10 feet
Attached front-loading garage or carport		30 feet [4]	25 feet [4]	25 feet [4]	10 feet behind the primary structure's front building wall		25 feet [4]		None	None
Side		30 feet	First floor: 8 feet Each story above the ground floor: 10 feet [2]	First floor: 8 feet Each story above the ground floor: 10 feet [2] [5]	First floor: 6 feet Each story above the ground floor: 10 feet [2] [5]	5 feet	10 feet [6]	10 feet [6]	20 feet	Primary Structure: 7 feet Accessory Structure: 2 feet
Rear		60 feet	25 feet [2]	25 feet [2]	25 feet [2]	25 feet	15 feet [6]	15 feet [6]	20 feet	
Other Standards										
Front parking setback (minimum)		None	None	None	None	None	20 feet behind the primary structure's front building wall		None	None
Impervious surface coverage (maximum)		15%	30%	40%	45%	50%	60%	65%	None	65%
Landscape area (minimum)		None	None	None	None	None	40%	35%	None	None
Primary structure height (maximum)		40 feet	40 feet	40 feet	35 feet	40 feet	3 stories, not to exceed 40 feet [2] [6]	5 stories, not to exceed 63 feet [2] [6]	None	20 feet
Accessory structure height (maximum)		30 feet	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet	None	20 feet

Notes:

- [1] Any single-family, duplex, triplex, or fourplex development shall be subject to the R4 residential lot standards.
- [2] See Section 20.04.110 (Incentives) for alternative standards.
- [3] Or the median front setback of abutting residential structures, whichever is less.
- [4] Or equal to the setback of the primary structure, whichever is greater.
- [5] Legally established lots of record that are less than the minimum lot width may reduce the required setback up to 2 feet.
- [6] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).

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Table 04-3: Mixed-Use District Dimensional Standards

sq. ft. = square feet

Dimensional Standards		MS	MN	MM	MC	ME	MI	MD	MH
Lot Dimensions (Minimum, only for lots created after the effective date)									
Lot area	sq. ft.	5,000	5,000	5,000	5,000	5,000	5,000	See Table 04-4	10,890
	acres	0.115	0.115	0.115	0.115	0.115	0.115		0.25
Lot width		50 feet	50 feet	50 feet	50 feet	50 feet	50 feet		
Building Setbacks (Minimum)									
Front build-to range		None	15 to 25 feet	15 to 25 feet	None	None	None	See Table 04-4	None
Front building façade at build-to range (minimum)		None	70%	70%	None	None	None		None
Front		15 feet	(see above)	(see above)	15 feet	15 feet	15 feet		25 feet
Side [1]		15 feet	7 feet	7 feet	7 feet	10 feet	10 feet		10 feet
Rear [1]			10 feet						
Other Standards									
Front parking setback (minimum)		20 feet behind the primary structure’s front building wall						See Table 04-4	20 feet behind the primary structure’s front building wall
Impervious surface coverage (maximum)		70%	60%	60%	60%	70%	60%		60%
Landscape area (minimum)		30%	25%	40%	40%	30%	40%		40%
Area of any individual commercial tenant (maximum)		None	5,000 sq. ft. gross floor area	None	None	None	None		None
Primary structure height (maximum) [1] [2] [3]		6 stories, not to exceed 75 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	4 stories, not to exceed 50 feet	5 stories, not to exceed 63 feet	4 stories, not to exceed 50 feet		3 stories, not to exceed 40 feet
Accessory structure height (maximum)		20 feet	20 feet	30 feet	30 feet	30 feet	30 feet		25 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards.

ZO-08-21 Red-Line Amendments with Plan Commission Amendment

Table 04-4: Downtown Character Overlay Dimensional Standards

sq. ft. = square feet

Dimensional Standards	MD-CS	MD-DC	MD-UV	MD-DE	MD-DG	MD-ST
Lot Dimensions (Minimum)						
Lot area	None	None	None	None	None	None
Lot width	None	None	None	None	None	None
Building Setbacks						
Front build-to range	0 to 5 feet	0 to 5 feet	0 to 15 feet	0 to 15 feet	0 to 15 feet	None
Front building façade at build-to range (minimum)	90%	70%	70%	70%	70%	None
Front (maximum)	None	None	None	None	None	15 feet
Adjacent to B-Line (minimum)	None	10 feet	None	None	None	15 feet
Side (minimum) [1]	None	None	None	7 feet	5 feet	5 feet
Rear (minimum) [1]	None	None	None	10 feet	5 feet	5 feet
Other Standards						
Front parking setback (minimum)	20 feet behind the primary structure's front building wall					
Impervious surface coverage (maximum)	100%	100%	General and Restaurant Row: 85% Kirkwood Corridor: 100%	75%	75%	75%
Landscape area (minimum)	None	None	General and Restaurant Row: 15% Kirkwood Corridor: None	25%	25%	25%
Primary structure height (maximum) [1] [2] [3] [4]	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet	General and Kirkwood Corridor: 3 stories, not to exceed 40 feet Restaurant Row: 3 stories, not to exceed 35 feet	3 stories, not to exceed 40 feet	3 stories, not to exceed 40 feet	4 stories, not to exceed 50 feet
Primary structure height (minimum)	25 feet	35 feet	General and Kirkwood Corridor: 25 feet Restaurant Row: 20 feet	20 feet	25 feet	25 feet
Accessory structure height (maximum)	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet

Notes:

- [1] Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the standards in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- [2] Where a nonresidential use is proposed on the ground floor, the minimum floor to ceiling height shall be 12 feet.
- [3] See Section 20.04.110 (Incentives) for alternative standards. Additional height incentives shall not be available for student housing or dormitories.
- [4] Buildings that include one or more dwelling units that meet the definition of "Student Housing or Dormitory" shall be subject to the maximum building heights established in Section 20.03.030(b)(13) (Student Housing or Dormitory).

Table 04-5: Nonresidential District Dimensional Standards

sq. ft. = square feet

Dimensional Standards	EM	PO
Lot Dimensions (Minimum, only for lots created after the effective date)		
Lot area	None	None
Lot width	100 feet	None
Building Setbacks (Minimum)		
Front	25 feet	15 feet
Side	20 feet [1]	5 feet
Rear	20 feet [1]	5 feet
Other Standards		
Front parking setback (minimum)	20 feet behind the primary structure's front building wall	15 feet
Impervious surface coverage (maximum)	70%	None
Landscape area (minimum)	30%	None
Primary structure height (maximum)	4 stories, not to exceed 50 feet [1]	20 feet
Accessory structure height (maximum)	35 feet	20 feet

Notes:

- [1] When adjacent to the ~~RE~~, R1, R2, R3, or R4 zoning district, the minimum setback shall be increased by one foot for each foot of building height over 30 feet.

(d) Lot and Space Requirements

(1) Minimum Lot Dimensions

No space that is needed to meet the width, setback, area, open space, impervious surface coverage, parking, landscaping, or other requirements of this UDO for a lot or building may be sold, leased, or subdivided away from such lot or building. All lots affected by a proposed subdivision shall meet the standards of this UDO.

(2) Number of Primary Buildings or Uses per Lot

- (A) Except for projects approved as cottage development pursuant to Section 20.03.030(b)(7) (Dwelling, Cottage Development), only one principal building for single-family, duplex, triplex, or fourplex uses, with permitted accessory buildings, may be located on a lot or parcel. Every dwelling shall have legal means of access to a right-of-way.
- (B) Where a lot or parcel is used for multifamily, mixed-use, commercial, or industrial purposes, more than one primary building may be located upon the lot when such buildings conform to all requirements of this UDO applicable to the uses and district.
- (C) No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

Table 04-6: 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 the RE , R1, and R2 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure.
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).

(f) Building Height

(1) Measurement

Maximum building heights are expressed in both overall dimension and the number of stories, where applicable.

(A) Stories

Story height is measured between the floor of a story to the floor of the story above it. For single-story buildings and the uppermost story of a multistory building, the measurement shall be from the floor of the story to the ceiling.

(B) **In the ~~RE~~, R1, R2, R3, and R4 District**

- i. Parking for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses shall be prohibited within the required front building setback between the street and the building except on a single drive not exceeding 18 feet in width.
- ii. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. The required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. Determinations of whether an alley allows for safe access shall be made by the City Planning and Transportation Department.

(3) **Dimensions of Parking Spaces and Drive Aisles**

All on-site parking and maneuvering areas shall be constructed according to the following minimum dimensional standards:

- (A) All parking aisles shall terminate with a bump-out for turnaround maneuverability.
- (B) The length of a parking stall may be reduced to 16 feet allowing the front of vehicles to overhang the required parking space by two feet; provided that:
 - i. Any raised curb in the overhang areas is no more than four inches in height; and
 - ii. The front of the parking space is located adjacent to a landscaped area or sidewalk that is at least six feet in width.

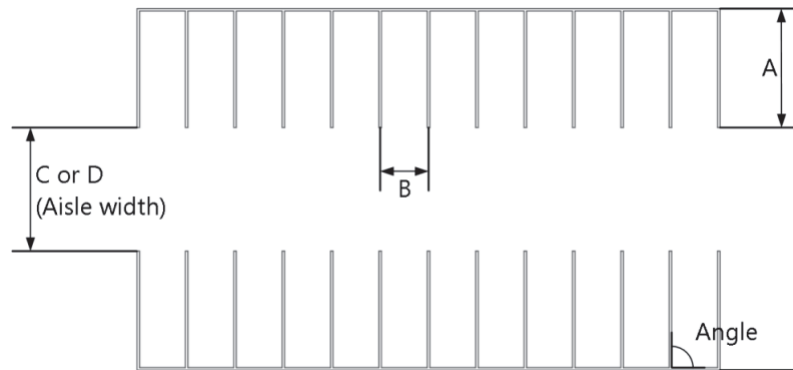


Figure 52: Illustrative Scale and Character

Table 04-11: Parking Dimensions (in feet)

Angle	Parking Space		One-Way Aisle	Two-Way Aisle
	A	B	C	D
0° (parallel)	8.0	22.5 [1]	12.0	20.0
30°	15.0	8.5	12.0	20.0
45°	17.0	8.5	12.0	20.0
60°	17.5	8.5	16.0	20.0
90°	16.0	8.5	20.0	20.0

Notes:

(3) **Residential**

(A) **Applicability**

The following standards shall apply to the construction, expansion, addition, or alteration of any building in the ~~RE~~, R1, R2, R3, R4, RM, RH and RMH zoning districts.

(B) **Materials**

Primary exterior finish building materials used on residential dwellings shall consist of any of the following:

- i. Horizontal lap siding (e.g., vinyl, cementitious, wood);
- ii. V-grooved tongue-and-groove siding;
- iii. Wood-grained vertical siding materials in a board-and-batten or reverse batten pattern;
- iv. Cedar or other wood materials (excluding EIFS);
- v. Stucco, plaster, or similar systems;
- vi. Stone;
- vii. Split face block, ground face block, or brick;
- viii. Cast or cultured stone;
- ix. Cast in place concrete;
- x. Earthen structural materials; or
- xi. Other materials that replicate the look and durability of the above materials, as approved by the staff.

(C) **Minimum Coverage**

Exterior finish building materials listed above, or a combination of such materials, shall extend from roofline to within six inches of finished grade.

(D) **Foundations**

All buildings shall be placed on permanent foundations.

(E) **Roofs**

- i. For attached and detached single-family dwellings, duplex, triplex, fourplex, and multifamily dwelling units that have sloped roofs, the roof shall consist of shingles, shakes, tile, standing-seam metal, or V-grain metal. Additions to attached or detached single-family dwelling units may use flat roofs (less than a 3:12 roof pitch).
- ii. Primary structures larger than 1,000 square feet of gross floor area may use a flat roof (less than 3:12 roof pitch) with a parapet and shall comply with any applicable standards established in Subsection 20.03.030: *Use-Specific Standards*.

(F) **Rain Gutters and Downspouts**

Rain gutters and downspouts are required.

(G) **Uniform Architecture**

When the rear or side facade of a newly constructed building is adjacent to a street, the architecture of these facades shall be made to match that of the front facade. Such matching shall occur through use of similar materials, window/doorway openings, variation in rooflines, or fenestration.

(H) **Anti-monotony Standards**

In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:

- i. Differences in rooflines;
- ii. Differences in building footprint;
- iii. Differences in the number of floors per building.

(4) **Refuse and Recycling Containers**

Except for single-family, duplex, triplex, and fourplex dwellings, all uses shall provide adequate space on site for refuse and recycling containers. Such areas shall comply with the standards in Section 20.04.080(m)(3) (Loading, Service, and Refuse Areas).

(5) **Neighborhood Transition Standards**

(A) **Setbacks**

Buildings abutting a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall comply with the minimum building setback of the adjacent residential zoning district along the common property line or the minimum building setback of the zoning district where the building is located, whichever is greater.

(B) **Building Height**

- i. Any portion of a building within 50 feet of a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings within 50 feet are not eligible for additional building height under Section 20.04.110 (Incentives).
- ii. Any portion of a building between 50 feet and 100 feet of a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall not exceed the maximum building height allowed in the abutting residential district, plus one story (not to exceed 15 feet); or the maximum building height of the zoning district where the building is located, whichever is lower. Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern. Portions of buildings between 50 feet and 100 feet are not eligible for additional building height under Section 20.04.110 (Incentives).
- iii. Any portion of a building beyond 100 feet from a property in the ~~RE~~, R1, R2, R3, or R4 zoning district shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond 100 feet are eligible for additional building height under Section 20.04.110 (Incentives).
- iv. Building features referenced in Table 04-7: *Authorized Exceptions to Height Requirements*, shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located, to the maximum extent practicable.

- (C) Facilities for the operation of active or passive solar energy systems and other alternate energy systems shall be exempt from the screening requirements.

(2) **Ground-Mounted Mechanical Equipment**

The following standards shall apply to all uses except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses.

- (A) Outdoor ground-mounted mechanical equipment (e.g., subpanels, air conditioners, heating, cooling and ventilating equipment, kitchen hoods and vents, swimming pool equipment, pumps and heaters, propane tanks), and all other mechanical equipment shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties to the maximum extent practicable.
- (B) In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
 - i. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall be compatible with the architecture and landscaping of the development; or
 - ii. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.
- (C) Screening of ground-mounted solar energy equipment is not required.

(3) **Loading, Service, and Refuse Areas**

- (A) Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable.
- (B) Refuse areas shall not be located within the front setback and shall be a minimum of five feet from side and rear property lines, except for:
 - i. Side and rear locations adjacent to alleyways;
 - ii. Side and rear locations adjacent to the ~~RE~~-R1, R2, R3, and R4 zoning districts shall have a minimum 25-foot setback from the respective property lines.
- (C) In cases when loading, service, and refuse areas are visible from a public open space, public trail, public street, or adjacent property, the loading, service, and refuse areas shall be screened from view by:
 - i. A solid wall or fence a minimum of six feet in height, or high enough to ensure that the contents of the enclosure are not visible from adjacent parcels or public rights-of-way. Such enclosures shall match the general design and materials of the primary structure (but excluding unfinished CMU block). At least one side of such fence or wall shall incorporate a movable gate for access.
 - ii. The use of chain-link fencing for loading, service, or refuse area screening shall be prohibited.

(4) **Design**

- (A) Outdoor trash receptacles, dumpsters, compactors and similar containers shall be placed on an impervious surface.

- (B) Screened outdoor storage facilities shall be adequately protected from damage by vehicles through the installation of bollards and shall be properly maintained and kept in good repair at all times.

(n) Fences and Walls

(1) Applicability

Unless otherwise provided below, this Section 20.04.080(n) shall apply to all new development.

- (A) Fences and walls used to screen trash receptacles, mechanical equipment, and other areas requiring screening are exempt from the height limits in Section 20.04.080(n)(3); however they shall not be less than six feet in height.
- (B) Utility substation and transmission facilities, quarry and stone processing, jails, detention facilities, kennels, and prisons are exempt from Section 20.04.080(n)(3).
- (C) Retaining walls are exempt from the height standards but shall be constructed in accordance with manufacturer's specifications or generally accepted engineering standards.
- (D) Fences and walls used to screen swimming pools shall not be less than five feet in height or greater than eight feet in height.
- (E) Fences and walls located in the ~~RE-~~IN, and MI zoning districts are exempt from height standards.
- (F) Decorative features of fences such as post tops are exempt from height requirements provided, they extend no more than 12 inches from the top of the fence and are spaced at least eight feet apart.
- (G) Fences intended exclusively to protect food garden plots from animals shall not be more than 12 feet in height. The portion of the fence that exceeds five feet in height shall, by the use of voids and solids via latticework or other similar techniques, be of open construction. This portion of the fence shall be constructed of materials widely accepted in the fence industry for garden protection.

(2) Fence and Wall Location

- (A) Fences and walls shall be permitted up to the property line.
- (B) No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.

(3) Fence and Wall Height

(A) Interior Lots

- i. Behind the front building wall of the primary structure, fences and walls shall not exceed a combined height of eight feet, except as provided in Subsection (1)(G) above.
- ii. Forward of the front building wall of the primary structure, fences and walls shall not exceed four feet in height.

(B) Corner Lots

On corner lots where the structure has two front building walls, one frontage shall be considered a secondary front building wall.

- (B) Lighting of any tree protection area or conservation easement, including but not limited to those required by Section 20.04.030 (Environment), is prohibited.

(d) Multifamily Residential Lighting

A parcel occupied by a multifamily dwelling shall not be illuminated by more than 6,000 lumens per primary structure, including a maximum of 2,000 lumens per building entryway of any combination of motion detector activated lighting and bulbs rated at no more than 1,000 lumens.

(e) Mixed-Use and Nonresidential Lighting

(1) Adjacent to Residential Districts

Mixed-use and nonresidential uses bordered by any ~~RE~~, R1, R2, R3, R4, or RHM zoning district shall be allowed a total light output of not more than 40,000 lumens per acre. Provided, regardless of parcel size, the allowance shall be sufficient to provide a maximum of 2,500 lumens per entryway with motion detector activated lighting counted as one-half lumens.

(2) Use-Specific Conditions

(A) Canopies, Pavilions, or Drive-Through Bays

i. Illuminance

The canopy, pavilion, or drive-through bay shall be designed to achieve no greater than the minimal illuminance level of a service station pump island as recommended by the Illuminating Engineering Society of North America (IESNA RP-33: Lighting for Exterior Environments).

ii. Shielding

All light fixtures mounted on or recessed into the lower surface of canopies, pavilions, or drive-through bays shall be full cutoff, fully shielded and use flat lenses. Such fixtures shall be recessed so the fixture does not extend below the lower horizontal surface of the canopy, pavilion, or drive-through bay.

(B) Outdoor Recreational Facilities

i. Illuminance

All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6: Sports and Recreational Area Lighting).

ii. Light Trespass

All lighting fixtures shall be installed so that light trespass from any property line, except a property line abutting a public street, shall not exceed two footcandles at a point one meter beyond the property line.

iii. Restriction

Field lighting for all outdoor recreational facilities shall be turned off within 30 minutes after the completion of the last event of the night.

(2) **Changeable Copy**

Unless specified otherwise in this UDO, signs may incorporate areas for changeable copy, provided that the changeable copy area does not exceed 40 percent of the total sign area.

(3) **Electronic Reader Boards**

Unless otherwise provided in this UDO, electronic reader boards may only be utilized when incorporated into permanent signage, provided that they do not exceed more than 40 percent of the total area of any sign face, and that information is displayed in increments of no less than 20 seconds.

(h) **Waiver of Right to Damages**

- (1) The Plan Commission, the Board of Zoning Appeals, and the City Planning and Transportation Department are each authorized to request waivers of the right to and receipt of damages pursuant to Indiana Code 22-13-2-1.5, Indiana Code 36-7-2-5.5, and Indiana Code 32-24, in connection with any petition for a permit or other approval that may involve erection of a new sign or removal or alteration of a lawfully erected sign, including a lawful nonconforming sign.
- (2) Waivers may be requested from the following:
 - (A) The petitioner;
 - (B) The property owner;
 - (C) The sign owner; and
 - (D) Any other person with an interest in the site or the sign.
- (3) The owner and/or the petitioner shall be responsible for obtaining waivers from all persons listed in Section 20.04.100(h)(2).

(i) **Residential District Sign Standards**

(1) **Applicability**

This section applies to the ~~RE~~, R1, R2, R3, R4, RM, RH, and RMH zoning districts.

