

BLOOMINGTON, INDIANA

UDO Diagnosis and Annotated Outline

Public Review Draft
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INTRODUCTION

The City of Bloomington, Indiana, has retained Clarion Associates and McBride Dale Clarion to update its Unified Development Ordinance, Title 20 of the Bloomington Municipal Code. The UDO is the primary source of land use regulations for the City and includes both zoning and subdivision controls. The current UDO was adopted by the City in 2007 and implemented many of the recommendations and objectives set forth in the City's Growth Policy Plan (GPP) adopted in 2002.

The City adopted a new Comprehensive Plan, effective March 2018, which replaced the GPP. This update to the UDO is intended to reflect the new vision and principles contained within the Comprehensive Plan, while also improving and enhancing many of the existing development regulations to align the UDO with best practices. The updated UDO will express a vision aligned with the Comprehensive Plan that promotes thoughtful growth and protects the health, safety, and welfare of the community.

This document contains our findings on both the effective and the outdated content of the current UDO and our recommendations on revisions and structural changes moving forward. It is organized into two main parts: Part 1--Diagnosis of Current Regulations, and Part 2--Annotated Outline. The diagnosis reviews each chapter of the City's current UDO and identifies the strengths, weaknesses, and possible alternative approaches for that chapter. It also identifies general comments and themes that will be implemented throughout the updated UDO. Our proposed outline for the updated Unified Development Ordinance follows the diagnosis and incorporates its recommendations. In general, the changes recommended in the diagnosis are not repeated in the annotated outline, but the outline does reference where some of the changes recommended in the diagnosis would appear in the new UDO structure.

Goals for the Updated UDO

The updated Unified Development Ordinance should, at a minimum, achieve the following:

1) Implement the Comprehensive Plan by incorporating its recommendations where appropriate in the updated UDO. The Plan establishes the City's vision, through objectives and policies, for how the community should grow and evolve over time and identifies growth areas, preservation areas, and redevelopment opportunities. The update to the UDO will assist the City in implementing key aspects of the Comprehensive Plan. Throughout the UDO update process, the team will focus on reviewing and revising permissible uses, adjusting density allowances, improving development and design standards, revising parking requirements, and incorporating other amendments as needed to reflect the Plan guidance. As the updated ordinance is drafted, areas where the Comprehensive Plan recommendations are implemented will be flagged for easy identification.

2) Make development review straightforward, predictable, and efficient by establishing clear procedures and more objective review standards for each type of development application. One of the primary comments received from the first round of public engagement was that the current process for development review is inconsistent and unpredictable, which many believe makes developing in Bloomington difficult and frustrating. Development applications that meet the objective UDO standards should be approved.

3) Improve design and form standards for Downtown Bloomington by elevating the base development standards for all projects within downtown, and by more clearly distinguishing between advisory recommendations and regulatory standards, to ensure high quality developments that will stand the test of time. Downtown Bloomington is the heart of the community and due to its proximity to Indiana University receives significant development pressure – particularly for residential development that will be largely occupied by IU students. The current design standards for downtown have produced projects of a height and scale that many feel were not consistent with the community’s expectations. The team will revise these standards to better align the end product with the City’s adopted vision for a downtown that meets the needs of both student and non-student residents.

4) Re-evaluate how to incentivize preferred development by revising and improving the UDO’s optional development incentives. The current UDO provides incentives to developers when they provide affordable housing units or incorporate sustainable development practices. Despite the good intention of these incentives, some are not being used very frequently, while others have not produced the anticipated results. The process of negotiating and awarding incentives has also been criticized as time consuming and unpredictable. The team will explore options for how to better incentivize builders to incorporate the City’s development priorities into future projects. Possible incentives may include increasing residential densities, greater height allowances, reducing landscaping or open space requirements, adjusting parking requirements, or simplifying development review and approval. As part of the process, the team will also consider whether some incentives reflect development practices that have become mainstream expectations that no longer need to be incentivized.

5) Reorganize and improve the user-friendliness of the UDO by incorporating graphics, tables, illustrations, and hyperlinks. The current UDO is organized logically, but the structure requires significant repetition within each individual chapter. For instance, the repetition of lists of allowed uses in each zoning district makes it harder for investors to compare opportunities for development in different areas of the City. In addition, coordinating with the county UDO – as possible in instances of style, language, even color and organization – may assist users in navigating development options in both jurisdictions.