(2) **Single-Family and Condominium Subdivision**

Each subdivision shall be permitted one freestanding sign per development entrance, subject to the following standards:

(A) **Freestanding Sign Area**

The maximum sign area shall not exceed 32 square feet per side.

(B) **Freestanding Sign Height**

The maximum height shall not exceed six feet in height.

(C) **Changeable Copy**

Changeable copy shall be prohibited as part of a freestanding sign.

(D) **Number**

The permitted subdivision sign may be replaced with two signs of a maximum 16 square feet in area per sign if a sign is placed on each side of the entrance.

(E) **Wall Signage**

No wall signage is permitted.

- vii. Signs shall not be placed within the right-of-way of the B-Line Trail. Sandwich board signs for properties with frontage along the trail shall be placed within the setback between the building and the trail right-of-way.

20.04.110 Incentives

(a) Applicability

These affordable housing and sustainable development incentives are available to all development, except for Student Housing or Dormitory projects located in the MD zoning district .

(b) General Standards

The following standards apply to all projects seeking the affordable housing or sustainable development incentives in this Section 20.04.110.

(1) Neighborhood Transition Standards

- (A) All projects abutting a property in the ~~RE~~-R1, R2, R3, or R4 zoning district shall comply with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards).
- (B) Where a primary structure's maximum height incentive is in conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern. The petitioner may request relief from the neighborhood transition standards in accordance with the development standards variance procedure pursuant to Section 20.06.080(b) (Variance).

(2) Waiver of Fees

- (A) When a petition qualifies for one or more of the incentives in this Section 20.04.110, filing fees for the Plan Commission and/or Board of Zoning Appeals shall be waived.
- (B) When a petition that qualifies for one or more of the incentives in this Section 20.04.110 has been approved by the decision-making body:
 - i. Fees associated with right-of-way excavation permits for the project shall be waived; and
 - ii. Sewer hook-on fees for the project may be waived or reduced by the utilities service board.

(3) Administration

- (A) A petition for these development incentives shall be included with a petition for development approval.
- (B) 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 or contains more than 50 dwelling units.
- (C) Staff shall determine if the project is eligible to receive incentives and if it satisfies the criteria established in this Section 20.04.110.

(b) Conservation Subdivision (CS)

(1) Purpose

The conservation subdivision is intended to be used as follows:

- (A) Facilitate clustered development of land while ensuring maximum protection of environmentally sensitive features and set asides of significant common open space;
- (B) Provide for necessary connectivity to adjoining street systems to provide adequate levels of emergency service and traffic mitigation;
- (C) Allow very limited development for those parcels containing environmental features such as mature tree stands, karst geology, steep slopes, and water resources;
- (D) Fulfill the policy recommendations included in the Environment element of the Comprehensive Plan; and
- (E) Provide subdivision design controls that ensure the space-efficient installation of utilities, street and sidewalk network, as well as the placement of individual building lots.

(2) Development Standards

Table 05-2: CS Subdivision Development Standards

General Standards	
Parent tract size (minimum)	5 acres
Applicable base zoning districts	All base zoning districts
Open space required (minimum) [1]	50%
Lots served by alleys (minimum percentage)	Not permitted
Block length (maximum)	1,760 feet
Cul-de-sac length (minimum)	Not permitted
Cul-de-sac length (maximum)	Not permitted
Right-of-Way Standards	
Transportation facilities	Required to meet Transportation Plan guidance
On-street parking [2]	RE zone: not permitted R1 zone: not required R2 zone: not required
Tree plot width (minimum)	5 feet [3]
Sidewalk/multiuse path width (minimum)	Per Transportation Plan

NOTES:

[1] Measured as a percent of gross acreage and shall be identified as common open space on the plat.

[2] Where on-street parking is provided, it shall comply with the standards in 20.04.060(o) (On-street Parking Standards for Private Streets).

[3] May be reduced to a two-foot grass separation to allow for preservation of existing quality vegetation.

(3) **Abandonment of a Nonconforming Use**

A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six months, or when the furnishings have been removed and not replaced for a continuous period of six months.

(4) **Residential Occupancy**

(A) **Authority to Continue**

In the ~~RE~~-R1, R2, R3, and R4 zoning districts, a nonconforming use involving occupancy of a dwelling unit by four or five adults who are not all related to each other, which was duly registered on or before October 1, 1985, in accordance with Ordinance 85-15; or was duly registered on or before November 1, 1995, in accordance with Ordinance No. 95-21, shall be deemed a lawful nonconforming use which may be continued under this UDO, without further registration, and shall be considered a lawful nonconforming use that may continue only as provided in this section.

(B) **Transition from Prior Regulations**

- i. Where a lawfully existing dwelling unit was lawfully occupied by four or five adults who were not all related to each other on the effective date of this UDO, but becomes nonconforming under this UDO because of being so occupied, the property owner may register such property as a lawful nonconforming use, and if properly and timely registered, such use will be a lawful nonconforming use which may be continued under this UDO without further registration.
- ii. Forms for such registration shall be available in the Planning and Transportation Department and shall be completed by the property owner or agent and filed in the Planning and Transportation Department within 180 days of the effective date of this UDO.
- iii. For existing structures, the use to be vested pursuant to this provision shall be the use lawfully in effect as of the effective date of this UDO, or the predominant lawful use for the preceding five years, whichever is greater.

(C) **Pending or Approved Building Permit**

- i. When a complete building permit application has been filed with the Monroe County Building Department, where the proposed structure included a nonconforming use involving a dwelling unit intended for occupancy by four or five adults who are not all related to each other shall be considered a lawful nonconforming subject to the following:
 1. The building permit application conforms to all applicable regulations in effect at the time of application;
 2. The property owner's intention to accommodate said four or five adults is stated in writing;
 3. The property was registered pursuant to this subsection within 180 days of the effective date of this UDO;
 4. The property was lawfully eligible for occupancy by four or five adults not all related to each other prior to the effective date of this UDO;

District, Residential

Refers to the ~~RE~~, R1, R2, R3, R4, RM, RH, and RMH zoning districts and residential portions of Planned Unit Developments.

DNR

The Indiana Department of Natural Resources.

Dripline

The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive

A vehicular access to a development site, including private streets or roads and excluding an aisle serving as direct access to a row of parking spaces.

Drive Apron

The driving surface area, typically located within the public right-of-way, between the edge of a paved street and the driveway accessing a private property.

Drive-through

A facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

Drive-through Bay

The portion of a drive-through use or structure, including any awnings, structures, or service windows, where individual vehicles are parked to receive service.

Driveway

A surfaced area intended solely for the purpose of accessing a garage or parking area, other than an aisle serving as direct access to a row of parking spaces

Dwelling Site

A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling Unit

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "Family"). The dwelling unit shall be characterized by but not limited to:

- 1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
- 2) A single kitchen adequate for the preparation of meals;
- 3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one "family" (see definition) shall be constructed and regulated as a "residential rooming house" (see definition).

ZO-08-21 Red-Line Amendments with Plan Commission Amendment

FAA

The United States Federal Aviation Administration.

Façade

That portion of any exterior elevation on a building extending from grade to the top of the roof or parapet covering the entire width of the structure. The facade shall include the entire walls, including wall faces, parapets, fascia, windows, doors, canopies, and roof structures. Also, in the case of attached buildings, a portion of the exterior of a building that gives the appearance of a unitary module shall constitute a facade regardless of whether that portion coincides with the sides of individual buildings. (For example, a single building may have more than one facade, and a facade may cross building lines, provided there is unitary ownership or control of both buildings.)

Facade Open Area

Areas within a building facade that provide voids or relief, such as windows or balconies.

Facade, Primary

Those portions of a facade that are adjacent to or front on a private or public street, park or plaza.

Family

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

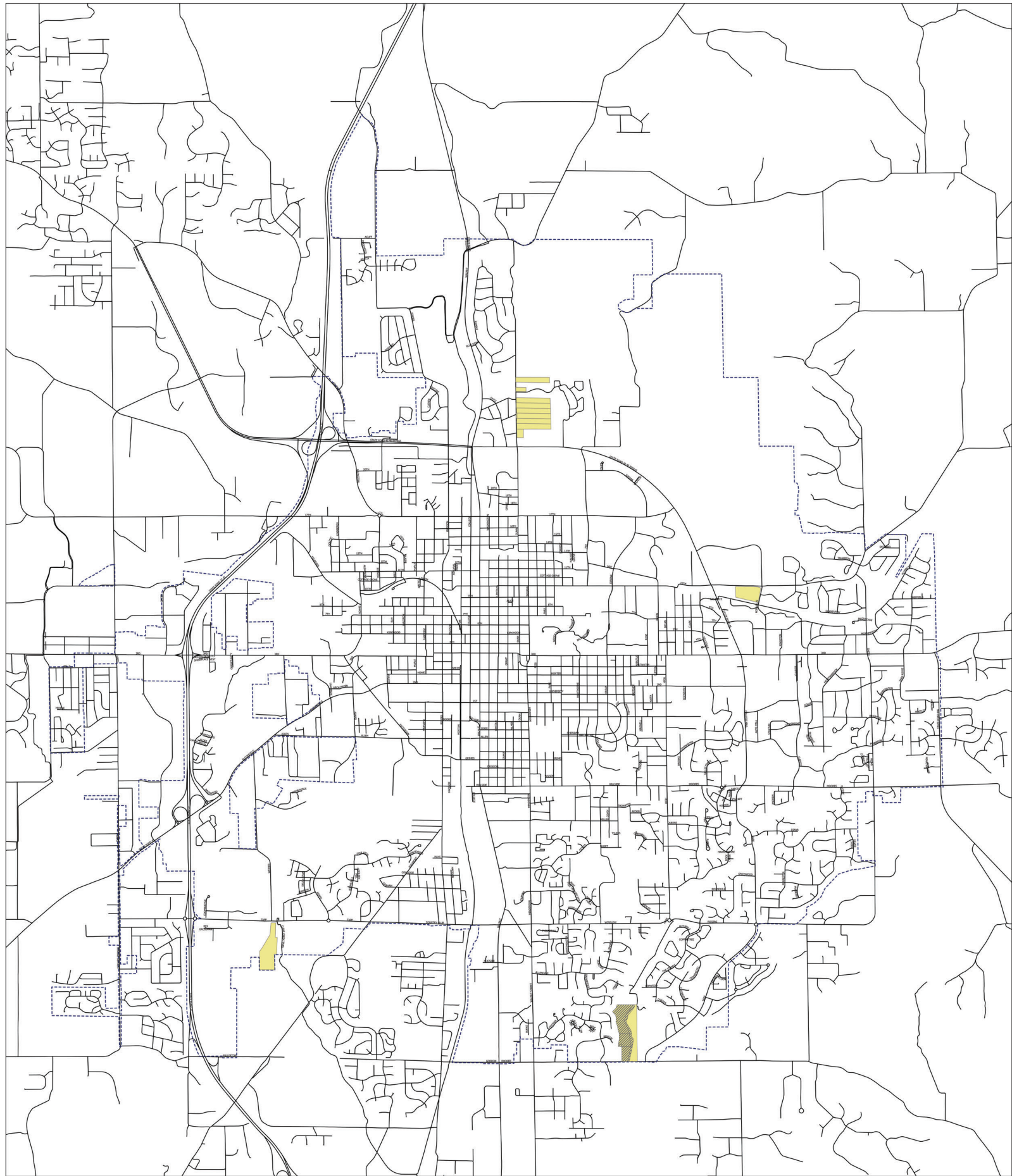
- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
- 2) A group of no 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 in which no more than two adults per bedroom occupy the facility.

Farm Produce Sales

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, and baked goods, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Farmer's Market

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on site.



- Current Zoning District**
- (RE) Residential Estate
 - (PUD) Planned Unit Development

Proposed (R1) Residential Large Lot District Locations

Public Hearings Draft
02/26/2021

0 0.25 0.5 Miles



ORDINANCE 21-23
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Regulations Related to Dwelling, Duplex; Dwelling, Triplex, and Dwelling, Fourplex
Set Forth in BMC 20.03 and 20.04

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 5, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-09-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. Reporting. The Planning and Transportation Department will track requests and approvals for the uses amended in this Ordinance, and report those findings to the Plan Commission, Administration, and Common Council every six months from the effective date.

SECTION VI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VII. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition amends regulations related to the uses dwelling, duplex; dwelling, triplex; and dwelling, fourplex including in which districts they are permitted or conditional and their Use-Specific Standards.

****ORDINANCE CERTIFICATION****

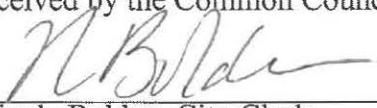
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-23 is a true and complete copy of Plan Commission Case Number ZO-09-21 which was given a recommendation of approval by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 1, 2021.

Date: April 5, 2021



Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation
Ordinance # _____

Fiscal Impact
Statement
Ordinance # _____

Resolution # _____

Type of Legislation:

Appropriation
Budget Transfer
Salary Change

End of Program
New Program
Bonding

Penal Ordinance
Grant Approval
Administrative
Change
Short-Term Borrowing
Other

Zoning Change
New Fees

Investments
Annexation

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure
Unforeseen Need _____

Emergency
Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____ XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-09-21 amends various chapters of the 2020 Unified Development Ordinance (UDO), by adding, removing, and editing existing text to clarify and amend the regulations related to duplexes, triplexes, and fourplexes, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-09-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 5, 2021

Re: Text Amendments to Unified Development Ordinance and Draft Zoning Map

The Plan Commission heard case ZO-09-21 on March 25, 2021, March 29, 2021, and April 1, 2021. The Plan Commission voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 6-3 (Cate, Herrera, Sandberg). The Plan Commission voted on three additional amendments and two were approved and added to the petition. The two that were approved made duplexes Permitted in R1-R4 and removed the Use-Specific Standard related to a 150 foot separation requirement for two years for new and remodeled duplexes in the R1-R3 zoning districts.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter, and one (1) is discussed below. That petition is as follows:

9. ZO-09-21 | Duplex, Triplex, and Fourplex

ZO-09-21 | Duplex, Triplex, and Fourplex

Background and Purpose

Bloomington feels housing pressure related to its proximity to and relationship with Indiana University, but also exists as part of a larger regional and national housing market. According to the National Association of Realtors, a tight housing supply is fueling an increase in home

prices. The median price of an existing home sold during the month of February 2021 was \$313,000. That is the highest February price on record. The number of sales were in decline for the month, but those on the market move quickly and the prices are climbing. There is a national housing supply issue. Regionally, per Zillow.com, the value of a typical home for sale in the 47401 zip code area is \$20,000 more than it was at this time last year, at just under \$300,000, and predicted to continue to rise by almost 10% over the next year. The opportunity to add plexes as an option across the City can increase our local housing supply, potentially offering some less expensive units in desirable locations.

The question of whether or not duplexes can provide a more affordable option than a detached single-family unit was explored by streets.mn using Minneapolis, MN data. In Minneapolis, which added duplex and triplex options across the City, Assessor Parcel data showed that a typical duplex per-unit value was 52% of the value of an average single family detached home. While there is concern that duplexes will not offer traditional affordable housing options, it is clear that they can offer cheaper per-unit costs than a detached unit. Additionally, duplexes can be created through renovation and addition of existing structures, as opposed to new construction in greenfield areas.

According to the American Community Survey, Bloomington's vacancy rate is almost 9%. However, according to the Bloomington Housing Study completed in July 2020, the vacancy rate might be closer to 2%. We have a tight housing market both for owners and renters, and the opportunity to add plexes as an option across the City can increase our ability to provide varied housing options to both owners and renters.

We are currently at roughly 35% owner-occupied housing and 65% rental housing. We have been at that breakdown since at least the 2000 decennial Census, just five years after the 1995 zoning code update. While these figures are often quoted and accurate, the opportunity to re-allow plexes as conditional uses in our existing neighborhoods is not directly correlated with the rental market, as both sides of a duplex can be owner-occupied. The option to add duplexes increases the opportunity for units, units that can be either rental or owner-occupied.

Bloomington currently devotes large percentages of both its total acreage and total parcels to strictly single-family housing. Our current RE, R2, and R3, and single-family PUD zoning districts comprise 51% of our non-MI (Mixed-Use Institutional) land. That means that excluding IU and some governmental parcels, more than half of the acreage in Bloomington is devoted to single-family housing. By parcels, the percentage is 73%. These are not districts where single-family housing is permitted, but districts where single-family residential is the only Residential Use allowed, other than conditionally allowed cottage development which requires the same density as single-family detached units.

Additionally, all zoning districts allow the use single-family (detached) by-right, except the Mixed-Use Downtown, Mixed-Use Institutional, Employment, and Parks and Open Space zoning districts. Said another way, single-family detached is Permitted in 14 of 18 zoning districts. The proposal does not change any districts where single-family is allowed, does not change any Use-Specific Standards of single-family, or restrict single-family zoning.

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)

This proposal seeks to add plexes as an option across Bloomington, in order to encourage additional residential units in walkable, bikeable, established neighborhoods that are transit and amenity adjacent, and served by existing public infrastructure. The proposal would work in concert with a myriad of other tools to help address Bloomington's housing crunch. Other zoning code tools include the new Mixed-Use Student (MS) zoning district, existing Accessory Dwelling Unit regulations, reduced lot sizes for better utilization of land in new development, live/work units, and cottage development. There are other tools outside of planning as well such as down payment assistance programs. The proposal seeks to increase housing type options in the UDO in order to benefit a larger swath of the community than is currently benefited.

Proposal

This petition amends the locations where the uses 'dwelling, duplex' (duplex) and 'dwelling, triplex' (triplex) are allowed (as either Permitted or Conditional) and amends the Use-Specific Standards associated with those uses and the use 'dwelling, fourplex' (fourplex).

The petition drafted by the Planning and Transportation Department proposed the use duplex as a Conditional Use in the R1-R4 zoning districts, and triplex as Conditional Use in the R4 zoning district. The Plan Commission amended the proposal such that duplex is proposed as a Permitted Use in the R1, R2, R3, and R4 zoning districts. Triplex remains proposed as Conditional in the R4 zoning district. The existing UDO, effective April 2020, allows the duplex use in the RE zoning district as Conditional and in the R4 district as Permitted with Use-Specific Standards. The current code also allows triplexes in the R4 as permitted. The current UDO also has the Use-Specific Standards asterisk (*) for duplexes and triplexes in the R1-R3 zoning districts without denoting that the uses are either Permitted, Conditional, Accessory, or Temporary. The asterisk with no use allowance designated does not make sense and cannot be administered. Both the Plan Commission proposal and the original Department proposal correct that situation. No other changes to the R1-R4 uses or locations of duplex, triplex, or fourplex are proposed with this petition.

The proposal would add the option for duplexes in the R1-R3 areas in Bloomington. The proposal does not mandate the building of duplexes, and includes multiple Use-Specific Standards so that duplexes can be sensitively re-introduced as an option in the current primarily single-family zoning districts.

	RE	R1	R2	R3	R4
RESIDENTIAL USES					
Household Living					
Dwelling, single-family (detached)	P	P	P	P	P
Dwelling, single-family (attached)			P*	P*	P*
Dwelling, duplex	C	*	*	*	P*
Dwelling, triplex		*	*	*	P*
Dwelling, fourplex					C*
Dwelling, multifamily					C*
Dwelling, live/work					C*
Dwelling, cottage development		C*	C*	C*	C*

Duplex and Triplex Highlighted in Current Allowed Use Table RE-R4

Use	R1	R2	R3	R4
RESIDENTIAL USES				
Household Living				
Dwelling, single-family (detached)	P	P	P	P
Dwelling, single-family (attached)		P*	P*	P*
Dwelling, duplex	P*	P*	P*	P*
Dwelling, triplex				C*
Dwelling, fourplex				C*
Dwelling, multifamily				C*
Dwelling, live/work				C*
Dwelling, cottage development	C*	C*	C*	C*

Duplex and Triplex Highlighted in Proposed Allowed Use Table R1-R4

	R1	R2	R3	R4
RESIDENTIAL USES				
Household Living				
Dwelling, single-family (detached)	P	P	P	P
Dwelling, single-family (attached)		P*	P*	P*
Dwelling, duplex	C*	C*	C*	C*
Dwelling, triplex				C*
Dwelling, fourplex				C*
Dwelling, multifamily				C*
Dwelling, live/work				C*
Dwelling, cottage development	C*	C*	C*	C*

Duplex and Triplex Highlighted in Department Proposed Use Table R1-R4 (for reference)

Use-Specific Standards

The Plan Commission voted to remove the Use-Specific Standard that did the following: add a provision that creates a 150 foot buffer around any newly approved or remodeled duplex in R1-R3 for a period of two years, so that within such time no other new or remodeled duplexes can be approved in that buffer area in the R1-R3 zoning districts. The buffer was included by the Department to address concerns that entire blocks would be turned to duplexes in short order. The buffer helps spread out the locations of new duplexes, both spatially and in time, while lessening the ‘first come, first served’ concern by lifting the buffer after two years.

Duplex

The Use-Specific Standards for a duplex have been amended to:

- remove the provision that related the legality of the use to how the property was zoned under a previous zoning code;
- remove the provisions that attempted to regulate the size of the structure based on whether or not a demolition permit had been recently issued;
- remove the requirement for two street-facing doors on all duplexes;
- remove the 40 foot maximum width provision;
- add a provision that the owner or registered agent for the property cannot have a Notice of Violation on file in the Department for a period of three years prior to the application for a conditional use for a duplex;
- add a provision requiring two street-facing doors for all newly constructed duplexes, but allow remodels and conversions to have a minimum of one street-facing door;

The use-specific standards that are removed are convoluted and some regulate current uses based on previous zoning codes, which is not ideal. The 40 foot maximum was removed as it is not appropriate in all areas where duplexes are an option, and similarly the two door requirement was amended for remodels and additions because adding a second door on the front of the house may inadvertently lead to structures that are out of character. The notice of violation provision will limit the option for plexes to those who have not been under enforcement for violating the UDO within the last three years.

Triplexes and Fourplexes

The Use-Specific Standards for a triplex or fourplex have been amended to:

- remove the provision that related the legality of the use to how the property was zoned under a previous zoning code;
- remove the provisions that attempted to regulate the size of the structure based on whether or not a demolition permit had been recently issued;
- remove the 40 foot maximum width provision;
- add a provision that the owner or registered agent for the property cannot have a Notice of Violation on file in the Department for a period of three years prior to the application for a conditional use for a triplex or fourplex;
- add a provision requiring a minimum of one street-facing doors and a maximum of two street-facing doors.

The use-specific standards were amended to remove the convoluted reference to a previous zoning code, as well as to demolition permits on the site. The notice of violation provision will limit the option for plexes to those who have not been under enforcement for violating the UDO within the last three years. Triplexes and Fourplexes are limited to the R4 zoning district and Mixed-Use districts, which are intended to have greater development and therefore the separation requirement is not included.

Conditional Use

The Department proposed that duplexes, triplexes, and fourplexes would require Conditional Use approval. The Plan Commission voted to amend the petition to allow duplexes as a Permitted Use in the R1, R2, R3, and R4 zoning districts. Triplex and Fourplexes remain proposed as a Conditional Use in R4. Conditional Uses can be heard by either the Board of Zoning Appeals or the Hearing Officer. As was done during the introduction of ADUs, the Department would initially take all plex requests to the Board of Zoning Appeals. Additionally, the Director can require that an applicant attempt to attend the relevant Neighborhood Association meeting and would do so, as we informally encouraged for new ADUs.

Conditional Use Criteria required to be met by all conditional use requests, including proposed triplex, and fourplex:

General Compliance Criteria 20.06.040(d)(6)(B)

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards

iv. Compliance with Prior Approvals

Additional Criteria Applicable to Conditional Uses 20.06.040(d)(6)(C)

i. Consistency with Comprehensive Plan and Other Applicable Plans

ii. Provides Adequate Public Services and Facilities

iii. Minimizes or Mitigates Adverse Impacts

1. The proposed use and development shall not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.
2. The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
3. The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.
4. The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.

A Conditional Use approval is not a by-right approval. The petitioner must demonstrate that the proposal meets all ten criteria that apply to conditional use approvals. As can be seen above, the approval must demonstrate compliance with the regulations in the UDO, the guidance in the Comprehensive Plan, as well as demonstrate no excessive destruction of natural, scenic, or historic features of significant importance. The petition must meet local, state, and federal utility requirements, and must make a good-faith effort to address concerns of adjoining property owners as defined in the neighborhood association meeting. Compliance with all ten requirements is required for approval.

20.03.020 Allowed Use Table

Table 03-1: 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 20.03.010(e).

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	€	P*	P*	P*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		*	*	*	CP*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development		C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
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)
Group care facility, FHAA large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
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)
Opioid rehabilitation home, large					P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house						P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory						C*	P*		P	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small							C			C	C	C		C	C	C			
Supportive housing, large											C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																			
Community and Cultural Facilities																			
Art gallery, museum, or library					C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum														P					

- (2) Any of the uses listed as Household Living uses in Table 03-1: *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 03-1: *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 03-1: *Allowed Use Table*, and is subject to those Use-specific standards applicable to a “dwelling, multifamily” in Section 20.03.030(b)(5).

(b) Residential Uses

(1) Dwelling, Single-Family (Detached)

- (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
- (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
- (C) Occupancy of a single-family detached dwelling unit is subject to the definition of “family” in Chapter 20.07: (Definitions).

(2) Dwelling, Single-Family (Attached)

(A) Access

- i. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- ii. Each dwelling shall have direct access to a street or alley.

(B) Design

In the R2 and R3 zoning districts, the maximum number of dwelling units allowed in one single-family attached structure shall be two, and each individual dwelling unit shall be located on a separate lot.

(C) Occupancy

Occupancy of single-family attached dwelling units is subject to the definition of “Family” in Chapter 20.07: (Definitions).

(3) Dwelling, Duplex

(A) Generally

- i. ~~The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at application. For any property that has been rezoned to R1, R2, or R3 after 04/18/2020 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.~~

~~iii.~~

~~ii. For any property zoned R1, R2, or R3 on 04/18/2020, duplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:~~

- ~~1. No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and~~
- ~~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 25 percent.~~

(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 unit in a newly constructed duplex dwelling shall have a separate exterior entrance facing a public or private street. Duplex dwellings created through renovation or expansion of existing structures shall have at least one exterior entrance facing a public or private street. 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 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.

(4) Dwelling, Triplex and Fourplex

(A) Generally

- i. ~~The property owner (or HAND registered agent) shall have no Notices of Violation on file in the Planning and Transportation Department for the prior three years at the time of Conditional Use application. For any property that has been rezoned to R1, R2, or R3 after 04/18/2020 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.~~
- ii. ~~For any property that has been rezoned to R4 after 04/18/2020 that was previously designated in the R1, R2 or R3 zoning districts, fourplex dwelling uses shall require conditional use permit approval.~~
- iii. ~~For any property zoned R1, R2, or R3 on 04/18/2020, triplex dwelling uses may be established on a lot or parcel where a demolition permit has been issued when:~~
 1. ~~No more than 35 percent of the gross square footage of the existing principal dwelling structure has been demolished or removed within the previous three calendar years; and~~
 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 25 percent.~~

(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.~~
- i. ~~Triplex and fourplex dwellings shall have a minimum of one exterior entrance and no more than two exterior entrances facing a public or private street.~~
- 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.

(5) Dwelling, Multifamily

(A) Size

In the MN and R4 zoning districts, no more than eight multifamily dwelling units shall be constructed on one single lot or parcel.

(5) Affordable Housing Incentives

(A) Reduced Bulk Requirements

The following dimensional standards shall apply to single-family ~~and-~~ duplex, ~~triplex, and fourplex~~ residential lots in the R1, R2, and R3 zoning districts that meet either of the two criteria in subsection (2) above:

- i. The minimum lot area for subdivision may be reduced up to 30 percent.
- ii. The minimum lot width for subdivision may be reduced up to 20 percent.
- iii. The side building setbacks may be reduced to five feet regardless of the number of stories.
- iv. The rear building setback may be reduced to 15 feet.
- v. Where these standards conflict with the neighborhood transition standards established in Section 20.04.070(d)(5) (Neighborhood Transition Standards), the neighborhood transition standards shall govern.

(B) Primary Structure Height

i. Eligibility

In addition to the eligibility criteria in 20.04.110(c)(2), affordable housing projects seeking increased maximum primary structure height shall comply with the following criteria:

1. The building shall contain six or more dwelling units; and
2. Unit size and bedroom mix for deed-restricted units shall be comparable to those for market-rate units.

ii. Tier 1 Projects

Projects that meet the Tier 1 affordability standards may increase the primary structure height by one floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iii. Tier 2 Projects

Projects that meet the Tier 2 affordability standards may increase the primary structure height by two floors of building height, not to exceed 24 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).

iv. Sustainable Development Bonus

1. Projects that are eligible for increased primary structure height for affordable housing and sustainable development shall be eligible for one additional floor of building height, not to exceed 12 feet.
2. The additional floor of building height granted under this subsection (iv) shall be limited to 50 percent of the building footprint area of primary structure, and that additional floor shall be set back at least 10 feet further than the lower floors of the building.

(6) Other Standards

The following standards shall apply to all affordable housing projects seeking incentives under this section 20.04.110(c).

- i. Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system;
- ii. Silver Certification by the Home Innovation National Green Building Standard (NGBS) Green Certified rating system;
- iii. Petal Certification by the International Living Future Institute Living Building Challenge (LBC) rating system; or
- iv. Three Green Globes Certification by the Green Building Initiative (GBI) Green Globes Certification rating system;
- v. Another verified third-party sustainability program producing equal or greater sustainability benefits to at least one of the programs listed in subsections (i.) through (iv.) above, as determined by the Planning and Transportation Director.

(3) Sustainable Development Incentives

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

- i. Single-family ~~and~~, duplex, ~~triplex, and fourplex~~ residential projects in the R1, R2, and R3 zoning districts that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for the reduced bulk requirements established in Section 20.04.110(c)(5)(A) (Reduced Bulk Requirements).
- ii. Single-family, duplex, triplex, and fourplex residential uses that satisfy the sustainable development criteria in Option 1 or Option 2 above shall not be eligible for additional primary structure height.

(B) All Other Uses

Projects that satisfy the sustainable development criteria in Option 1 or Option 2 above shall be eligible for additional primary structure height as established below:

- i. One floor of building height, not to exceed 12 feet, beyond the maximum primary structure height established for the zoning district where the project is located, as identified in Section 20.04.020 (Dimensional Standards).
- ii. Projects that qualify for the affordable housing incentives in Section 20.04.110(c) (Affordable Housing) in addition to the sustainable development incentive in 20.04.110(d)(2) shall be eligible for the additional incentive height described in Section 20.04.110(c)(5)(B)iv.

20.04.120 Operation and Maintenance

(a) Siltation and Erosion

- (1) Sedimentation basins and other control measures necessary to meet the requirements of Section 20.04.030(d) (Siltation and Erosion Prevention) shall be maintained by the property owner during construction.
- (2) Any site stabilization measures shall be maintained by the property owner in perpetuity.
- (3) Sediment shall be removed to maintain a depth of three feet.

ORDINANCE 21-24
TO REPEAL AND REPLACE THE OFFICIAL ZONING MAP WITHIN
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “UNIFIED DEVELOPMENT ORDINANCE”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on April 7, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The “Official Zoning Map” incorporated by reference into the UDO is repealed and replaced.

SECTION II. A replacement “Official Zoning Map,” incorporated herein by reference, is hereby adopted. Said replacement consists of the following document which is attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-10-21, (hereinafter “Attachment A”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals and replaces the Official Zoning Map incorporated by reference into the UDO.

****ORDINANCE CERTIFICATION****

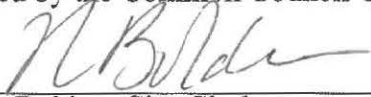
In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-24 is a true and complete copy of Plan Commission Case Number ZO-10-21 which was given a recommendation of approval by a vote of 7 Ayes, 1 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on April 5, 2021.



Date: April 7, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 5th day of April, 2021.



Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative
		Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Approval of case ZO-10-21 amends the Official Zoning Map, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Case # ZO-10-21 Memo

To: Bloomington Common Council

From: Bloomington Plan Commission
Jackie Scanlan, AICP Development Services Manager

Date: April 7, 2021

Re: Draft Zoning Map

The Plan Commission heard case ZO-10-21 on April 5, 2021. The Plan Commission voted to send the petition as amended to the Common Council with a positive recommendation with a vote of 7-1 (Sandberg). The Plan Commission voted on two amendments and both were approved and added to the petition. The first amendment involved three locations that staff identified as needing to be corrected and the second amendment was a proposal to amend a portion of a PUD.

The Planning and Transportation Department proposes to complete the Unified Development Ordinance (UDO) and Zoning Map Update process by adopting a new Official Zoning Map and amending various sections of the UDO.

Based on guidance from the 2018 Comprehensive Plan, the Department led an effort to repeal and replace the previous UDO that culminated in the 2019 adoption of a new UDO, which became effective in April 2020. Staff has worked with the new UDO since that time and has identified portions of the code that contain errors or that may require additional amending. Staff has been compiling and analyzing those potential amendments since the new UDO was adopted in 2019. A public outreach effort was initiated in October 2020 to present a draft zoning map as well as potential text amendments. The draft map and amendments were reassessed and amended after the public outreach process. A new proposal was created, and was released in February 2021.

The proposal is divided into ten (10) petitions by subject matter, and one (1) is discussed below. That petition is as follows:

1. ZO-10-21 | Proposed Zoning Map

ZO-10-21 | Proposed Zoning Map

This petition updates the Official Zoning Map in order to best apply the updated Unified Development Ordinance regulations; locates the new MS, PO, R1, R4 districts; aligns the Official Zoning Map with the goals of the Comprehensive Plan; rezones parcels to correct split zoned lots; rezones parcels that no longer match the existing or likely future uses on the site; rezones 102 PUDs to base zoning districts; rezones the MH district to match the Bloomington Hospital Site Redevelopment Master Plan Report; rezones most EM parcels to ME.

The UDO created four new base zoning districts MS, PO, R1, and R4. The MS district was designed to accommodate an adequate supply of housing opportunities for students in areas adjacent to or within easy walking distance to campus and be located along nearby commercial corridors. The Comprehensive Plan proposes that student housing should be located away from the downtown and in close proximity to Indiana University.

Staff began the process of locating the new MS district locations by looking for areas that met the UDO and Comprehensive Plan's goals. The area designated as "Gateway North" was identified in the Comprehensive Plan as an appropriate location for increased student housing. Staff selected areas for the MS district that met the purpose and goals of both the UDO and the Comprehensive Plan. Areas that were chosen for the MS district include the "Gateway North" and the Indiana & 10th "Urban Village Center" as they are identified in the Comprehensive Plan as suitable for higher density multifamily and mixed-use developments. The area directly east of the New Hospital Campus was also identified as an area which would be suitable for higher density multifamily and mixed-use developments due to its location to the new Hospital, and University in general. PUDs that met the MS district's allowed uses, specifically "Student Housing or Dormitory," and were located in close proximity to the University were included in the MS district.

Staff began the process of locating the PO district locations by identifying properties owned and operated by the City of Bloomington as official City Parks. The entrance to the Clear Creek Trail along W. Tapp Rd. was also identified as an area that would be suitable to be PO. Official City Parks located in the MD district were excluded from consideration as they are also located in Character District Overlays and have additional standards placed on them.

Staff identified areas currently zoned as RE as those best suited for the newly proposed R1 district (as proposed in ZO-08-21).

Staff began the process of locating the R4 district locations for the Public Outreach Draft by identifying locations that met the UDO and Comprehensive Plan's goals. This analysis included identifying properties that met the lot size of the zoning distinct; had access to many public services; and were accessible to pedestrians, cyclists, and vehicles. An attempt was made to locate R4 along arterials, the edges or neighborhoods, or adjacent to more intense zoning districts. PUDs that met the R4 district's dimensional standards or allowed uses, and were eligible to be rezoned to a base zoning district, were also included in the R4 district, as well. For the Public Hearings Draft, the R4 area was reduced by 78% land area and 61% of the parcels that were previously identified as R4. The remaining R4 focuses on the edges of neighborhoods, as well as PUDs that match the dimensions and/or uses of R4.

Staff analyzed all base zoned parcels within the City and identified parcels that did not align with the goals of the Comprehensive Plan, were currently split zoned, or no longer matched the current or likely future use of the property. Areas were identified as opportunities where a change in the zoning would further the goals of the Comprehensive Plan while keeping the uses on the site compatible with the surroundings. New RM areas were located in areas within close

proximity of the downtown, amenities, or the University. New MM areas were located near the new 7 Line Trail in order to encourage commercial and residential growth along the new amenity. Split zoned lots were removed from the Zoning Map by drawing the district boundaries utilizing existing property lines. Staff identified parcels that featured uses that would not be allowed in their current zoning district and identified areas were rezoning to a different base zoning district would better serve the current uses and the goals of the Comprehensive Plan.

The UDO was written with the expectation that PUDs would be expired after certain thresholds were met, after a period of inactivity, or if the PUD is no longer operating within the guidelines of the PUD. Staff analyzed all 119 of the city's currently existing PUDs. Reviewing information including but not limited to: initial year of approval, allowed uses, underlying zoning, surrounding zoning, and last year of approved petition. This data was used to identify those PUDs which were either obsolete or built out enough to warrant rezoning to one or more base zoning districts. 103 PUDs in total were identified as having met at least of the four triggers for being eligible to be rezoned:

- At least 95 percent of a PUD has been built-out [20.06.070(c)(5)(D)],
- The preliminary plan shall be considered abandoned if, three years after the approval of the preliminary plan by the Common Council, no final plan approval has been granted for any section of the Planned Unit Development [20.06.070(c)(3)(E)(2)[a]],
- 10 years after the approval of the preliminary plan by the Common Council, final plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved final plans [20.06.070(c)(3)(E)(2)[b]], or
- If a PUD is no longer proceeding in accordance with its PUD district ordinance, commitments, or time requirements imposed through the procedures in this Section 20.06.070(c) or by agreement [20.06.070(c)(5)(C)].

Staff analyzed the existing MH district ahead of Bloomington Hospital's relocation. Much of the current MH district was included in the recent Bloomington Hospital Site Redevelopment Master Plan Report. Staff matched the Master Plan's proposed zoning districts for areas included in the Report. Parcels zoned MH that were not included in the Master Plan were analyzed by staff to match the surrounding uses and the proposed districts from the Master Plan. Staff has not designated any parcels in the city to be zoned MH.

Staff analyzed all of the current zoning districts while undergoing this process and determined that parcels currently zoned EM would be better able to meet the goals of the Comprehensive Plan if they were zoned ME. Many of the areas currently zoned EM were identified as areas that did not align with the goals of the Comprehensive Plan, or no longer matched the current or likely future use of the property. This initial analysis rezoned many EM parcels to different base zoning districts, and the remaining EM areas were rezoned to ME.

Two amendments were approved at Plan Commission and are described below.

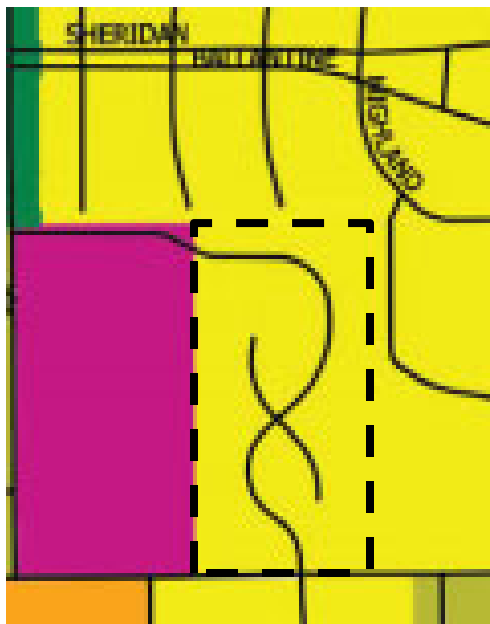
Amendment One: This set of three rezone requests was compiled by staff. The first (at the western terminus of W. 8th Street) was proposed after being questioned by the property owner

and neighborhood. The current zoning is PUD and the uses allowed in the PUD include duplex and attached townhomes, so the R4 zoning district was initially selected. However, staff was told by the petitioner that he no longer seeks to fulfill the 24 year old PUD and would like to match the surrounding R3 district. Staff analyzed the PUD documents and found that because of the apparently quite odd right-of-way that occurs in this area, the configuration shown in the PUD may not even be possible. The amendment changes the recommended district from R4 to R3. The second (The Boulders development, Weatherstone Lane, on the north side of E. Hillside Drive) is to correct an area that is developed as multifamily that was approved with the 1997 code's PRO system. The amendment changes the recommended (and existing) district from R2 to RM. The third (west of the western terminus of Duncan Drive) is to correct the map to include a rezone that was approved by Council in 2020 that added 7 acres of R2 land to the Thomson PUD. The amendment changes the recommendation from R2 to PUD. Images below show initial district colors.