The following diagnosis of individual sections of the UDO identifies where they can be amended to achieve the five key goals listed above. The annotated outline in Part 2 provides the updated structure to implement the proposed amendments.

PART 1: DIAGNOSIS OF CURRENT REGULATIONS

The following diagnosis breaks down the current UDO by chapter and provides a review and analysis of key sections within that chapter. In some cases, it also identifies alternative approaches to implement a specific idea or concept. In general, the organization of the City's current UDO makes sense. There are some specific areas where certain topics could be grouped together or relocated, but this update will not require a complete overhaul of the ordinance structure.

Chapter 20.01: Ordinance Foundation

The current ordinance foundation chapter encompasses the following sections:

Ordinance Structure	Official Zoning Map
Basic Provisions	Powers and Duties
Transition Rules	Planning Documents
Zoning Districts	

This chapter identifies the general regulations that apply to the creation, enforcement, and applicability of the UDO. The updated UDO should retain this chapter and should carry forward the existing ordinance structure, basic provisions, transition rules, and planning documents sections. The team will review and update these sections as necessary, but no major changes are anticipated. Terminology and plan names will be reviewed and updated to align with other applicable City and State designations, and to harmonize with county documents as appropriate. For example, the current UDO refers to the Growth Policies Plan (GPP), which will be replaced by references to the Comprehensive Plan.

The zoning districts and official zoning map sections should be carried forward in the new UDO, but should be relocated to the zoning districts chapter. Likewise the powers and duties section should be relocated to the chapter on zoning and subdivision procedures and administration, which should consolidate information about review and decision-making bodies, common review procedures, specific review and approval procedures, nonconformities, and enforcement regulations.

Chapter 20.02: Zoning Districts

The current zoning districts chapter encompasses the following sections:

Residential Estate (RE) District	Commercial Arterial (CA) District
Residential Single Family (RS) District	Commercial Downtown (CD) District
Residential Core (RC) District	Industrial General (IG) District
Residential Multifamily (RM) District	Business Park (BP) District
Residential High-Density Multifamily (RH) District	Institutional (IN) District
Manufactured/Mobile Home Park (MH) District	Medical (MD) District
Commercial Limited (CL) District	Quarry (QY) District
Commercial General (CG) District	

This chapter identifies the intent, permitted uses, conditional uses, and development standards for each of the City's 15 zoning districts. Each district has its own two-page spread that lays out its unique list of

uses and standards. Although the two-page spread is a very user-friendly approach, the presentation of information could be revised to be less repetitive. The team has identified a number of issues with both the format of this chapter and the information contained within it as described in the following sections.

Future Land Use Recommendations

The Comprehensive Plan divides the City into nine future land use categories. In general, the future land use categories correlate fairly well with the City's existing zoning districts, as illustrated in the following table. In some cases there is direct alignment (i.e., commercial arterial zoning district with the urban corridor land use, or the medical zoning district and the West 2nd Street Former Bloomington Hospital Focus Area). In these cases the Comprehensive Plan's land use recommendations can be executed through strategic amendments to the permitted uses, development standards, densities, and other applicable UDO regulations within the existing framework of zoning districts.

Existing Zoning Districts	Correlation with Future Land Use Designations
Business Park	Employment Center
Commercial Arterial	Regional Activity Center/Urban Corridor
Commercial Downtown	Downtown
Commercial General	Regional Activity Center/Urban Corridor
Commercial Limited	Regional Activity Center/Urban Corridor
Industrial General	Employment Center
Institutional	Various
Medical	West 2 nd Street Former Bloomington Hospital Focus Area
Manufactured/Mobile Home Park	Neighborhood Residential
Planned Unit Development	Various
Quarry	Various
Residential Core	Mixed Urban Residential
Residential Estate	Neighborhood Residential
Residential High Density Multifamily	Mixed Urban Residential/Neighborhood Residential
Residential Multifamily	Mixed Urban Residential/Neighborhood Residential
Residential Single Family	Neighborhood Residential

However, there are some Comprehensive Plan land use categories that do not directly relate to a single zoning district, and in some cases more than one Comprehensive Plan land use category appears to relate to a single zoning district. In those cases, the specific implementation of land use recommendations will need to be addressed through the UDO update process.

Permitted Use Table

The format of the current UDO makes it difficult to compare what uses are permitted in each of the various zoning districts. It is also unnecessarily repetitive as many of the use lists are very similar. For example the permitted use list for the Residential Single Family (RS) District and the Residential Core (RC) District only differs by one use. We propose that the updated UDO include a consolidated permitted use table to display this information, and that lists of uses not be repeated for each zoning district.

A permitted use table structure is user friendly and reduces the potential for inconsistencies over time as uses are updated. An example permitted use table is provided below to illustrate this proposed consolidation of use information, and the consulting team can provide alternative table design options if desired by the City. In this example, each row of the table represents a specific land use and each column

represents a zoning district. The individual cells of the table indicate all the permitted, permitted with special conditions, conditional, accessory, and temporary uses allowed in each district. We also recommend grouping uses into logical subcategories within the permitted use table (i.e., residential uses, public and institutional uses, commercial uses, etc.). This makes it easier to locate a specific use within the table and also makes amendments to the UDO easier and more consistent. The last column of the table, titled “additional requirements” in the following example, provides a cross-reference to any applicable use-specific standards, both for permitted and conditional uses.

TABLE 1204-3: PRINCIPALLY PERMITTED USES														
P = PERMITTED		PS = PERMITTED WITH STANDARDS					C = CONDITIONAL USE				BLANK CELL = PROHIBITED			
USE TYPE	A-1	A-2	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	B-P	L-1	H-1	ADDITIONAL REQUIREMENTS
AGRICULTURAL USE CLASSIFICATION														
Agriculture – Raising of Crops	P	P					PS	PS			P	P	P	1204.04(A)(1)
Agriculture – Raising of Livestock	PS	PS												1204.04(A)(2)
Greenhouses and Nurseries								P						
Stables, Private	P	P												
RESIDENTIAL USE CLASSIFICATION														
Adult Family Homes or Small Residential Facilities	P	P	P	P	P									
Adult Group Homes or Large Residential Facilities						C								1204.04(B)(1)
Apartments on Upper Floors									PS					1204.04(B)(2)
Conservation Subdivisions	PS	PS		PS										1204.04(B)(3)
Multi-Family Dwellings						PS			C					1204.04(B)(4)
Nursing or Convalescent Homes					C	C								1204.04(B)(5)
Single-Family Dwellings	P	P	P	P	P									
Two-Family Dwellings					P									

Permitted use table example from Monroe, Ohio. Illustrates a simple format organized by use category and use types, and includes cross-references to use-specific regulations.

Use Categories

In addition to how and where the uses are explained, the uses themselves are overly specific. For instance the Commercial General (CG) Zoning District identifies uses such as jewelry store, cellular phone/pager services, copy center, florist, furniture store, pawn shop, shoe repair, and sporting goods store. The majority of those uses could fall into one or two broad categories such as retail sales or personal service. Identifying such specific uses leads to use lists becoming outdated quickly (i.e., video rental and pager services), and also requires a UDO amendment each time a new land use is identified. For instance, 10 years ago vapor shops and microbreweries were not the mainstream uses they have now become.

We recommend defining general categories of uses more broadly in order to avoid these challenges. In addition, many newer zoning codes address the scale and size of individual uses more than older regulations. For example, instead of trying to list all the types of goods that could be sold in a store, newer codes often define categories of small, medium, and large-scale retail, because the size of the establishment has more impact on the neighborhood than the specific items being sold. There are certain zones within the City that are appropriate for big box or other large-scale retail stores such as the Commercial General (CG) Zoning District, but that are not appropriate in other districts such as the Commercial Downtown Zoning District. Categorizing uses by scale helps ensure that the uses reinforce the character of the surrounding neighborhood. Additionally, the team will coordinate with Monroe County to align use terminology and definitions where possible and appropriate.