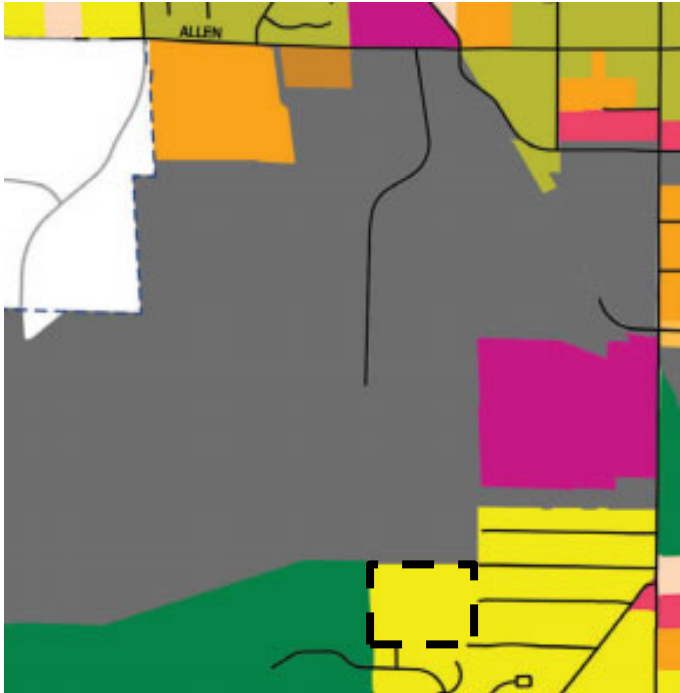
8th Street



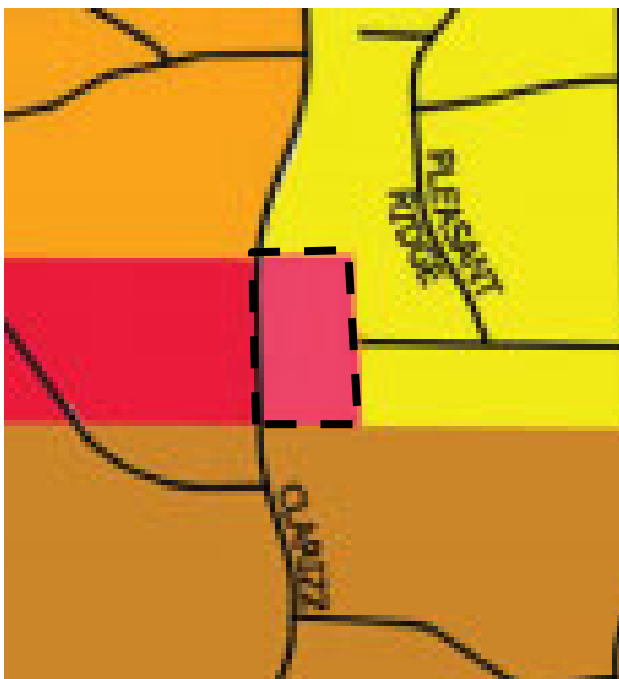
Boulders Weatherstone Lane

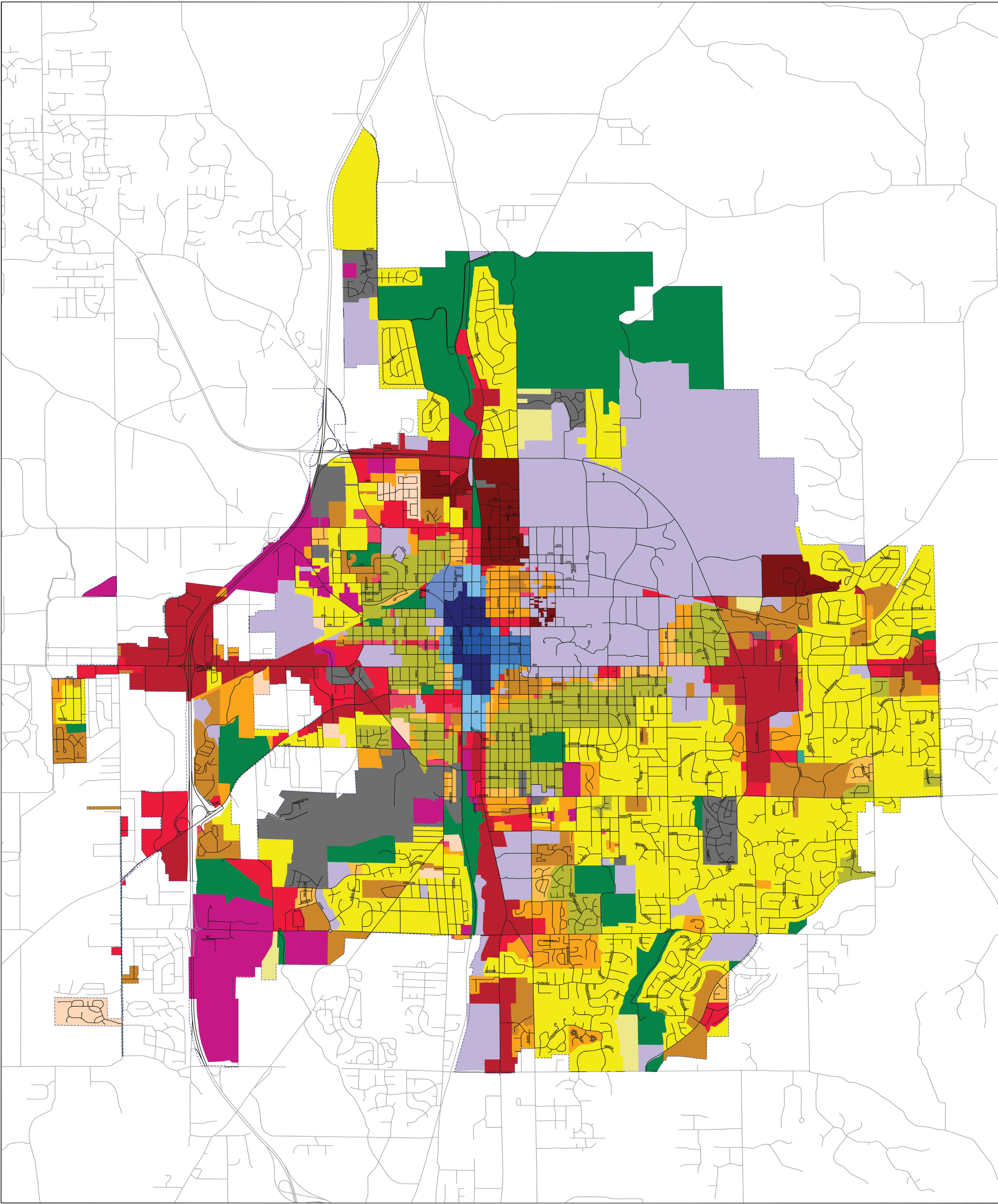


Habitat Duncan Drive



Amendment Two: This site is part of an existing PUD that is proposed to be rezoned. The PUD had very specific use regulations for the portion east of Clarizz and the focus was on the medical clinic use. The amendment changes the proposed zoning of those lots in the PUD from Mixed-Use Neighborhood (MN) to Mixed-Use Healthcare (MH), to keep with the intent of the PUD.





Zoning Districts

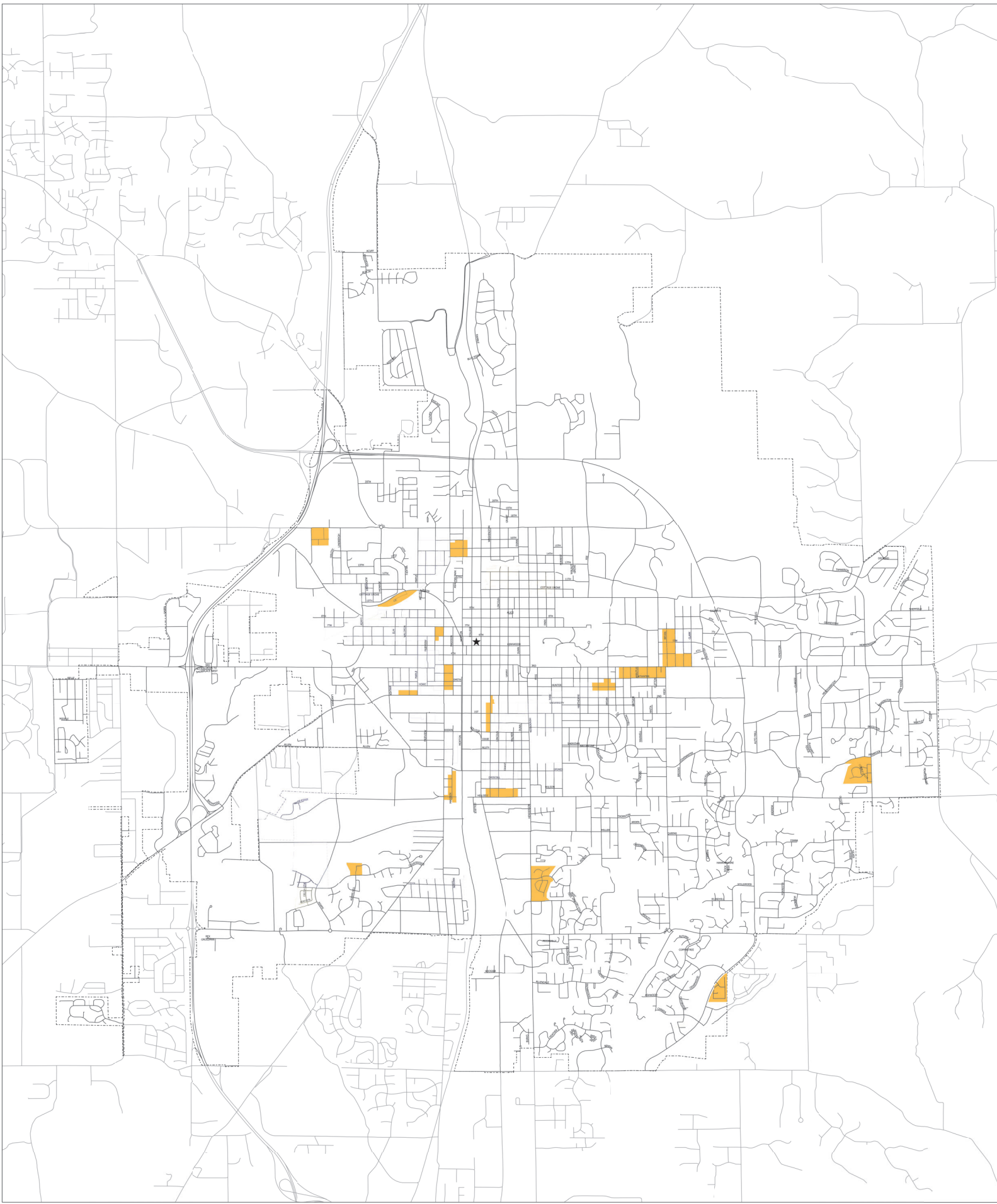
- | | | | |
|-----------------------------|---|-----------------------------------|--------------------------------|
| (R1) Residential Large Lot | (RM) Residential Multifamily | (MN) Mixed-Use Neighborhood-Scale | (MI) Mixed-Use Institutional |
| (R2) Residential Medium Lot | (RH) Residential High-Density Multifamily | (MM) Mixed-Use Medium-Scale | (MH) Mixed-Use Healthcare |
| (R3) Residential Small Lot | (RMH) Manufactured/Mobile Home Park | (MC) Mixed-Use Corridor | (PO) Parks and Open Space |
| (R4) Residential Urban | (MS) Mixed-Use Student Housing | (ME) Mixed-Use Employment | (PUD) Planned Unit Development |

Mixed-Use Downtown Overlay Zoning Districts

- | | |
|----------------------------|----------------------------|
| (MD-CS) Courthouse Square | (MD-DE) Downtown Edges |
| (MD-DC) Downtown Core | (MD-DG) Downtown Gateway |
| (MD-UV) University Village | (MD-CS) Showers Technology |

0 0.25 0.5 Miles





Map Legend

 R4 District

R4: Residential Urban District

As Recommended by the Planning and
Transportation Department & Plan Commission
04/05/21

0 0.25 0.5 Miles



Comments Emailed to Council Office Regarding UDO Amendments

October 2020 – April 2021

October 27, 2020

Dear Mayor Hamilton and Members of the Bloomington City Council,

We do not understand why and how these changes to the zoning maps and amendments to the UCO are being proposed after the City Council voted for disallowing plexes in core neighborhoods.

Residents of these areas in Bloomington attended each meeting of the City Council and strongly presented their opinions that the plexes SHOULD NOT be allowed on either permitted or conditional use.

Now, during a pandemic, we learn that this ruling is being overturned against the will of the people who LIVE in these areas and in response to young, outspoken idealists who believe that allowing plexes will address climate change, provide more affordable housing for young professionals, and increase diversity and equity in established residential areas. These goals of the UDO will not be met by allowing plexes in this part of the city.

As residents of a core neighborhood property, we believe the following:

1. Plexes WILL NOT provide more equitable and affordable housing, but will benefit developers.
2. Plexes WILL NOT make one iota of difference in the effects of climate change in our community or country. Let's listen to science on this and reduce carbon emissions at the local and national level and in accordance with allies around the world.
3. There is NO way to enforce that plexes will be occupied by family units rather than large numbers of unrelated individuals.
4. Likewise, there is no guarantee that these units will be occupied by people who are more diverse than the current residents of these areas.
5. The plan does not provide for any parking regulations within the plex properties.
6. The plan does not address any incentives for building plexes in existing locations like the Bloomington Hospital property or the K-Mart tract on the east side of town. These places are close to downtown and campus and more appropriate for plexes.

Please, please listen to the folks who are already residents of these core neighborhoods, and do not allow plexes in these areas. Once such units are allowed and built, it will be too late to consider the mistakes and consequences of allowing them to go forward, and this part of Bloomington life will be lost forever.

Bloomington residents and that you DO NOT make the proposed zoning district changes.

Sincerely,

Gail & Dave Weaver

901 S. Jordan Avenue

Bloomington, IN 47401

gail.weaver.iu@gmail.com

weaver@indiana.edu

October 28, 2020

Please support single family zoning in core neighborhoods. Neighborhoods where people are able to have green space and a space to unwind is key to a happy life. We live in Bloomington because we like living in a smaller town where we can know our neighbors and have a sense of community. Don't take this comfort away from people who have already invested in living here.

Thank you,

Karen Knight

Karen Knight, MS, LMHC Counseling Services

115 North College Ave Suite 214

Bloomington, IN 47404

812-361-3601

November 10, 2020

I am a homeowner in the city of Bloomington (actually, I own two houses at the moment, but I'm working on selling one: 1919 E Maxwell Ln., and 2301 E Woodstock Place). I have lived in Bloomington for 24 years, and I've raised a child through the Bloomington Montessori School and MCCSC schools.

I am in favor of the plan to allow duplexes and triplexes by right in the city of Bloomington, and fourplexes by condition. I don't want incoming Bloomington residents -- and there will be incoming Bloomington residents -- to be forced to live on the fringes of the city or in the county because of a ban on certain types of housing. I currently live next to a rental house, and there are duplexes on either side of my house within 100 yards. Preventing density near desirable city amenities will only spur more automobile traffic and more commuting, and will continue the current policies that are raising housing prices through the roof. And it would be nice for my son to return to a Bloomington in 30 years that isn't a sea of suburban sprawl.

Please approve the plan to allow duplexes and triplexes in Bloomington's neighborhoods. Thank you.

John Branigin

November 13, 2020

I heard about the R4 Amendment this morning on the WFIU. Can you please give me more information on this amendment? What neighborhoods or areas of downtown does this impact? Why is an amendment necessary?

Is the amendment seeking to bring multi family units to single family core neighborhoods, which was voted down when the UDO was voted on last year? If so, what prompted this decision? Also, can you send me the public comment schedule?

The city lacks both affordable single family homes and a public transportation system that is convenient for people in 9-5 jobs. Both of these are more important than expanding the R4 district. Any housing there will be subject to market prices, which means it's not likely to stay affordable. This seems like a transparent effort towards gentrification. Best, Jana McGee

November 13, 2020

I am writing to inform you I am adamantly opposed to the new UDO amendment that would allow "plex" housing development in single family neighborhoods. I attended and spoke at the meetings where this proposal was struck down earlier this year. I am extremely disappointed that the city council is reconsidering this proposal. The issues are no different now than they were back in February. This is not a solution that will avail affordable housing to low income families. This is not a solution that will allow affordable housing for anyone, and it will certainly not make our city greener. Our parking is already stretched as is our density due to the abundance of student rentals that surround us.

I ask the council to please look at alternatives that truly address our issue of affordable housing. Be diligent and sure, because once you have sold our city to the developers and those of us who love our neighborhoods have moved further out, there will be no regaining what we've lost. I don't, for a second, believe "plexes" will be owner occupied, and I don't believe rents will be affordable. They will be set by the market.

One has to wonder what the real agenda is here.

Sincerely, Jill Crawford

November 19, 2020

We're so grateful for your hard work your hard work for our core neighborhoods and understand the idealism of those supporting plexes but feel that they can be added in the city without undoing single family neighborhoods. We also expect building plexes in single family neighborhoods will backfire and hurt people's quality of life causing congestion and significant loss of green space, trees and oxygen, not to mention, decrease the number of affordable much desired single family houses. Ironically, it will add to sprawl as families move to less crowded quieter neighborhoods safer for children. It is difficult to effectively govern residents if council members disrespect and ignore the well voiced wishes of so many and eliminate the assets that attracted them to their homes and city.

With endless meetings to satisfy the majority of residents, the UDO was supposedly settled last year. The current extreme revamping of the zoning ordinance, so soon after citizens worked hard to resolve it, is clearly because of the mayor's, planners and some zealous city council members' desire to push this through. Because the mayor had no opposition in the last mayoral election and only one party has been ruling our town, many Bloomington citizens, including more and more Democrats, see the council ignoring the will of the citizens to promote your agenda.

The new outreach zoning maps we've received are shocking in blanketing the neighborhoods with plexes and the accompanying first survey was like an infomercial for your idealistic goals of sustainability and housing equity and diversity. The survey was totally biased towards saving the environment with which, of course, we agree, but it left no room for recognizing the ironic impossibility of achieving these goals by cramming too many people into our neighborhoods with plexes.

There are better alternative constructive solutions than damaging established core neighborhoods with plexes. In the core we now have infill where a house with a double lot is sold with its single lot, and the second lot, sold separately, has a new house built on it. This increases our density while preserving the neighborhood character and scale. Constructively, it doesn't undo any existing housing stock or hurt the neighbors.

A good example of adding multifamily homes in Bloomington is Deer Park, a PUD where single family houses were built next to the woods which border the adjacent original neighborhood's single-family homes. The denser housing is built around the corner from and past the new single-family houses. Aren't well designed and planned PUDs like Deer Park and Osage preferable to spotty zoning changes within established neighborhoods? Piece meal replacing of single family houses by plexes will hurt the visual context and rhythm of the neighborhoods. I was very impressed that the esteemed consultants from SOM massed like sized housing structures together to get the most possible density in the old hospital site. This also provides visual and spatial integrity.

In the name of sustainability and housing equity, too many council members are in favor of undoing recent community wide zoning decisions that preserve core neighborhoods and what's left of the character of Bloomington. The proposed zoning changes will accomplish neither. Sadly, they will be a boon to realtors and developers, many from far away from Bloomington, whose buildings will have to house high spending young professionals and/or students who can pay high rents to cover the high costs of construction and demolition of fine existing housing stock in desirable locations. Developers build to and influence what the market will bear. Good bye to home owning families who nurture their neighborhoods.

Please try to prevent the council from, in the name of progressive liberalism, using heavy-handed tactics that too much resemble those of the outgoing national administration.