Conditional vs. Special Condition Uses

Each zoning district identifies uses that are conditionally permitted and ones that are principally permitted with special conditions. Conditional uses require special approvals by the Board of Zoning Appeals, in addition to applicable site plan requirements. These applications typically take longer and are more risky for developers because approvals may be subject to discretionary decision criteria. To streamline and simplify the development review process, we recommend revisiting whether some uses could be re-classified from conditional uses to permitted uses with special conditions.

One example comes from accessory dwelling units (ADUs). Currently ADUs are conditional uses in the residential estate, residential single-family, and residential core zoning districts. The Comprehensive Plan discusses the desire for residential infill and densification in the core neighborhoods and identifies ADUs as one options to achieve that goal. To date, three ADUs have been approved and one additional application has been filed for a conditional use for an ADU in the residential zoning districts. To promote this use the City should consider making accessory dwelling units permitted with special conditions in the residential core zoning district, while leaving it as a conditional use in the other residential zoning districts.

Use Regulations

The consulting team has identified a number of additional items regarding the existing UDO and the goals of the Comprehensive Plan that should be addressed through revisions to the regulation of allowed uses, including:

- The City's desire to promote infill and redevelopment projects by allowing for multifamily residential uses in strategic locations such as along major corridors, areas adjacent to mixed-use and non-single family residential uses, and areas adjacent to trails, parks, and open spaces.
- The need to address re-use of existing big box stores and to discourage typical big box site design in new development projects.
- The desire to allow new and complementary housing types in some residential zoning districts, such as accessory dwelling units, duplexes, four-plexes, courtyard apartments, bungalow courts, townhomes, row houses, condominiums, tiny homes, cottages, co-housing, and live/work places.
- The allowance of urban agriculture, food production, and food sale uses within more zoning districts, with screening and buffering standards to protect surrounding properties from adverse impacts.
- The need to revisit the residential core zoning district to better reflect the variety of neighborhoods within that district. Residents of these core neighborhoods have expressed a desire to have unique regulations that reflect the variations in these neighborhoods that are articulated in the four neighborhood plans that were created for the McDoel, Broadview, Prospect Hill, and Green Acres neighborhoods between 2002 and 2006.

Chapter 20.03: Overlay Districts

The current overlay districts chapter encompasses the following sections:

Courthouse Square Overlay
Downtown Core Overlay
University Village Overlay
Downtown Edges Overlay

Downtown Gateway Overlay
Showers Technology Park

This chapter identifies the intent, review process, review standards, permitted and excluded uses, development standards, architectural standards, and design guidelines for each of the City's six overlay districts. The intent of these regulations is to implement the design guidelines and recommendations set forth in the 2005 Downtown Vision and Infill Strategy Plan, which identified and provided design guidance for the six different character areas.

The Downtown Plan described design character parameters and design guidelines related to site planning, architectural character, mass, scale and form, exterior building materials, upper-story windows, entries, mechanical equipment and service utilities, parking structures, and lighting. These guidelines were translated into regulations in the UDO to ensure that redevelopment and infill projects comply with the vision set forth in the Plan. City staff and stakeholders have indicated that the current UDO overlay regulations have not always been effective in producing the types of developments that were envisioned and that the process of confirming compliance with overlay district standards is time-consuming.

We recommend a number of strategic updates to this chapter to improve the usability and enforcement of these regulations and to better integrate this chapter with the rest of the UDO. After these changes, the overlay districts should not act as a standalone section of the ordinance, but should be more seamlessly integrated into the base zoning standards of the UDO. Our recommendations include:

- Relocating the overlay development review procedures to the proposed chapter on Procedures and Administration.
- Clarifying what regulations are mandatory and which are recommended. The current language uses a mix of "should" and "shall" without clear distinctions as to how to implement the differences between the two terms. The UDO should strive to include objective standards that can be required as part of the design review process, and to reduce the amount of negotiation that occurs between staff and the applicant during design review.
- Limiting the design standards in the overlay districts to the unique characteristics or elements that apply to that specific area. As discussed in Chapter 20.05: Development Standards, the citywide architectural standards should be revised so that high quality architecture and building design is required throughout Bloomington. When that is done, the design regulations in the overlay districts will not need to repeat those standards, and can instead focus on how the design and form of a building in different parts of downtown differ from each other.
- Updating the overlay design standards to align with the vision for downtown in the Comprehensive Plan. These updates should at a minimum address the following:
 - Clearer height and massing standards that better reflect the Comprehensive Plan;
 - Tools to diversify the downtown residential environment by encouraging missing housing forms (such as row houses, condominiums, and live/work units), which may involve limiting the availability of some types of development that are over-represented in downtown Bloomington;
 - Improved design requirements for downtown parking garages; and
 - Revised landscaping standards to improve the appearance of downtown development.

Chapter 20.04: Planned Unit Development Districts

The current planned unit development districts chapter includes the following sections:

Planned Unit Development Districts
PUD District Ordinance and Preliminary Plan
Planned Unit Development - Final Plan

This chapter includes the process and procedures for Planned Unit Development (PUD) districts. Because we have heard few comments suggesting that these tools are not working well, this chapter will be carried forward in the updated UDO with only limited amendments to align content and terms with state regulations. For example, the City uses the term preliminary and final plan approvals while the state uses primary and secondary approvals.

Additionally, this section should clarify how the City will treat the numerous approved PUD plans that have never been constructed. Some of these plans are now either unrealistic due to current market circumstances or other conditions, or are no longer a desirable development on the subject property. A number of these properties may be more appropriately zoned by one of the City's standard zoning districts, and the team will consider the potential for remapping unused and obsolete PUDs into base districts as we consider revisions to the current base zone districts. The existing PUD duration regulations in Section 20.04.080(i) will be revisited to determine if amendments are necessary to address legacy PUDs or to strengthen the City's ability to enforce of the current regulations regarding undeveloped PUDs.

Chapter 20.05: Development Standards

The current development standards chapter encompasses the following sections:

Development Standards Overview	Home Occupation Standards
Icon Key	Landscaping Standards
Accessory Structure Standards	Lighting Standards
Affordable Housing Standards	Loading Standards
Alternative Transportation Standards	Municipal Services Standards
Architectural Standards	Outdoor Storage Standards
Communication Facility Standards	Parking Standards
Conditional Use Standards	Public Improvement Standards
Drainage Standards	Setback Standards
Entrance and Drive Standards	Sexually Oriented Business Standards
Environmental Standards	Sign Standards
Fence and Wall Standards	Special Conditions Standards
Floodplain Standards	Temporary Use and Structure Standards
Green Development Incentives	Vision Clearance
Height Standards	

This is the lengthiest chapter of the UDO and is the location for all the various standards (other than some use regulations) applicable to development within the City. This is one of the most outdated parts of the current UDO; it reflects an older code template in which all regulations that do not relate to the zoning

districts were combined into one “bin”. This chapter has grown in length and scope over the years as new elements were included in the UDO. As discussed in Part 2 of this document, we recommend that much of this content be pulled out of this chapter and moved to other parts of the UDO where they can be grouped with other regulations on similar topics.

For example, use specific standards for conditional uses and special conditions should be located immediately after the permitted use table in the proposed use regulations chapter. This will significantly reduce the overall length and scope of this chapter, making it easier to navigate. In addition, we recommend a number of updates to the existing development standards to implement the recommendations of the Comprehensive Plan and correct outdated or ineffective language. Some areas for substantive changes are specifically listed below, and changes to additional sections may be identified during the UDO update process.

Accessory Structures

Section 20.05.007 limits the number of accessory structures in the multifamily and commercial zoning districts. City staff has indicated that this limitation has caused issues with multifamily projects that have club houses, maintenance buildings, mail kiosks, and other similar structures that would all currently be considered accessory structures. This section should be revisited and the updated UDO should include use specific regulations that allow for these common structures.

Affordable Housing

Section 20.05.009 provides regulations and incentives for providing affordable housing within the City of Bloomington. Providing additional affordable housing and workforce housing options within the City has been identified as a priority in the Comprehensive Plan, but the current regulations and incentives are not being well used – apparently because they do not offer adequate incentive to modify developer decisions. The current incentives allow staff to waive certain filing and permit fees, sidewalk construction requirements, and allow for a reduced parking and bulk requirement for single family dwellings. We recommend expanding the affordable housing incentives in the updated UDO to ensure they are substantial enough to encourage more developers to use them and to produce more affordable housing units. Options to consider include allowing an increased density for multifamily projects, increased maximum height limits, reductions to open space requirements, further reductions to parking requirements, and other similar options.