Distressed and disappointed in too many city council members and the mayor,
Wendy and Ed Bernstein

December 6, 2020

I am writing to express some concerns about the plan to rezone. I've listed a few items below.

1. There are three neighborhoods near campus that have character and help make Bloomington the unique place that it is (e.g., Elm Heights, Prospect Hill, and Bryan Park). I worry that this plan will destroy the character of these core neighborhoods. Because they are closer to campus, it is no secret that developers will target these core neighborhoods. This will make Bloomington a less attractive place to live.
2. I tried to find data of a housing shortage in Bloomington and wasn't able to locate this information. Do we really have a shortage of housing, or do we have a shortage of affordable housing? It seems it is the latter. I did see that the HT highlighted that there was 9.5% vacancy rate in Bloomington in 2019. It is my understanding that is a higher percentage in 2020. Surely we could come up with a better plan that offers housing to those in need without sacrificing the character of the town by destroying core neighborhoods. Rent subsidized or controlled apartments in several neighborhoods (including the 3 core neighborhoods) is one possibility of many. Providing a

place to live for our lower income community members is a high priority for me; I don't think this proposal to rezone will address this issue.

3. Related to number 2, I am skeptical that this plan will create affordable housing for our lower income community members and will instead allow more student housing in core neighborhoods. The neighborhood behind the union is a case in point. This was a beautiful core neighborhood that defined Bloomington and has been destroyed by short-sighted decision-making.

4. As further evidence that this plan may not address affordable housing, look no further than all of the new development downtown. This downtown plan ended up being entirely student driven and focused on higher income renters. Your proposed rezone, takes this same approach. Specifically, it opens core neighborhoods up to more intense development but has no plan to make such development affordable.

Thanks very much for your time.

Suzanne Eckes
904 S. Jordan

December 8, 2020

Please refrain from rezoning Bloomington areas into multi-unit dwellings. By the way, would this rezoning include the very wealthy subdivisions which contain McMansions on multi-acre lots?

Sincerely, Jim Townsend
James T. Townsend, Distinguished Professor, Rudy Professor of Psychological and Brain Sciences, Emeritus
1101 E. 10th St.
Indiana University
Bloomington, IN 47405—7007

December 16, 2020

I hope this note finds you well and staying healthy this holiday season. I am contacting you all to give input to the upcoming meeting on plexes in my neighborhood and the tent situation in Seminary Park.

I oppose the change in zoning that would allow the building of plexes. One of the reasons I oppose this change is in Bryan Park, I believe we lack adequate infrastructure to support this type of development. I would suggest you take a drive, walk or bicycle by the houses to the east of the NE corner of Wylie and Lincoln to see how this type of development without adequate parking does not work well. Although this is not a true plex, it is a corner that has added property that houses several people.

Next, it seems to me the City of Bloomington lacks enough staff and the ability to enforce the existing codes in regard to rentals and landlords. I have not issues with HAND. If they could actually enforce policy in a timely manner, it would be better for all. Right now, the trash around rentals in the Bryan Park Neighborhood is disappointing. We have a boarded up house at 702 S Washington for example. I understand HAND has been helping to resolve this issue, but the length of time it has taken to move through this process has been unacceptable and I again, I do not blame HAND. It was the neighbors that persisted in dealing with 702 S Washington. If the city does not have the resources to hold negligent landlords accountable, what makes me believe adding more and more expansive rentals are a good idea?

Also, it seems to me the priority of the city council and the office of the mayor should be figuring out with trained professionals how to lift up the needs of the people spending time at Seminary Park and Shalom/Beacon. I do not believe the existing format is working. It is not up to the neighbors in Bryan Park Neighborhood to figure out this solution. I am not a trained professional in this area. I do know that the existing situation is stressing our BP neighborhood. People staying in tents in the park whether it be during the day or at night is not right. There has to be a better solution. Perhaps a capitol fundraising campaign to raise the funds to actually create a rehab facility and housing for people wishing to transition? As it is, it seems we are providing a place for people to buy sell and use substance. It may sound harsh, but I see it every day.

Finally, I have grown weary of being accused of being intolerant in regard to plexes and to the Shalom/Beacon and their clients. It is unfair to accuse neighbors of being racist and trying to create a fight with the poor. After a summer of multiple break ins into houses and cars, and verbal abuse from Shalom clients, I am no longer staying silent.

Thank you for your service and listening to me. I would not be contacting you all if I did not really care. I am not trying to be negative. I am trying to relay that I am sincerely concerned about both topics.

Sincerely,
Ann Schertz
Bryan Park Resident

December 16, 2020

Summary: I am requesting that action on the Plexes amendments be delayed until Spring, hopefully when the availability of vaccines will make in-person meetings viable. Making an important decision of this nature is not possible via Zoom.

We live in a core neighborhood; we bought an old "fixer-upper" in 1992 and have been living here since then, making improvements when we can. We're nearly done, although a 115-year-old house always needs some work every year.

A year ago, many people participated in the Plan Commission meetings and Common Council meetings regarding the Plexes. We thought that the issue was settled at that time.

Now, only a year later an amendment promoting Plexes in many of the core neighborhoods is dropped on us with little notice. This is during the holiday season when many people are otherwise distracted AND during the worst world-wide pandemic in a century. A pandemic that has shut down all forms of normal in-person communication. It greatly limits our ability to meet in person or in workshops with the planning staff and with you, the Common Council. We can't sit down with the planners to gather their input and hear their reasons nor exchange ideas and hear our points of view. The usual exchange of ideas is missing. Zoom meetings just are not adequate for that.

My request is not about the merits of Plexes or this new amendment, pro or con, but rather the timing of this upcoming action and the difficulty of meeting. This evening was my first effort to attend a Zoom council meeting and working through these limitations made this point even more salient. Zoning changes can impact property use for generations and once buildings are constructed, they will be there for a long time. That's why it is very

important that the decisions are well researched and thought out and that they will actually achieve the intended purpose.

The pandemic is on-going, but new vaccines are being approved and will be coming soon.

I am requesting that this amendment and decisions about the Plexes be put on hold until this Spring, April or May when the vaccines will again allow the community to begin “normal” meetings once again. It is not that far away when we can begin again to sit down and discuss these options face-to-face. Please consider my request.

Thank you,
Patrick Murray

December 16, 2020

I can't be at the meeting tonight, but wanted to submit this public comment regarding the general issues of housing and homelessness in Bloomington. I know you all care deeply about Bloomington and these issues and this comment is not at all meant personally. It is simply meant to convey my opinions about how the city as an institution should respond to housing problems. Housing to me is the ultimate local government issue as it intersects with virtually every other issue, from segregation by race and class in MCCSC elementary schools to transportation and transit to climate and homelessness and many other issues folks in Bloomington care passionately about. Housing also happens to be something local governments have a lot of control over through their tools of zoning and capital investment.

Unfortunately, Bloomington, like almost all U.S. municipalities big and small and red and blue, currently has a zoning code that exacerbates housing affordability, sustainability, and equity problems. And like most places, Bloomington also makes investments that don't always prioritize its most pressing needs. Examples of this include an annual subsidy in excess of \$100,000 for the city's golf course and recent bond issuances of \$10 million for beautification projects that include pricy city welcome monuments. All while Bloomington continues to have a serious problem with chronic homelessness. And all while the city continued to refuse to provide temporary bathrooms or handwashing stations at Seminary Square (despite rather nice bathroom facilities existing in other city parks).

Last week, we saw another stark example of how differently those with power versus those without are treated by local governments. At the same time as the city rightly pursues flexibility with its downtown restaurant community, allowing them to use tents, tables, chairs, and other structures on streets and sidewalks to help local businesses weather the storm of a pandemic, the city also attempted to further punish the homeless community with their proposal to ban tents during the day in all public parks. A day later, the city expelled some of its most vulnerable neighbors from Seminary Square in the middle of the night, despite CDC guidelines that encourage communities to pursue more flexible and gentler approaches to caring for the homeless during this public health crisis. People complained about losing some parts of streets to restaurants. And people complained about tents and garbage at Seminary Square. But the city reacted punitively in response to the latter complaints, sending a message that Bloomingtonians with less political and economic power are less welcome here. That may be the way some residents feel, but it is startling to see the local government use their power to reward such exclusionary instincts.

That instinct to push people away is certainly not new. In the coming weeks and months, the city's plan commission and city council will debate zoning changes intended to reduce the city's exclusionary zoning rules—rules that make it difficult to add homes unless they happen to be the most expensive type of house. Currently even the most modest type of multifamily home—a duplex—is illegal on the majority of Bloomington's residential land (unless such structures existed before the city made them illegal, of course). A substantial body of research identifies these restrictive zoning rules as a key driver of unaffordable, inequitable, and unsustainable housing patterns in cities and suburbs across the U.S. Here in Bloomington, we see evidence of the ill effects of exclusionary zoning in the disparate racial and economic compositions of MCCSC's elementary schools. We see it in housing prices and rents that are among the most unaffordable in the state. We see it in the way our streets fill with traffic during rush hours, as workers commute to Bloomington during the day to work and then drive back home to Bedford or Martinsville or Spencer where housing costs are lower. It is also worth wondering: What would Bloomington look like today if the community decided a couple decades ago to pursue zoning policies that didn't prioritize single-family homes over all other more affordable options? Knowing that income and wealth are highly correlated with race and ethnicity, would today's Bloomington without decades of exclusionary zoning rules be more inclusive than the one we find ourselves in today? Let's take this moment when the whole country is wrestling with structural inequities in policies at all levels of government to commit to extracting systemic inequities from the city's zoning code. Let's commit to getting back to basics and prioritizing spending needs on enormous problems like homelessness that need to be solved rather than spending public dollars on luxuries we'd like to have. The Bloomington of 2040—including tens of thousands of future residents not even born yet—depends on us doing that.

I enjoy researching and learning and teaching and talking about these issues and would love to chat sometime with any you. Three or four minutes is not enough time to discuss such a dynamic issue that plays a huge role in so many interrelated problems.

Thank you,
Dave Warren

December 16, 2020

I have been dismayed at some of the actions of this Administration, and today am writing about two issues of concern to me and to most Bloomingtonians.

First, the issue of clearing out the temporary tent structures of those unhoused in Seminary Park; I agree with the guidelines that the CDC has put forward, to be lenient during this especially difficult time. With so many hurting from lack of work, lack of healthcare, and lack of funds, and worried about contracting covid if sleeping with others inside, it is important to allow for park use overnight.

As to the larger issue of homelessness and poverty in Bloomington, we must look beyond the governmental agencies and their narrow focus, to broaden our understanding of the issues and possible solutions for these critical issues. Some issues not being discussed include: free or low cost child care, a living wage, advocating for worker's rights, creating jobs for all in our society, bringing back manufacturing and other jobs that have been shipped overseas. In housing, eliminating barriers to renting or purchasing homes by offering incentives to the same, ramping up home ownership via down-payment assistance, rehab programs, looking at land grants for housing development, thinking about Habitat 4 Humanity like strategies for container homes, or mobile home courts that can be owned by those with modest income. In the past several years much low income housing in Bloomington has been sold, bought by developers and "renovated" into housing that no longer offers

opportunities for lower income earners. We need to see creative ideas surrounding housing, ways that may involve the community in helping to build housing for our own people, who have fallen by the wayside and cannot find a way back to stability.

I had planned to speak just about the UDO mapping and R4, R3 zoning issue, and want to address that briefly. As someone who has been able to be a part of this Bloomington community over the past 20 years or so, I have felt really honored to be part of a tradition of participatory democracy that has set this little city apart from so many others across this nation. This spirit has been at the core of what makes Bloomington great; the artists, the activists, the community organizers, the people from all professions and economic groups, who have been willing to give their creative energy, and their dedication, to what they believe in, most generally as volunteers, working for nothing except the joy of building this great community.

Unfortunately, those days seem long ago, with strife and division around us everywhere, it is not just the National leadership that is failing us, pulling us apart and preventing the community building that makes a place or nation great.

The decision by this administration, to ignore the Comprehensive Plan and the UDO, and to look at areas previously designated as "safe zones" or protected areas, now, instead, is being seen as places to pack in more density, is not just outrageous, but it is heartbreaking. And the vitriol that has been thrown at anyone opposing the Administration's proposals has been unfriendly, divisive, and an earmark of this process.

What I want is a return to civility in this fair city; a place where we can come together as neighbors, with differing viewpoints, but recognizing our common humanity. I want us to get along, to talk things over, and to listen to one another. I want to be heard without having names yelled at me. There are solutions for our differing concerns, and there is room for compromise, but not with the level of deliberate baiting and negativity that is currently part of this process. Density has been discussed, and generally agreed to expanding, so that is not really the issue. The issue is where that density should be directed, and that is something that has been discussed in both the comprehensive plan and the UDO, and is being ignored by Planning. I ask that we slow down, look at this carefully, and, together come up with solutions that work for all of us.

Respectfully,
Sandra Clothier

December 17, 2020

I listened with great interest to the Wednesday night discussion of the proposed reintroduction of multi-plex housing into what has been single family zoned neighborhoods. I completely agree with the sentiments of most speakers who found it incomprehensible that this change could be seriously considered so quickly after a years long, carefully considered Comprehensive Plan was signed so very recently.

I know some of you council members personally and it is unthinkable to me that you would be trying to sneak a variation of the Comp Plan "in the middle of the night" with little opportunity for public input. However, the impression that most people seem to have (those few who have found out about this potential significant change) is that something "fishy" is going on. I am confident that you all respect this community and its members enough to provide for the same degree of thoughtful discussion on this significant change as was given the existing Comp

Plan. To be considering this dramatic change, that few people know about or have had the opportunity to comment about, is not something that is in this community's best interest.

Sincerely,
David Lawler

January 2, 2021

Please vote No on Upzoning in Bloomington.

Are there ways to make home ownership more affordable to those who have previously faced structural barriers? Yes. At the federal level, the Democratic Party has a clear agenda to address inequities of the past. There is a goal of making home ownership, or at least a safe place to live, available to all.

Is upzoning the answer? No. Tearing down historic homes in core neighborhoods so that developers can put up multiplexes incongruous with the existing built environment will not advance home ownership. Developers are interested in making money, not providing housing to those facing structural inequity. The national agenda does not include upzoning in historic neighborhoods.

Having lived in three consecutive college towns (Madison WI, Lincoln NE, and Bloomington IN) I have seen the negative effects of multiplex slip-ins in core neighborhoods. The charm of a college town is easily ruined by poor urban planning.

Vote no on upzoning.

Respectfully,
Lesa Huber, PhD

January 13, 2021

We are writing because of our concerns about up-zoning that the city and the City Council are considering.

We are well aware that the proponents of up-zoning firmly believe that up-zoning will solve a host of ills, but we fear that the result of up-zoning in its practical application will be the exact opposite of the proposal's intent, because of our population, which has a very high percentage of transient students. Our students – as much as we love everything that they bring to Bloomington, are not the people in our midst who are in need of low-income housing. Rather, they are generally middle-class, upper middle-class, or wealthy. They are often single and look for housing in groups, rather than families. While a few are in family groups, most are not. Bloomington is already over-built for students and this proposal will result in primarily about finding additional spaces for students. Its effect will be to destroy our core neighborhoods.

These are our predictions, if up-zoning is allowed in core neighborhoods of Bloomington:

- 1) Outside groups will purchase available historic homes for renovation into multiplexes, rendering them completely out of reach financially for any family to purchase. Housing costs will soar. The square footage in these typically small homes will mean that the increased density will challenge already burdened sewer, water, and other utility services. This high pressure to reap extensive financial rewards will mean that existing structures will be remodeled to include as many bedrooms as possible, regardless of rational organization of the structure.
- 2) Outside groups will then sell to real estate companies and move on, as they do not have a vested interest in Bloomington. Prices will be high, as each small home will be expected to rent by the bedroom. This will drive out first-time homeowners and create a more homogenous student-driven environment in our core neighborhoods.
- 3) Student housing in core neighborhoods will increase, as will traffic, trash, and sound pollution. Bloomington owes its existence to students but creating student ghettos in core neighborhoods is incompatible with family housing.
- 4) The small houses which can be affordable for family housing will disappear in order for landlords to make a large profit.
- 5) Bloomington will quickly become over-built due to the current expansion of residence halls at IU and the coming "enrollment cliff."
- 6) New densely built apartment complexes are designed as luxury apartment and luxury prices will have to be charged.
- 7) The bulk of increased housing will be concentrated in core neighborhoods, which are already quite crowded, while leaving vacant lots vacant, as there is no incentive to put in new buildings even though there is plenty of space in several areas that are close to the center of town.
- 8) Inequity in the core neighborhoods will result because many (or most) of the outer neighborhoods have strong "rules" and covenants in place that will prevent up-zoning to take place. The difficulty of gaining entry into these neighborhoods, will create more intensity in the core neighborhoods.
- 9) Destruction of the integrity of the Bloomington downtown area with a proliferation of multiplexes. This will result in fewer people wanting to live in these areas long-term, because of the resulting incompatibility of families vs. students.

We recommend the following:

- 1) Establishment of low-income housing in every neighborhood in Bloomington, which includes low-rent units as well as affordable houses for purchase. Maintain and sustain this affordable housing and find pockets all over the city. The hospital could be dedicated to low-income housing.
- 2) Exceptions to regular zoning required for all areas of the city, so that each development can be properly vetted.
- 3) Work consistently to provide housing that can be kept at reasonable prices for families.
- 4) Broad development throughout every neighborhood of the city and beyond its boundaries to include low-income rental and housing units (not just rental).
- 5) Sustaining accessibility of home ownership for all – not just for students and corporations.

In short, we believe that the planned proposal will result in the opposite of its intent. We believe this will happen because of the makeup of our city with a high percentage of students, who have specific needs that are in opposition to the healthy makeup of neighborhoods.

Sincerely,

Constance Cook Glen and James Glen

constancecookglen@gmail.com

jglenin@gmail.com

January 26, 2021

We write to strongly oppose the current proposals to rezone various neighborhoods in Bloomington. This is a misconceived and ill-considered effort to increase neighborhood diversity while also providing low cost housing. We support both of these objectives but urge you to find a different approach. What on earth makes you think that developers are going to rush in and build low cost housing when their objective is to make a profit. You need to consult some hard-headed economists and psychologists.

Beth and John Gallman
2111 East Queens Way
Bloomington, IN. 47401

January 27, 2021

Thank you for your time as city representatives. Your service to the public is appreciated.

On behalf of the Park Ridge Neighborhood Association, I wish to provide the neighborhood's stance on the Planning Department's multiplex proposal.

I have followed the proposal and joined our wonderful Council rep. Ron Smith and Jackie Scanlon in discussions of this second round of proposing multiplexes. The Park Ridge neighborhood is unanimous in its opposition to the proposal.

A quick summary of feedback:

- preserving single family home ownership is a priority.
- assuming the multiplex development would provide more opportunity for some on limited income (in a college town) is not valid.
- in our college dominated town, multiplexes only provide an opportunity for developers to create more investment in student rentals.
- lots of anger that this proposal was defeated last year and for it to come up again is insulting.
- Park Ridge is designated to have only duplex or (conditional) triplexes, still not acceptable.

Respecting your time, I will keep the message short: all neighbors polled are against this proposal and ask that it be rejected. Additionally, the zoom process to follow and hear this proposal is not a good process to truly hear from the public. This is an important item and deserves in-person review as well as input from all who may not have zoom access. Thank you for accepting this neighborhood opinion on the proposal.

I plan to watch the 6:30 pm meeting later today. In case I am not able to be heard during early public comment, please accept this feedback from the Park Ridge neighborhood.

Thank you—Steve Akers

Park Ridge Neighborhood Association

January 28, 2021

I'm writing to let you that Steve Aker's claim of unanimous support from the Park Ridge neighborhood is false. My household was not polled and is much in favor of missing middle housing. I can think of some other neighbors who would be as well.

What I'm not so sure about is the Park Ridge Neighborhood Association. I've lived here about seven years and was not aware it existed. That gives you an idea of how inclusive and active it is.

You'll find there's a Facebook group for the neighborhood, but nothing about this was posted there:
<https://www.facebook.com/groups/580716208714647/?ref=share>

You'll find that Steve Akers has an account on The Next Door neighborhood site, but appears not to have created a post there since 2016:

<https://nextdoor.com/profile/3794417/>

It would be interesting if Mr. Akers disclosed how many people he actually polled to declare "unanimous" support from the neighborhood and what method he used to achieve a statically representative cross section. Without any data to back up who he is representing, please take this as Steve's opinion alone.