Alternative Transportation

The alternative transportation section includes regulations for pedestrian paths and trails, transit facilities, and bicycle parking. We recommend grouping these standards with the proposed chapters on parking or connectivity, while also updating the standards to align them with new technologies and emerging forms of transportation such as ride sharing, autonomous vehicles, and electric vehicles. The revised UDO should also address development standards for transit-oriented developments, including incentives for locating a variety of housing types along transit corridors, designing projects that focus on the pedestrian, creating engaging public spaces as organizing features, and other similar strategies.

Existing regulations should also be updated to reflect changes in preferences and use demands. For example, we recommend revising the bicycle parking regulations to reflect the increasing popularity of bicycling in the City. Section 20.05.013 requires one bicycle parking space per every six bedrooms for multifamily residential uses. This is a relatively low standard compared to other medium-sized cities (and

particularly cities with major universities). We recommend increasing this to a minimum of one bicycle parking space per unit and to consider requirements for covered bike parking. Residential unit bicycle parking spaces should also be required for attached single-family projects and other condominium developments within the City. For non-residential uses, the City should also consider adopting regulations for showers and lockers in larger projects.

Architectural Standards

The architectural standards require new buildings located adjacent to major thoroughfares or expressways to meet certain design aesthetics including the use of certain materials, façade and massing techniques, and entry features. Use-specific requirements are also provided for residential projects. Both the residential-specific (section 20.05.016) and the general architectural standards (section 20.05.015) should be evaluated, enhanced, and expanded to improve the base standards. The standards should address at a minimum articulation of first floor residential uses (stoops, porches, etc.), requirements for four-sided architecture, improved commercial and mixed-use facade articulation, building step-back requirements, and new regulations for mixed-use village centers. Importantly, proposed revisions to UDO architectural standards should be reviewed by local Bloomington architects that have used the current regulations to ensure that any updated standards are clear, concise, and implementable.

Conditional Use Standards

We recommend that this section be relocated to a consolidated chapter containing all use regulations in the updated UDO. Locating the permitted use table and the use-specific standards in one location makes it easier for users of the UDO to locate applicable information for each use without having to search in a number of places throughout the UDO. These standards will also be evaluated to determine if any of the uses that are currently “conditional uses” may be more appropriately defined as “uses with special conditions.” Examples of uses that might be reclassified include bed and breakfasts in the multifamily residential zoning district or accessory dwelling units in the residential core district. Removing the need for conditional use approval makes those uses more appealing for property owners and developers.

Drainage Standards

Two issues with the existing drainage standards have been identified. The first is the need to revise the exemption requirements to ensure that single-family home builders grade sites in compliance with the subdivision’s grading plan. The second is the need for home builders to identify a temporary benchmark elevation so the City can verify that houses are constructed in compliance with FEMA regulations. The existing regulations should also be reviewed to ensure that they comply with applicable federal standards, such as the requirements of the Americans with Disabilities Act (ADA).

Environmental Standards

The existing environmental standards appear to be generally working well and do not need to be revised. However, this section should incorporate stream classifications and tailor stream buffer regulations to reflect those distinctions to better protect and enhance the City’s waterways and riparian areas. We will coordinate with the City to ensure that the UDO clearly states what can and cannot be constructed in environmentally sensitive areas and will explore the need for additional setback standards for areas around conservation easements.

Floodplain Standards

The City's floodplain regulations need to be revised to make them consistent with the State of Indiana's revised floodplain code to the maximum extent practicable. In addition, the regulations pertaining to what can be built in a floodway fringe should be updated to allow for flexibility and activity in these areas.