Mark Strosberg

January 31, 2021

Please accept this clarification email message regarding feedback from Park Ridge neighbors. I wish to retract my use of the "Park Ridge Neighborhood Association" and its use as a signature as it caused some miscommunication regarding input regarding the multiplex proposal and whether neighbors supported the proposal or were against the proposal. The feedback I provided in my original message below is from neighbors polled from an email distribution list I maintain that supports communication among neighbors.

The message below is from "Park Ridge neighbors" and not the Association or Park Ridge as a whole. The feedback represents those neighbors who I polled from the email list who replied to my query regarding the proposal.

Since the message was sent on 1/27, I have learned of some neighbors who support the proposal and some additional neighbors who are against the proposal. I will continue to encourage neighbors to communicate their opinion on the proposal to our Council rep. Ron Smith and to all members of the City Council. The summary feedback comments listed below are not my comments but comments I received from Park Ridge neighbors. I acted as a collector of information for your benefit as you weigh the viewpoints of city residents regarding the multiplex proposal.

I will share this clarification with the Park Ridge neighborhood email list as well as the Park Ridge Facebook page members.

Please reply to me if you wish further clarification.

Thank you -

Steve Akers

February 6, 2021

What's the rush?? Barreling toward 'plexing our successful neighborhoods barely a year after we'd decided not to, and now in the midst of a pandemic, when normal meetings can't be held -- WHY?? The determined haste of this new effort is a betrayal of 2019's efforts, the Comprehensive Growth Plan, and the commitments made by a decades-long durable mix of homeowners to create and keep good neighborhoods, with owners and renters and houses diverse in age, \$\$ value, and history.

The suburb I grew up in back east was new, with one spindly sapling in each front yard, no sidewalks; the “downtown” was a vestigial library and a maze of hideous strip malls. Ever since, I have sought Real Towns: walkable, human-scale, individualized. Bloomington is the most recent, and the solid older neighborhoods with the Great College Town vibe were one reason I accepted the IU offer.

We lucked into a house in Elm Heights ten years ago, after a rushed (no time to shop) stint in an all-taupe subdivision near the Y. Now I walk everywhere; in the last 30 days, I’ve put only 78 miles on my car, mostly for downtown Kroger curbside, the recycling center, and meeting a friend at hiking trails. Some of my best walks, miles every day, are along these tidy neighborhood streets, with sidewalks and big trees and a mix of non-huge homes on small lots, no two alike, seniors fetching their mail, people of all ages walking dogs, actually interesting...and now ADUs allow for aging in place: how charming!

It’s less charming on the multiplexed edges of campus, where student rentals feature yards full of Solo cups and overturned chairs, IU flags or bedsheets as curtains, cars parked every which way in alleys, and general degradation. Upzoning/plexing the established neighborhoods to expand this blight, or to invite builders to raze our houses for guaranteed high-rent income streams, losing owner-occupancy on those buildings forever, just seems crazy. I’m all for dense housing – have loved my apartments and condos – but there’s room for that nearby, such as across 1st Street from Kroger, or the hospital site, or K-Mart. And meanwhile we have the frozen homeless, camping in the park?? While we’re focusing on upzoning already-diverse stable neighborhoods??? Shame on Bloomington!

PLEASE, stop this crazy forced-march upzoning scheme, give time to think things through after the pandemic, look at other densification possibilities, and deal with the homeless crisis first. Plexing should not be top priority, and I truly wonder why it is. We didn’t elect Mayor Hamilton to destroy the neighborhoods. What’s up??

Beau Vallance, 1300 E Southdowns Dr

March 7, 2021

Bloomington has an urgent need for good, affordable housing. Irrevocably liquidating the affordable housing we now have is NOT a responsible first step. If you will not give affordable housing the paramount attention it deserves, at least you can stop plans for its destruction.

Sincerely

Alice Leake

March 17, 2021

I have been thinking deeply and trying to learn as much as possible about the proposed changes to the zoning ordinance including the map and the newly created R4 district. **-SEE ATTACHED-**

While I appreciate the intention of creating a district that offers a transition between the R1-R3 districts and the more urban districts, I hope you will consider these two objections to the current map and remove the two areas of R4 proposed within the Bryan Park Neighborhood.

In principle, I support increasing density along the edges of neighborhood on traffic corridors like the new construction I've noticed along Walnut. However, Washington Street is a walkable, bike-able, tree-lined route within the neighborhood. Are there not enough areas, truly at the edges along traffic corridors that can be developed? It seems possible to me that if development (consistent with the R4 district) is desired within the neighborhood in this area of Washington Street, it should be done on a case-by-case basis and not by right to ensure that the integrity of this pedestrian and bike-friendly area along Washington is maintained.

For the area along Hillside and north to Wilson, from my perspective, the corner developments at Hillside and Henderson are examples of how, through the PUD process, the neighborhood gained pedestrian friendly sidewalks and now the bike path extension to the B-link path that have enhance this neighborhood node in ways that are pedestrian friendly and desirable. My concern is that by right R4 development along Hillside and into the neighborhood as far north as Wilson, will not result in the type of pedestrian friendly improvements to sidewalks (with a tree buffer) and other infrastructure improvements that would make increased density in this specific area of Bryan Park successful.

The Comprehensive Plan is clear in where higher density should be located: at the edges and along transit routes. These two proposed R4 zones are more than at the edges but rather within the Bryan Park Neighborhood. The Comprehensive Plan also says neighborhoods should not be the focus of the city's increasing density. Please consider these two objections to the proposed zoning map.

Sincerely,
Jean Lennon
1404 S Dunn Street
269-615-4993

March 25, 2021

Just a note about the west side from the US Census Bureau, please see the attached 2013-2017 5-year estimates of households receiving SNAP or food stamps. Maybe these numbers help you understand class diversification on the west side of Bloomington. I still feel mystified by the cultivated notion of core neighbors as being elitist.

Please consider the **attached information** when you make your decision for amendment 1 (to pause for changing population and economic realities). Please also consider this information for the long run. Below and attached is a map from census data.

The red area are the areas that will be affected by a zoning change, the areas where the most people receive more SNAP and food stamp help. Mostly west, southwest, south, northwest and far northeast sides from the downtown.

The yellow areas, on the mostly east side, are the areas where there are subdivisions with covenants that specify one residence per lot, and will not be as directly affected by zoning changes. These are the covenants that may include the unsavory and illegal racist elements, and other components of the covenants re/one-household-per-lot are legal and followed for the most part.

If folks in the red areas, who may be tempted to take advantage of gentrified increase in property value, sell their houses (nest eggs), where will they put the money? And where can they live as frugally as the mostly small, old house mortgage payments or low rents?

If more gentrification and upzoning happens to these red areas, taxes will increase on households even though there is a cap. Taxes on my 800-square-foot house, for example, may raise \$400 a year. That may not mean much to you.

Development of the built environment and its relation to our healthy city may need a facelift as seriously as our concepts about health and community. The trickle down theories have caused some problems, and the development community may want to help.

We're all in this together. Many small businesses have closed and many people have lost their incomes recently. We can figure this out, but we might want to shift our priorities from profit and building. Can you trust the census bureau stats? Please do.

Thank you very much for your continued hard work.

Best, Cynthia
Cynthia. Bretheim

April 2, 2021

I reside in Prospect Hill. I relocated to Bloomington approximately 13 years ago.

While looking for the house in Bloomington that would be my perfect home while continuing to work and then retired, I found it difficult to find that home. After working with a locale relator, I finally decide not to look at anything located east of Walnut Street. I made this choice due to my desire to live in town while living in a single family, owner occupied home. I did not want to live where it was/is predominately students.

The process I had to go through while renovation was taking place on my house was brutal, HAND was active in protecting the Prospect Neighborhood. I wanted to put a 2nd story on my garage, for my personal use and HAND would not allow it. I took that as a sign the basic core values, structures and the state of preservation would remain intact. I became supportive of the process for neighborhood protection and the value HAND provided. I feel this sense of protection is being removed by the up-zoning proposal.

I have seen many new high rise housing opportunities during my time in Bloomington. When I look at the properties now on College and Walnut Street, 11th Street, previous Roger's properties, and Muller drive. I know there are other multifamily building which have been brought to Bloomington by larger corporate partners and not locale residences. I am sad that core, single family neighborhoods (mine) must be sacrificed and no longer protected.

I am concerned the decisions allowing increase density around up-zoning will immediately and futuristically harm the wonderful city of Bloomington. I cannot believe the proposed up-zoning proposed will created "affordable housing" in Bloomington and I know it will disrupt the quality of living for people who have already invested in Bloomington and by living in single family metro neighborhoods.

Please reconsider your support and protect the value of single-family neighborhoods in Bloomington. Please stop the up-zoning in Bloomington.

Sincerely-
Ron Mobley
705 W 4th Street
Bloomington, In 47404
812-320-8250

April 6, 2021

I hope that you will not accept the report of the Planning Commission which gives free rein to duplexes in the core neighborhoods. This will destroy those neighborhoods and will not, I believe lead to an increase in affordable housing.

There are two reasons. A study was done by two people in the Bryan Park Neighborhood and they found that the cost of building duplexes in core neighborhoods would be such that in order to make money from their investment, the cost or rent of the duplexes would not be affordable.

The second thing is that developers and/or landlords want to make money and the way to do that is to attract students because three students in a house or plex can afford higher rents than an family or couple or single person, because they bring three separate individual financial resources. The core neighborhoods are very popular with students.

If Bloomington had not become responsible for housing about 75% of IU's students we would have plenty of affordable housing. What are the chances of the City talking to the University about IU funding some affordable housing?

Please be willing to slow down, and take a careful look at the duplex plans. Once a core neighborhood's character changes, it cannot be recovered. For example look all the area north of 7th street and between Walnut and Woodlawn. That was once a thriving neighborhood and now is it nothing but a student dominated area.

Intellectual theories are all very well, but we are dealing with Bloomington and with how the core neighborhoods thrive as they are. We are not dealing with other cities and what they have done, we are dealing with a specific place and a specific town. The Core Neighborhoods and Bloomington.

And we are thinking of all the suburban areas in Bloomington who are not affected at all...

Please don't swamp the core neighborhoods with plexes.

Sincerely,
Antonia Matthew

April 7, 2021

I urge you not to pass the current re-zoning proposal which will harm our core neighborhoods. The changes will not enhance the area but will most certainly pad developer pockets.

Sincerely

Pam and Ken Roberts

Elm Heights

April 7, 2021

The Bloomington Plan Commission, acting in collusion with the Mayor's Office, is remarkably determined to ignore the wishes of the public and push through a shortsighted, damaging rezoning of our core neighborhoods to allow for plex development. This developer-friendly move could not be achieved previously through democratic means, so the game now is to simply ram this change down the throats of Bloomington residents irrespective of the costs. I implore the Bloomington City Council to stand for the citizens of Bloomington and vote NO on the proposed changes to the UDO.

Furthermore, why not direct affordable housing development towards the vacant K-Mart, Mall (Macy's end), Marsh and other such properties that will never again find commercial use? Those sites offer ready access to groceries, retail, public transportation, medical care (new hospital) and other services. Such an approach could transform the eastern gateway to Bloomington from a growing sea of vacant asphalt to affordable housing with green space, and that in turn could revitalize areas in close proximity. It would also present developers and real-estate interests with substantial economic opportunities - literally acres and acres of buildable land which currently is a deteriorating eyesore. There are similar areas all around the city. This is the kind of win-win the citizens of this community could stand behind, and one that increases the stock of affordable housing for the community while protecting the very character of this special place in south-central Indiana we call home.

Respectfully,

Ken Roberts

homeowner and resident of Bloomington for 20+ years

April 8, 2021

My partner Michael Nelson and I support the construction of affordable housing in Bloomington; we support the inclusion of accessible transitional and group housing in our neighborhood that assists residents confronting poverty, addiction, domestic violence, and reentry into our community after incarceration. We support higher taxes from the city, county, and state to support such efforts.

We are concerned, however, about recent amendments to the UDO that will allow multi-plex housing in neighborhoods near downtown and ask the Council to not pass this ordinance in any current form or form like it. Our concerns are the following:

What mechanism ensures that these bi-, tri, and in some places, quad-plexes will actually be rented to low-income residents? No one has been able to answer this question for us clearly and convincingly. Lots of plexes are expensive to rent; we have examples already in our neighborhood. The assumption that plexes are defacto affordable is flawed, and it's a flaw too serious to base a whole housing development plan upon.

The ordinance deregulates development, and deregulation rarely benefits individuals. Instead, it benefits those who control capital and who will profit from development. We are concerned that unregulated re-development projects simply open the door for dense, high-rent properties that will be predominantly filled by those who can

afford high rents—undergraduate students (who have driven high-rent costs in this town for decades)—not low-income residents. Without regulation, these up-costing developments will not be called upon to address existing problems (parking, noise, drainage, and water pressure—to name a few).

We already have structures in place for affordable housing and we need more that will actually work. We are supportive of the high-rise developments downtown—when many of our political allies are not—because they have drawn student rentals out of small houses south and west of campus and downtown and allowed those single-family properties to return to owner-occupied housing stock. This shift has allowed for first-time home buyers to live near town/campus and to find affordable properties.

Bloomington has plenty of evidence of unregulated development and its unanticipated consequences. We've lived—renting and purchasing properties—in Bloomington since the 1980s. We've seen neighborhoods destroyed by unregulated student-housing development: Perhaps the most egregious case is the Burnham properties at 3rd and Dunn: a series of Victorian single and two-story houses that were affordably rented until replaced with expensive, high-density housing. The Cottage Grove neighborhood north of campus has changed markedly and there are fewer family homes there because of crowding, noise, and parking issues. The list goes on. Why add the few remaining family neighborhoods near downtown to that list when we have scant evidence that in our context plexes will be affordable?

Please consider long-term effects of new development plans moving forward.

If we really want to provide housing options in near west and south/east neighborhoods, then let's aim to build affordable housing, not let real estate developers build buildings we merely hope will be accessible to low-income renters.

In short, we'd like to see the council:

- Listen to the majority of voters and residents on the issue
- Oppose the upzoning plan because it will not lead to affordable housing
- Oppose deregulation that benefits investors, not renters
- Design a plan for moving forward that provides affordable housing qua affordable housing
- Protect single-domicile properties in a range of prices
- Highly regulate development in our small, already dense neighborhoods
- Provide city funding for mortgage assistance and rent subsidy so that low-income residents can afford the housing stock already on the market

Sincerely,

Michael Nelson and Laura Plummer
811 S. Anita Street
Bloomington, IN 47401
Laura's C: 812-369-7692
Laura's E: lplummer@iu.edu

Testimony before the Bloomington City Council
Dr. Russell Skiba
December 17, 2020

Thank you for the opportunity to speak on the topic of the upzoning amendment to Bloomington's UDO.

In their rollout of the proposal in October, the Planning Department argued that this upzoning would help meet the Comprehensive Plan's goals of providing "equitable access to housing" and an increase in affordable housing.

I'm a Professor Emeritus, having worked for 25 years at IU as a researcher in the field of racial justice, particularly racial disparities in education. I've worked with MCCSC and the City of Bloomington, testified before the General Assembly, and have been invited to present to the U.S. Civil Rights Commission and the Congressional Black Caucus.

So when I hear about a strategy that promises increased equity, my immediate impulse is to look at the evidence. To what extent does the literature, especially the most recent studies, support claims that upzoning improves equity and affordability in housing, and increases home-buying opportunities in lower income areas? The brief answer is—it doesn't.

Far from encouraging affordability, upzoning has consistently been found to result in a decrease in affordability, an increase in property taxes, an increase in average rents, and a reduction in affordable housing units.¹ In a recent study of New York neighborhoods that had been upzoned over a 10 year period, one researcher found a substantial increase in property values, with no increase in affordable housing, leading him to conclude "For those hoping to address affordability, they may need to look for other solutions."²

As a result, upzoning has not been shown to make a contribution to equity for people of color and lower income residents, but rather to lead to "racial displacement" in upzoned areas. Upzoning has been found to increase the process of gentrification, and the upward pressure on mortgage payments and rents this brings has been found to drive Black and Latinx residents out, not draw them in.³ One study found what it called "drastic decreases" in Black and Latino populations in upzoned neighborhoods in New York City after a decade of zoning changes.⁴ Another showed that, while White presence has in general decreased in New York City, the

¹ Angotti, T., & Morse, S. (2016). *Zoned out! Race, displacement, and city planning in New York City*.

² Freemark, Y. (2020). Upzoning Chicago: Impacts of a zoning reform on property values and housing construction. *Urban Affairs Review*, 56(3), 758–789. (p. 783) <https://doi.org/10.1177/1078087418824672>

³ Pough, B. (2018) Neighborhood upzoning and racial displacement: A potential target for disparate impact litigation? *University of Pennsylvania Journal of Law and Social Change*, 21, 267.

Available at: <https://scholarship.law.upenn.edu/jlasc/vol21/iss4/1>

⁴ Churches United for Fair Housing (2019). *Zoning and racialized displacement in NYC*. Retrieved from <https://ny.curbed.com/2019/12/5/20995175/nyc-rezonings-racial-displacement-jumaane-williams>.

White population *increased* in upzoned neighborhoods, leading to the conclusion that “concerns around gentrification and an influx of White residents following an upzoning are warranted.”⁵

As a result of these displacements, upzoning has proven tremendously unpopular among those it is ostensibly intended to help. There have been numerous protests against upzoning in New York and Los Angeles, mostly involving residents of color and lower income residents.⁶

One interesting aspect of these studies is that the planning process necessary for upzoning is typically described as lengthy and involved.⁷ In Bloomington, the proposed upzoning amendment, after being soundly rejected by the community and city council last year, was re-introduced a mere two months ago, with little opportunity for community input, for an exceptionally brief period during which most of the country was paying attention to the pandemic and the election.

Together with the recent removal of the Seminary Square encampment, this represents a disturbing pattern of arbitrary and precipitous policymaking on the part of the Mayor’s office. Just over four weeks ago, our country rejected just this kind of undemocratic leadership. It is surprising and disconcerting to see Bloomington’s Mayor acting in a similar manner.

If we are truly interested in increasing equity and affordability in housing, let’s do it right. Convene community forums to shine a light on the issue. Commission a task force to study a wide range of alternatives, and find out how those alternatives have fared in towns similar to ours. Use the results of those efforts to structure a long-term agenda that encourages, rather than suppresses, community input. The current approach from the Mayor’s office has done none of these things. I urge the Council to soundly reject this ill-considered attempt to use equity and affordability as a cover for bad policy.

Thank you.

Contact: Russ Skiba, skiba@indiana.edu

⁵ Aravena, I., Lopatina, A., Nazarian, A., Rose, D., & Yao, Y. (2020). *Zoned Out? Examining the Effect of Upzoning on Neighborhood Demographic Trends: A Fixed Effects Analysis*. (Paper CAP-GP 3148: Advanced Research Projects in Quantitative Analysis). New York: New York University.

⁶ Kendall, M. (2020). “Protesters take over press conference announcing new California housing bill.” *The Mercury News*. Retrieved from <https://www.mercurynews.com/2020/01/07/moms-4-housing-takes-over-press-conference-announcing-new-housing-bill/>

⁷ Pough (2018)

When Did Neighborhood Become a Dirty Word?

Let's call the upzoning plan an urbanization plan because it's increasingly clear that's the goal of the Mayor and Plan Commission. Clever messaging presents it as an affordable housing plan in order to gain support. Affordable housing is one of the most important issues we face. However, most of those pushing upzoning know that this plan that will not impact housing affordability that can only be guaranteed by government—an option not readily available in Indiana. Upzoning supporters gush about the climate benefits to increasing density and eliminating cars to reduce carbon. Their vision is that left-leaning, bicycle-riding IT professionals will be swarming to Bloomington because now they can live in an older home divided into a duplex.

Those of us who live in those older homes now know that the intent of this 'upzoning' plan is to destroy our neighborhoods in order to create this urban Mecca. They want our real estate to create an urban Bloomington. This is why the administration has focused on downtown development instead of the walkable villages in the Comprehensive Plan. Simply asking for time to collect more data, get meaningful community input when we are able to have in-person gatherings was stonewalled by the Plan Commission in favor a 'no guardrails' approach to zoning. These proposals are being shoved through without the community fully engaged in the discussion.