Green Development Incentives

The existing green development incentives should be enhanced in order to make them more effective. During that review process, the standards should be examined to ensure that they are not repeating other requirements of the UDO (i.e., mixed-use developments are already required in downtown and all of downtown is on a transit route), which undermines effectiveness by allowing development requirements to justify an incentive. These standards should address a variety of sustainable technologies including renewable energy (solar, geothermal, and biomass, etc.), the use of renewable or recyclable products, green roofs and other sustainable design elements, including transit, pedestrian, and/or bicycle amenities, and alternative fueling stations. The incentives also need to be substantial enough to justify the additional expense that including these optional green items impose on overall project costs. The relative costs of achieving each green building incentive should be reviewed with the development community to ensure the benefits are commensurate with the costs.

Height Standards

The height standards section identifies the types of structures or building features that are exempt from the maximum structure height. These regulations should be relocated to the dimensional standards chapter as identified in Part 2 and reviewed to ensure that they reflect current desired building features. The definition and measurement rules for building height will also be reviewed to provide more clarity and consistency.

Home Occupation Standards

This section includes the regulations that pertain to home occupations within the City. These regulations should be relocated to the use regulations chapter in the updated UDO, as discussed in Part 2.

Landscaping Standards

The current landscaping standards have for the most part been effective for the City. While the team will review these standards to ensure that they adequately address street frontage, property edge, and parking lot landscaping, substantial changes are not expected. Potential minor changes include requiring the use of native species and native pollinator-attracting plants, clarifying bufferyard requirements, improving parking lot landscaping requirements, and including additional sustainable landscaping practices.

Lighting Standards

This section includes both the general and use-specific lighting standards for the City. The current UDO regulates light levels by identifying the maximum footcandle level at property lines, which is a very uncommon method for regulating lighting. We recommend that the lighting standards be updated to reflect a maximum footcandle level, which is a more typical way to review and enforce lighting standards. The updated UDO should also address other modern lighting technologies such as LED lights.

Loading Standards

This section should be revised to reflect the general trend towards more frequent deliveries by smaller vehicles, which reduces the need for large designated loading areas for some uses. We also recommend that the loading standards (as well as vehicle stacking standards) be incorporated into the off-street parking and loading section.

Parking Standards

The existing off-street parking regulations stipulate the maximum number of parking spaces per use, instead of the traditional minimum requirement (except in downtown, where it lists minimum requirements). While this reflects an admirable intent to reduce the number of unused parking spaces throughout the City, staff has identified a number of concerns with the current regulations. Issues include the fact that medical clinics, service users, restaurants, and fraternal organizations often have difficulty complying with required parking maximum. The updated UDO should maintain the parking maximums, but the standards should be thoroughly reviewed to ensure that they adequately reflect parking demands for each use based on our experience in other medium-sized cities with a large university presence. In this process, the downtown parking regulations should receive particular attention. The consulting team can provide options for how downtown parking could be regulated to better achieve Comprehensive Plan goals for this important area. Options include more flexibility in the off-site parking requirements and incentives for devoting more parking to carpool, vanpool, and electric/hybrid vehicles.

Setback Standards

The setback standards section identifies the types of structures or site features that are exempt from the setback requirements. These regulations should be relocated to the dimensional standards chapter as identified in Part 2, and should be grouped with exceptions to height standards.

Sexually Oriented Business Standards

This section was recently updated by the City and changes are not proposed. However, these regulations should be relocated to the use standards section following the permitted use table in the updated UDO, as discussed in Part 2.

Sign Standards

The City's sign standards have been updated recently, but they are in need of a thorough review and strategic revisions. They have been updated in response to the U.S. Supreme Court's 2015 decision in Reed V. Gilbert lawsuit to ensure the content of the sign regulations are not based on the content of the signs. Therefore the UDO updates to the sign standards will instead focus on the following technical issues identified by City staff:

- Signage requirements for fraternities and sororities;
- Signage for mansard roofs;
- Projecting and blade signs in downtown;
- Signs for subdivisions under development;
- Clarify temporary sign language and time limits;
- Definitions and regulations for animated signs and electronic reader boards;
- Wall signs for small multifamily residential developments; and
- Shopping center signs

Special Conditions Standards

As discussed in the conditional use section and in Part 2 of this document, we recommend that the special conditions section be relocated to the consolidated chapter on allowable uses in the new UDO. The conditions will also be reviewed and updated based on current practices and changes in anticipated impacts of specific uses as necessary.