Now, it's up to the City Council to develop a backbone and standup to this de-regulation of zoning, right out of the Libertarian/GOP playbook. Bloomington residents are angry and rightly so. You are tampering with our homes, our neighborhoods, our quality of life. You are changing the rules in ways you can't predict or control. Is the plan to get this railroad through with maximum time before the next election in the hope that the voting public will forget? We won't. By then, we'll all be living with the results and we'll be looking for accountability.

How often we hear that Bloomington is a special place! This pitch will be part of the marketing plan used to appeal to sought-after populations expected to transform Bloomington into the next Austin. So—what makes Bloomington special? It's vibrant music, live theater and visual art scene; great restaurants; abundant volunteers supporting a range of non-profits; and, excellent public schools.

Bloomington's "specialness" can be attributed to a community where engaged residents work to create a better quality of life. We care about the issues and vote. We are the newly retired who have flocked to Bloomington providing both financial support and labor, longtime residents who take care of their houses and neighborhoods, young families and children of all races and economic levels seeking safety and peace. We go to restaurants during the week; support the arts from Cardinal and BPP to Lotus; buy from local artists; and, staff and give money to political campaigns. We are the families who raise children in these neighborhoods, watching out for neighbors and fighting for strong public schools.

We are being shamed and name-called for caring about our community when we know all too well what will happen when we are surrounded by transient student renters—parties, cars clogging the streets, trash. And, they won't vote.

Why are those officials who have been elected (often with our donations) or hired (with our tax dollars) to preserve and enhance our quality of life doing this? Who benefits?

If you are newly retired or a family looking for a great place to live, Bloomington is putting out a big sign that says, WE DON'T WANT YOU. WE DON'T CARE ABOUT YOU!

Thank you,

Nancy Hutchens
801 S. Anita Street
Bloomington
812-360-3934

Christine Matheu
1016 S. Highland Ave.
Bloomington, IN 47401
January 13, 2021

Bloomington City Council
City Hall
7th & Morton St.
Bloomington, IN 47404

To Members of the Bloomington City Council:

I am writing to request that members of Bloomington City Council vote against any proposed up-zoning changes to Bloomington's core neighborhoods. If higher density is indeed the goal of the City Council for up-zoning, I would ask that the City Council and Plan Commission consider more suitable locations for high-density housing, such as the K-Mart land parcel on Third Street or land along South Walnut St. both of which may be well-served by density.

As a resident who lives south of the IU campus, but not in the historic district, I am particularly vulnerable to the risk of developers building plexes in my neighborhood. The issue of up-zoning was discussed at length with the City Council in 2019 and many residents voiced their concerns and objections vehemently at that time. The City Council responded appropriately. Those of us who live in core neighborhoods thought the issue had been sensibly laid to rest and that the City Council was following earlier recommendations stated in the UDO at that time. I find the decision by the current City Council to re-surface the up-zoning issue particularly egregious. On a personal level I find the anxiety created by the current national political scene and the pandemic crisis already overwhelming. For the City Council and Planning Commission to attempt to push through a zoning change creates even more anxiety and insecurity for me and for other homeowners who would be affected by this change. The decision to push through up-zoning at this time seems like a device often used by developers when trying to push through unpopular zoning changes. The dirty work is done while people are pre-occupied with other pressing issues or when people are not around to complain or interfere with their goals.

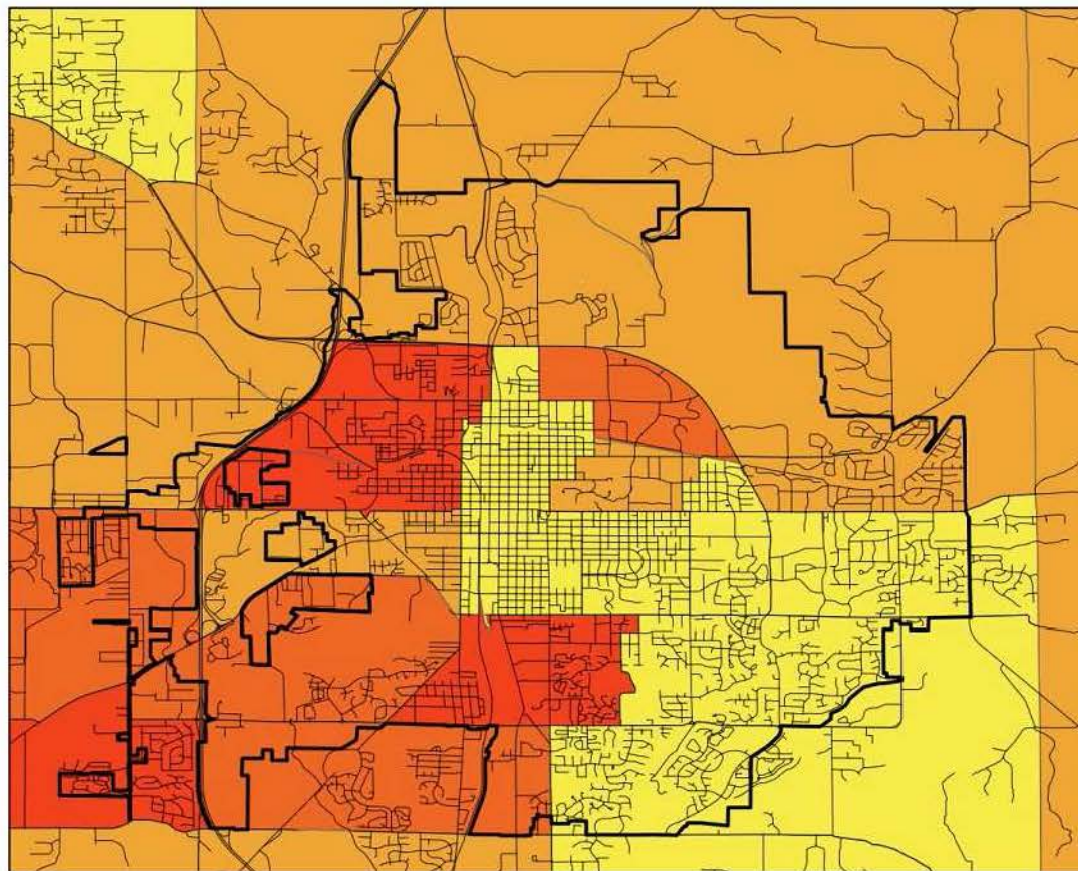
Some members of the City Council seem to have an agenda that is clearly not supported by most citizens who live in the neighborhoods that would be altered. Many City Council members who appear to be in support of up-zoning don't reside in the neighborhoods most affected by the proposed up-zoning changes. It seems very little of this has to do with claims about sustainability or accessible housing. Rather it seems to be a result of being hood-winked by developers and industry groups, such as the NMHC and the ULI, pushing de-regulation for profit, something not unlike what has been going on in the federal government over the last four years. It is truly disheartening for those of us who love Bloomington.

I ask that the City Council not support proposed up-zoning in Bloomington's core neighborhoods.

Sincerely,

Christine Matheu

Percent of Households Receiving SNAP or Food Stamps



Legend

— Road Centerlines

▬ Bloomington Municipal Boundary

Percent of Households Receiving SNAP/Food Stamps

≤5%

≤10%

≤15%

≤30%

0 0.75 1.5 3 Miles



Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Written Objections: Public Hearings Draft

A form to submit a written objection to ZO-10-21 - New Zoning Map - Official Zoning Map will be changed to locate the new PO - Parks and Open Space, R4 - Residential Urban, and MS - Mixed-Use Student Housing zoning districts; to correct split zone lots; to rezone the MH - Mixed-Use Healthcare district, where Bloomington Hospital is currently located; to rezone PUDs - Planned Unit Developments; to rezone RE to R1 while amending uses to align with RE; and to adjust some zoning district boundaries in order to align with the Comprehensive Plan.

Written Objection to ZO-10-21 *

Please see map included.

Please remove the R4 zone along E. Hillside, between the alley (at S. Palmer) to the alley (at S. Walnut), and from E. Hillside to E. Wilson. The proposed change to R4 encompasses 59 fully developed single-family lots, developed between the 1920s to 1940s, and lots on Palmer were developed in the 1990s. However, only 10 of the 59 lots are on the edge of the neighborhood on Hillside. The other 49 are located inside the neighborhood. The Comprehensive Plan guides higher density to the edges of neighborhoods only, and it cautions that it should be added “only if appropriate”.

This area is not appropriate for by right R4 development because it presents enormous infrastructure challenges that requires a comprehensive improvement plan for the overall area to insure a successful outcome. Any new edge development along Hillside deserves a full subarea study and public infrastructure investment. Given the successful urban node at Henderson and Hillside, changes along this busy corridor should be linked to this development.

The prevailing development pattern in this area is extremely dense at about 0.12 acres (5,227 sq. ft.) per lot and most of the houses are very modest in size. The area includes a mixture of owner occupied and rental. Palmer contains most of the rental stock. Nearly all the streets (Wilson, Grant, and Palmer) were built sub standardly, and lack basics, such as sidewalk systems, storm sewers, curbs, gutters and are very narrow with deep ruts. Hillside is a hostile street. It is very busy with fast traffic, is narrow and lacks a tree plot between the street and sidewalk. The lots run east to west, parallel with Hillside, except 2 lots that were subdivided to create 4 half lots. Therefore, only 4 houses face Hillside. Side setbacks are narrow which places the south wall only a few feet from the sidewalk and heavy traffic. Because Washington, Lincoln, and Palmer dead end into Hillside, and Grant dead ends at Southern, this area lacks connectivity and is often congested with parked cars.

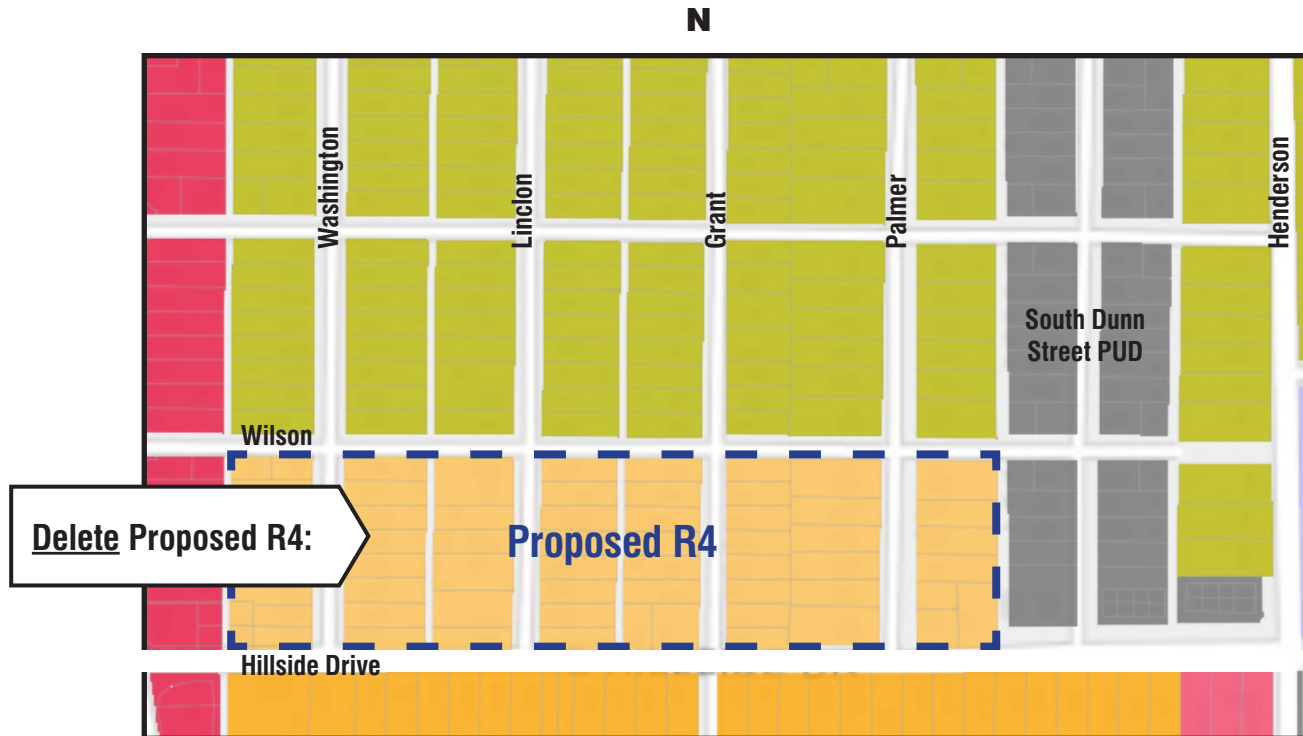
Creating a pedestrian friendly edge to the neighborhood along Hillside will be challenging, but if successfully completed, will be a true asset for the neighborhood and city. The South Dunn PUD at Henderson and Hillside demonstrates how wonderfully a street can be remade. By right development would only exacerbate the problems along Hillside. Redevelopment in this area

needs to be done carefully and sensitively rather than through a patchwork of rebuilding that by-right R4 zone would generate.

Regardless of what happens along Hillside, the houses within the neighborhood are a valuable resource for naturally occurring affordable housing (NOAH), for rent as well as offer an opportunity for homeownership and must be protected. The lots are small, the houses are modest, but well-built and some have distinctive character. Small houses on small parcels of land will always be less expensive. R4 zoning incentivizes rental opportunities and must be avoided. The Comprehensive Plan advises: “we must beware of gentrification which removes older, affordable housing options and replaces them with new, high priced housing options. And the American Planners Association’s “Policy Housing Guide” states: that preservation of the existing affordable housing stock is critical for protecting older owner-occupied and renter-occupied housing. These types of housing units are often the dominant building fabric and largest source of naturally occurring affordable housing for many inner-ring neighborhoods.”

Thank you for this consideration.

E. Hillside Drive Delete Proposed R4



Written Objections: Public Hearings Draft

A form to submit a written objection to ZO-10-21 - New Zoning Map - Official Zoning Map will be changed to locate the new PO - Parks and Open Space, R4 - Residential Urban, and MS - Mixed-Use Student Housing zoning districts; to correct split zone lots; to rezone the MH - Mixed-Use Healthcare district, where Bloomington Hospital is currently located; to rezone PUDs - Planned Unit Developments; to rezone RE to R1 while amending uses to align with RE; and to adjust some zoning district boundaries in order to align with the Comprehensive Plan.

Written Objection to ZO-10-21 *

Map included.

Please consider deleting the zoning change to R4 zoning of the area along S. Washington street, between Second to Allen, to R3. Move the division between R3 and R4 to the alley between Walnut and Washington, where it has been for decades. Zones typically divide along the length of alleys and at natural features not down the middle of a street. Keeping each block face in the same zone fosters a higher degree of streetscape integrity by allowing each block face to relate to the other side of the street. This will protect the sense of harmony, scale, rhythm, and bulk along this established neighborhood street.

This location along Washington is not suitable for R4 zoning as it is not a transit route and is located within the neighborhood rather than at its edge. The Comprehensive Plan unambiguously guides higher density to edges, along transit routes, and then only if appropriate. It specifies, "Existing core neighborhoods should not be the focus of the city's increasing density".

The area consists of 58 fully developed lots, this includes 55 single-family houses, 2 apartment structures and 1 church. Nearly all the houses are listed on the SHAARD as "contributing" or greater and were built in the early part of the last century. Washington is densely populated; the street has parking on one side which is almost always full. Adding more street parking would be a problem.

The American Planning Association's "Housing Policy Guide", states, "Local jurisdictions should ensure that comprehensive housing plan policy recommendations support the preservation of existing housing stock as a key component of those plans. Incentivizing and/or mandating the preservation of existing affordable housing is also often the most sustainable way a municipality can ensure housing provision." And Bloomington's Comprehensive Plan does include this guidance, "Through re-use rather than replacement of historic structures, historic preservation can be a way to both preserve the physical heritage of the community and enhance affordability

and sustainability. It is essential to consider the benefits of historic preservation alongside those of affordability, compatibility, and innovation.”

It is inappropriate to encourage new by-right and higher-density development along south Washington because it would require demolition of the most complete intact fabric of historic houses in the Bryan Park neighborhood. The smaller houses are a mixture of owner-occupied and rental. Many of the larger houses have already been transformed into multifamily duplexes, triplex, fourplexes and tiny efficiency apartments which are in an affordable range. The danger with changing this area to R4 zoning is that it incentivizes demolition and replacement for higher density, more upscale and expensive housing.

Washington is one of the few streets within the neighborhood that has complete sidewalks, some are restored brick from the early part of the last century. South Washington is walkable and has a consistent feel with small lots, narrow front yards, prominent front porches, and a gracious tree canopy. Several houses have been rentals since the 1970s, however there is a trend toward renovation. R3 zoning would encourage stabilization and boost the city’s goal to support and promote affordable home ownership as another method of affordability that can help to raise and keep residents from poverty while they build equity and security in the local community.

Thank you for this consideration.

Map included

South Washington Street Delete Proposed R4



A Call for Transparent Usage of Data in Public Policy-Making

By Jean Simonian

Abstract: It is often posited in public policy discussions in Bloomington, Indiana that the city has an urgent shortage of housing. In fact, Bloomington's population growth has been slower than city planners have often suggested, and shows signs of shifting outward to Monroe County. In-person attendance at the Indiana University Bloomington campus has been declining since 2011 and will drop further due to the "enrollment cliff" projected to peak in 2025 and continue to 2037 at least. Analysis of available apartment occupancy data suggests the vacancy rate the city has put forward to justify its recent upzoning proposals has been understated; in fact, Bloomington's occupancy rate reflects a healthy rental market. Taken together, the city and the county have approved or actually undertaken new unit construction at a volume in excess of the region's projected growth need. While Bloomington clearly needs a larger inventory of housing affordable to lower-income buyers and renters, more general claims of an urgent housing shortage that would justify the city's proposed upzoning are overstated. There is a need for the city's administration to provide greater transparency in its generation and use of data before moving forward with its housing growth agenda.

Proposals for sweeping changes in land use and zoning have been put forward by the Mayor's administration in Bloomington, Indiana for public deliberation. At the heart of these proposals is a fundamental premise, generally expressed as if axiomatic: That Bloomington "urgently needs more housing." This tenet is presented without qualification and rarely has been challenged. The data presented, however, have often lacked coherence and cohesion, blurring the boundaries between what is and what is wished for. The following data narrative offers a critical assessment of the city's housing shortage claim, examining the relationship between three variables:

- Resident population growth
- In person IU student enrollment growth
- Existing/approved housing inventory

in order to assess whether or not there exists a shortage of housing supportive of the density proposal the City has proffered.

A few remarks about data collection: Data points that are highly correlative (data that can be analyzed easily in an "apples to apples" fashion) have been cited for 2018 in order to eliminate any influence of temporary COVID effects and to allow for corroboration between multiple sources of data. More recent up-dates have been included as available only for those areas not directly correlative, but helpful for context. All sources cited are authoritative in their origin, and, with the exception of simple sums, calculations are as presented by the sources. This paper has relied upon the [Bloomington 2020 Housing Study](#), rather than the [ROI Uplands Housing](#) study, because it was a more intensive follow-up to the ROI study by design, and performed by the same consulting group. The analysis has not included the [Bloomington HAND Rental Properties database](#) because it is impossible to know from the data publicly accessible through the city's B-Clear data portal how to extrapolate the number of units from bedroom count, making it difficult to corroborate with other sources. While occupancy load is a distinction helpful to City supervision of rental properties, it cannot reliably be correlated to bedroom count.

Population Statistics 2018 for Monroe County

Within the City of Bloomington, population growth among non-student residents very slightly out-paced that of student residents, according to the American Community Survey. The reality is that the City and County populations represent one shared workforce. It has long been acknowledged that many non-student employees within the City choose to seek housing within the broader County area because of its more favorable home pricing and tax profile. Focusing upon the county as a whole presents a truer picture of how our population functions within the city limits than does segregating City from County census and housing inventory data.

It is also important to recognize that past demographics do not necessarily predict future trends. While Bloomington has been Monroe County's center of population growth in the past, the share of our population which is cost-burdened (i.e., paying more than 30% of income on housing) may prompt an increasing shift in population share to the county. Increases in building in the county would seem to acknowledge this growing trend. According to the American Community Survey, the population of the greater Monroe County metro area shows an historical average of 0.62% growth:

2019 and 2020 population estimated by projecting the raw 2018 numbers (ACS).

Year	Total Population	Growth	Annual Growth Rate
2021	171,506	1,138	0.66%
2020	170,368	1,138	0.67%
2019	169,230	1,138	0.67%
2018	168,092	663	0.39%
2017	167,429	774	0.46%
2016	166,655	1,582	0.95%
2015	165,073	651	0.39%
2014	164,422	1,201	0.73%
2013	163,221	369	0.23%
2012	162,852	1,130	0.69%
2011	161,722	1,590	0.98%
2010	160,132		0.00%

Furthermore, Monroe County saw a negative net domestic migration in 2019:

Components of Population Change, 2018-2019

	Number	Rank in State	Percent of State	Indiana
Net Domestic Migration	-282	84		3,997
Net International Migration	1,218	3		14,379
Natural Increase (births minus deaths)	264	15	1.4%	18,536

[Source: US Census Bureau](#)

Population and the Myth of 1% Growth

The Administration has frequently referenced Bloomington's "strong 1% growth" as a justification for needing an increased housing supply. But according to [Carol Rogers, Indiana Business Research Center at the Kelley School of Business](#), addressing the Governor's Workforce Cabinet in February, Indiana growth is a "weak" 1%, with most attributed to the Indianapolis/Carmel/Anderson metro area, and smaller centers of growth in the Fort Wayne and Lafayette areas. In various forecasts, Indiana's 1% growth is characterized as "weak," "anemic," and "sluggish." Monroe County growth is assessed as less than 0.7%, in agreement with the ACS data and within the historical norm. ([Governor's Workforce Cabinet Meeting, February 18, 2021](#)).

This is also in accordance with the [annual United Van Lines report](#), seen as a reliable indicator of national demographic trends, which shows Indiana's outbound migration exceeding inbound migration in every year except 2018 over the last 10 years reported.

The demographic outlook is that Indiana's workforce is hollowing out, with 2020 being the first year in which elderly growth outpaces younger growth. In addition, Indiana's high school graduation rate remains too low to replenish the workforce.

Indiana HS graduation and IU enrollment status

According to the ["Knocking at the College Door"](#) initiative of the Western Interstate Commission for Higher Education, high school graduating cohorts are in decline, mostly due to demographic factors.

This report also forms the basis for the so-called **"enrollment cliff,"** expected to peak in 2025 and continuing through at least 2037. The greater Midwest, including Indiana, is projecting a decline in domestic enrollment greater than 15%. John Whelan, Indiana University's chief HR officer, has counseled other university leaders from an HR perspective on how fewer students will impact IU's workforce.

"There are certain people in the university who understand the implications of the enrollment decline based on their jobs, but the broader IU staff and faculty generally don't know much about this. My priority has been to bring up this topic in every HR meeting and forum at IU over the past year, and I'll continue to do so."

[John Whelan, Fall 2019](#)

Nathan Grawe, a professor of economics at Carleton College and the author of the 2018 book *Demographics and the Demand for Higher Education* (Johns Hopkins University Press), which sought to project future demand

for different types of institutions, found demand probably will differ for colleges depending on their locations, although high-prestige institutions are likely to fare better than less prestigious ones.

“The Midwest and Northeast are obviously tougher regions,” Grawe said. “Institutions that are out West are going to continue to see a softer landing. I don’t think that necessarily means the institutions in the West can be ignoring the WICHE data. Even in the West, where it’s a rising trend, they’re going to experience that reversal in the 2020s.”

[Nathan Grawe](#)

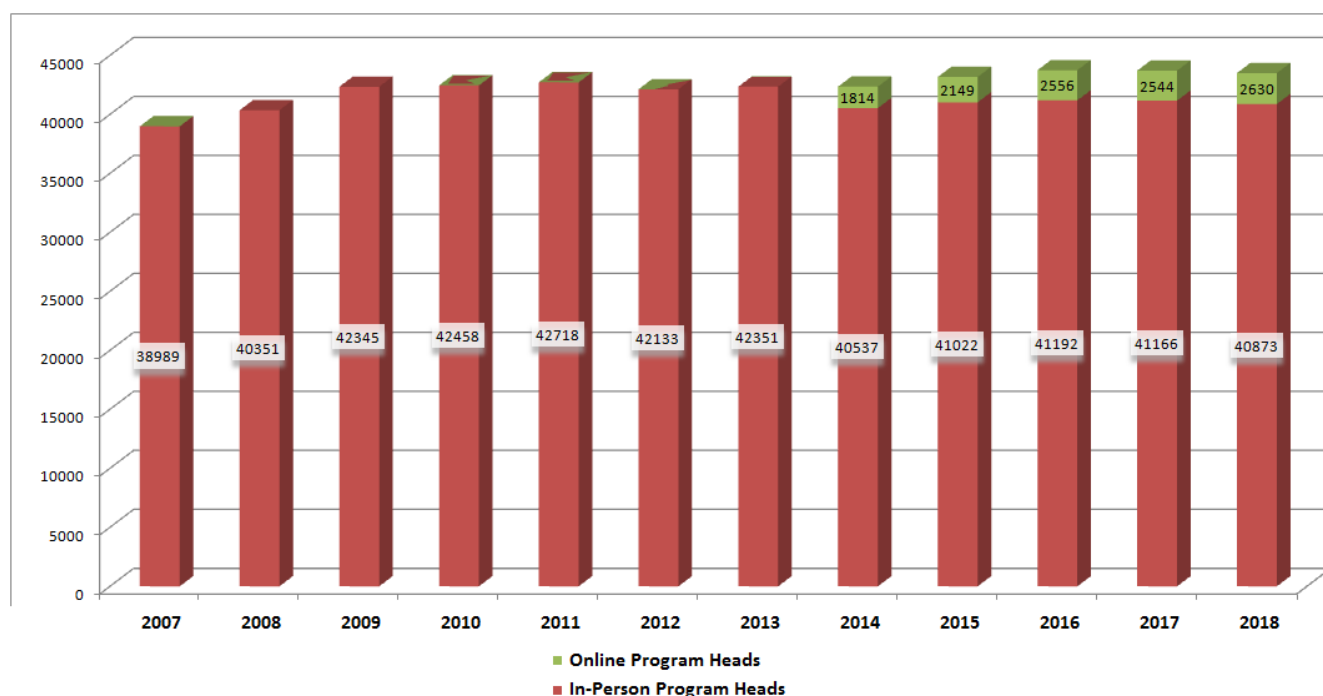
Phillip B. Levine, an economics professor at Wellesley College who has written about “the coming COVID baby bust” for the Brookings Institution, has projected that beyond the period studied by the Western Interstate Commission for Higher Education initiative, it is unlikely that college student demographics will return to their conventional patterns.

“Looking beyond the end of the WICHE projections, experts don’t expect growth in traditional-aged student cohorts to resume. We’re forecasting this additional decline in births because of COVID,” Levine said. “We think there is reason to believe that this is likely to be permanent or semipermanent.”

[Philip B. Levine](#)

Furthermore, it is most important to take note of the fact that **in person** enrollment at IUB has been *flat/in decline since 2011*.

Indiana University Bloomington Enrollment Headcount



Source: IU administrative source, shared in private e-mail

Notes:

- (1) Data are not easily available on online program heads prior to 2014. It is likely that online census numbers moved from IUPUI to IUB in 2008 or 2009 -- a transition of 1500 online students to the IUB campus.
- (2) Taking the pre-2014 estimates into account, there has been little variation in “heads in residence” since 2008 or 2009.

Although it appears that IUB overall enrollment has grown, this is the result of pre-COVID on-line enrollment, as a sub-set, which has grown to fill and exceed the gap created by *in person student decline*. While this is good news for IUB as an institution, it has a direct bearing on the provision/need for housing and other services—as well as on student consumer spending—within the local economy. As will be shown below, this decline of in person students is occurring simultaneously with an enormous growth in building of student housing complexes, resulting in higher vacancy rates in these complexes.

Bloomington’s Apartment Market Report 2018 for the Indiana Apartment Association

The September 18, 2018 Tikijian Associates Report to the Indiana Apartment Association, among others, reveals the overall state of Bloomington’s local economy with respect to rental housing data. For this discussion, 2018 is used as a sample year in order to avoid any extraordinary market disruption due to COVID.

The data reveal a 2018 total unit count of 11,300 (bedroom count varies between 1 and 5) and an average occupancy rate of 93.6%. The rental industry generally considers 94%-95% occupancy to be the sign of a healthy supply balance which allows for enough flexibility for movement while also protecting property values (and, by extension, the City’s tax base).

Furthermore, the cited historical averages of Bloomington’s rental occupancy fall into this same range:

- 5 yr: 94.8%;
- 10 yr: 94.7%;
- 20 yr: 94.8%.

The historical averages of price growth are also very stable:

- 5 yrs: 2.80%;
- 10 yr: 2.92%;
- 18 yr: 2.88%

Rental price growth in the 2017-2018 year has been highest for studio apartments, at 17%, while growth has been lowest for 1-bedroom units at 4.32%. The next highest price growth was seen in 3-bedroom units, at 7.7%. The 3-bedroom unit is most commonly cited in discussions of plex structures. It is apparent that 1- and 2-bedroom units are not as profitable.

Because the IU enrollment counts cited in reports to the Indiana Apartment Association reflect total enrollment, rather than *in person* enrollment, the inflated figure (+2911 students) implies a heightened investment potential for the sector.

Does Bloomington have a 2% vacancy rate?

To answer this question it is necessary to first determine what is being asked. Does a 2% vacancy rate occur in Bloomington? Yes. But is 2% representative of the vacancy rate of Bloomington as a whole? No.

The Administration frequently points to a 2% vacancy rate as proof of a housing shortage and the need to build and build fast to remedy the situation. It also uses this rate as the explanation for high rental pricing in Bloomington. We have already established that the rental pricing growth rate has, in fact, been stable for at least 20 years. So while it may appear that rents are unusually high in Bloomington, they are in line with the historical norm.

Are the rents affordable? That is an entirely different question. It is generally agreed that they are unaffordable *in the context of the local wage base*. Unfortunately, it is a fact of life that rental pricing in Bloomington is not connected to the local wage base. It is determined by the transient, visitor-student population, a large portion of which is supported by two parental incomes, increasingly from a higher wage state.

In light of the lack of diversity of the local economy --“Eds and Meds” -- Bloomington has far more in common with a *resort community* than a typical city economy. While this adds to our quality of life, as resorts do, it does result in the same issues that local residents in resort areas face in high costs of living: Higher food prices, higher housing costs, and a substantial transient population whose contribution to the tax base is largely through consumer spending, rather than through taxable income or property taxes.

It would be nice to believe that build and build fast, increasing the supply, would re-balance this equation. The Administration certainly proclaims it to be so. But research [done in 2018 for the Federal Reserve Board of Governors](#) has shown that rental pricing doesn't appear to respond very sensitively to changes in supply.

People make choices about where to live based on a host of factors more impactful than price: location (there is a reason for the truism in real estate of “location, location, location”); amenities; aesthetic appeal; perception of safety; proximity to friends/family; status; etc. This is made clear by the effort development groups extend towards the provision and promotion of their amenities. Price consideration only increases in priority the less one can afford to pay.

So where does this 2% vacancy figure come from?

The short answer (drawn from the Fall 2018. Indiana Apartment Association. Report to Indiana University on Enrollment, Demographics, and Housing Supply) is: *Core* rental housing less than 0.5 mi from campus.

Neighborhoods closest to campus have hosted rental opportunity for decades. These neighborhoods appeal to students because of their proximity to campus and the potential for sharing housing in small groups. Yet despite this competitive preference, rent growth has remained quite stable. High occupancy (99+% except for summer months) *has not led to escalating rental pricing*. While beds in the core are priced higher than those in student complexes more than 1.0 mile from campus, they are priced *lower* than beds between 0.5 mile and 1.0 mile from campus.

There are multiple potential reasons for this. Many houses are owned by small scale local landlords who may value occupancy and longer term tenancy over price (because of the high impact of even a 1-month vacancy on their investment and the costs of readying units between tenants). It is possible that the houses owned by IU also help to keep rents in check as IU pricing tends to be more conservative, perhaps as a service to students. Pre-leasing percentage is also highest in the core by far. Whatever the reasons, core housing is highly favored, and the growth of amenity-filled options farther from campus has not diminished core occupancy nor had a significant positive or negative effect on its pricing. Vacancy rates rise as one moves farther away from campus.

A 2017/2018 sample of all rental property reveals average occupancy is 84.9% (this is lower than the 93.6% shown in the Tikijan report because the IAA report is based upon a sampling with more weight given to the largest complexes). Again, 95-96% occupancy is the industry standard indicative of a healthy rental market. For Bloomington:

- <.5 mi from campus (core): 95.5% occupancy (includes summer months)
- >.5 to <1.0 mi from campus: 95.1% occupancy (downtown area)
- >1.0 mi from campus: 90.4% occupancy

Building/approvals since 2018

Large numbers of rental apartments have been built since 2018, especially in the city. It is extremely difficult for a resident to gain information on building statistics, as records from the Monroe County Building Department, HAND, tax assessment department, and proprietary sources do not reconcile. In sources in which only unit counts are available, bedroom counts can only be estimated. It should be an objective for Bloomington, moving forward, to develop and publish, across City departments, standardized reports of such data produced and made available through the City's B-Clear Data Portal. The table below lists apartments approved, built, or under construction in Bloomington. This table does not include senior housing at Meadowood or other senior housing located elsewhere around the city. Nor does it include specifically affordable housing units managed by the city.

Year	Name	Address	Beds	Units
2021	Century Village	East 3 rd and 446		165
2020	Brownstone Terrace	301 E. 14 th St	1064	433
2020	Motel 6 Redo	1800 N. Walnut		450
2020	Peerless Dev	335 W. Eighth St	77	60
2020	KTGY/The Annex	325 & 403 E. 3 rd St	110	45
2019	Indiana University	Walnut Grove	700	700
2019	The Gardens	1201 W. Allen	166	114
2019	Urban Station	300 S. Walnut	111	68
2018	Evolve	1425 N. Dunn	751	279
Under discussion	Near Carlisle	Hillside Ave	TBD	(30–300)
2018	Serendipity	Walnut	10	10
2018	Chandlers Glen	1550 N. Arlington Drive	855	253
Building now	Bentley	10 th and College		34
2018	The Quarters	1521 Isaac Dr		178
2020	The Dillon	525 S Patterson		635
Building Now	G3 Luxury Apartments			35
2018	Tech Park	619 N. Morton		16
2020	Union at Crescent	1100 N. Crescent		146
2018	CitySide	250 S. Washington		78
2018	Washington Place	342 S. Washington St	40	10
2019	Stageyard	321 S. Walnut		80
2019	City Flats on 10 th	3821 E. Barrington Dr		Unav
Building Now	Telluride			300
		TOTAL		4089

Apartments approved, built, under construction, or in consideration in Monroe County include:

Approval Year	Name	County Address	Units
Under consideration	Westgate	4788 W St Rd 48	300
	Hayden Flats	3009 S Rogers	300
		Tapp Rd.	300
		Adjacent to 3009 S Rogers	40
Approved	Southern Meadows	4831 S Rogers	100 homes
	4831 S Rogers		Seeking revised approval for 250+ homes
Under Construction	Verona Park	Sare Rd	248
	Highlands	Rockport Rd	219
		TOTAL	1507--1657

Although county building is not tax ratable by the city, a responsible plan for housing development should include the county as city and county share a workforce and consequently share a housing supply. To do otherwise is to ignore the on-the-ground reality of how housing supply functions within our community.

Rental in Neighborhoods Data Analysis

Despite the increased building of large, corporately-owned student rental complexes at least 1 mile from campus, rental in the neighborhoods adjacent to campus remains the strongest performing sector. Upzoning these areas, however, will raise land values and taxes — both of which are already high relative to Monroe and surrounding counties -- costs which will be reflected in rental price increases. It will also incentivize landlords to duplex these properties in order to benefit from the opportunity for additional revenue, which will in turn, raise the rents to recoup the construction costs. At a time when “since 2009, rentals between \$800 and \$1,499 increased, while rentals between \$500 and \$799 have decreased” [[Affordability Study](#), p36], upzoning will further lessen options. Residents will become further cost-burdened, perhaps reversing the progress made since 2010 ([Bloomington Housing Study](#), p.9).

The multiple data sources cited above make it clear that core rental housing is the most stable segment of the rental sector. It boasts the highest occupancy rates, the highest pre-leasing rates, and the most affordable property to buy to convert to rental. These are powerful incentives for development to capitalize upon. While investors can pass along to tenants the increased land and tax costs associated with upzoning, the owner occupant cannot.

Upzoning will lead to owner occupant displacement, as well as less rental affordability. The various conditional processes governing approval of time and distance betweenplexed structures will do little to mitigate this damage; a smaller amount of bad policy is still bad policy.

It is also crucial to this issue to discuss the relative importance of owner occupancy and home ownership in neighborhoods. Neighborhoods need tending to thrive as places residents want to live. They require stability of residents to provide a sense of community. They require diversity of residents to provide vitality. As neighborhoods transition from the current mix to a student rental monoculture, the very qualities that make core neighborhoods attractive as rental destinations will be lost. There is no magic numerical proportion of owner-occupancy/ rental that makes neighborhoods function at their best. But it is not unreasonable to assume something in the range of 50/50 works. The fact that our core neighborhoods more often than not tilt 60- 80% toward rental, is a precarious imbalance. Upzoning will further increase this imbalance.

Because these negative effects of upzoning are so clear, it begs the question of why the City is so determined to pursue this action, especially the imposition of R4 on neighborhoods. Density and inclusivity have both been cited repeatedly. I can find no data supportive of enhanced inclusivity in a proposal which will result in the creation of a market rate student rental monoculture. Nor does the data suggest a need at this time or in the foreseeable future for further densification, as the city alone has already built/approved since 2018 at least **4089** rental units, **far in excess** of the **2592** units specified as needed by 2030 -- even assuming inflated population growth projections ([Bloomington Housing Study](#), p 10).

Local advocates for climate change mitigation frequently have alluded to a need to encourage development concentration close to the City's downtown square amenities as a measure to discourage "sprawl." The relevance of sprawl in a city that is only 5 miles end-to-end is debatable at best, but it should not be incentivized. On the other hand, the City's pursuit of annexation would seem to contradict an anti-sprawl agenda. Moreover, density that is unaffordable will not encourage anyone to move closer into the city's center — and may very well encourage those already here to move farther out to obtain more affordable housing.

So why upzone?

The best evidence suggests that the root incentive is increasing tax rates. Owner occupied housing produces approximately half the tax revenue of rental housing due to the state's homestead exemption. Under state law, the city cannot significantly raise the property tax rate. Assessment, however, is malleable and can be raised through upzoning—which is *upzoning's practical role*. When a city faces declining property values such that it risks no longer being able to generate the revenues necessary to support essential services, upzoning can be a tool for increasing the value of land sufficient to raise the tax base.

But Bloomington does not suffer from *low* property values: Its unaffordability is partly a function of its *high* property values. Upzoning is the wrong tool to employ if the concerns are to reduce residents' cost burden, enhance equity, and mitigate climate change. It is, however, exactly the tool a municipal administration will use if raising property values in order to increase tax revenue is its goal. And it is the tool that commercial developers are most interested in promoting to increase profitability by incentivizing rental density.

As a city, we have incurred high operating costs due to extensive amenity development and improvements to infrastructure. Our economy shows no significant signs of diversification that would support such cost moving forward. At the same time, the increasing tax burden to residents to support such infrastructure demands a higher wage base or a vastly broader workforce. We are a resort economy, IU is our "attraction," and rental income is our biggest supportive industry. But "feeding" the rental industry comes at a cost for current residents, and depends for its success upon demographic changes moving forward that there is little/no supporting data to suggest.

The foregoing analysis strongly suggests a rejection of neighborhood upzoning and the need for greater data transparency before moving forward with further public policy debates on this issue.

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Jean Simonian came to Bloomington in 1978 to pursue graduate work in American Studies with an emphasis in social, cultural, and political history. She holds a Masters in Management and taught classes in Management, Business Ethics, and Law. She also completed graduate studies in Applied Linguistics. After teaching at Indiana University, she taught American Cultural and Political History in the Faculty of Comparative Cultures at Aichi University, in Japan. She is a resident of Bloomington's Eastside neighborhood.

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