Chapter 20.06: Subdivision Regulations

The current subdivision regulations chapter encompasses the following sections:

General
Suburban Subdivision
Conservation Subdivision
Traditional Subdivision
Commercial/Industrial Subdivision

This chapter focuses on the design parameters for four different types of subdivision design. Each one has an example illustration and regulations pertaining to open space, block length, right-of-way, street width, parking, and sidewalks. These standards will be generally carried forward in the new UDO with only those revisions necessary to address specific issues identified by the City's Planning and Transportation Department. One issue is that the current UDO contains inconsistencies between the subdivision illustrations and the written regulations. For example, a number of the illustrations show cul-de-sacs, but then the regulations for that subdivision type prohibit their use. These illustrations will be updated in the new UDO to remove inconsistencies.

Chapter 20.07: Design Standards

The current design standards chapter includes the following sections:

Alley Standards	Pedestrian Network Standards
Arterial Frontage Standards	Storm Water Standards
Easement Standards	Street and Right-of-way Standards
Environmental Standards	Street Lighting Standards
Facilities Plan Standards	Street Name Standards
Lot Establishment Standards	Street Sign Standards
Monument Market Standards	Sustainable Development Incentives
On-Street Parking Standards	Utility Standards
Open Space Standards	

This chapter contains the standards for site and infrastructure improvements associated with land subdivision to create new lots. We do not anticipate substantial changes to this chapter, but in consultation with the City's Planning and Transportation Department, will update the sections as necessary. Recommended minor revisions to this chapter include the following:

- Clarifying and enhancing the pedestrian facility section to ensure that new developments dedicate easements or rights-of-way for pedestrian and/or bicycle facilities and connections;

- Updating the sustainable development incentives (similar to the green development incentives in the development standards chapter discussed above) to determine how they can be improved to encourage more frequent use;
- Ensuring that regulations comply with applicable federal standards, such as ADA requirements, to ensure consistency;
- Clarifying the requirements for the timing and phasing of improvements and the necessary security for those improvements;
- Enhancing the existing tree preservation ordinance to better protect trees during construction; and
- Adding regulations or incentives for low impact development measures such as rainwater harvesting and storm water infiltration.

These topics are currently addressed in the subdivision design chapter, but many of these regulations may be more appropriately located in the development standards section of the UDO, because can apply to both the creation of a new subdivision and the development of individual sites long after lots have been created. In general, subdivision design standards should require compliance with applicable zoning standards to ensure that both new subdivisions and new site development comply with all of the UDO.

Chapter 20.08: Nonconforming Lots, Sites, Structures, and Uses

This chapter will be carried forward in the new UDO with revisions to clarify the levels of redevelopment that trigger requirements to comply with current development standards, and to clarify when compliance is required for non-conforming multiuse buildings. The City may also want to consider making these regulations more flexible to promote the reuse of existing buildings by allowing nonconformities more flexibility to expand, restart, and rebuild, in cases that do not create a public safety concern. This can promote sustainability by encouraging more frequent reuse of existing buildings and/or historic structures.

Chapter 20.09: Processes, Permits, and Fees

The current process, permits, and fees chapter includes the following sections:

General Requirements	Easements
Petitions	Surety Standards
Subdivision Control	Miscellaneous Processes
Permits	Amendments to Ordinance Text

This chapter includes the regulations for the various process, permits, and approvals that may be required under the UDO. This chapter will be carried forward in the new UDO, but should be grouped with other scattered provisions addressing procedural matters and decision-matters to consolidate every development review procedure in one location. The current development review process came up many times in the initial review and public input process, with some of the current processes being criticized for being time-consuming and unpredictable. These regulations should have clearer decision-making criteria, more focused engagement, and fewer public hearings to streamline the development review process, while not lessening the overall standards and quality of development. Throughout the U.S., many cities

are delegating more approval authority for small and medium sized projects to staff, subject to improved quality and design standards, and with the ability to appeal the staff decision.

The need to revise and clarify development review and approval procedures is especially true for downtown Bloomington. The current regulations include criteria for when a project can be reviewed and approved by staff and when Plan Commission approval is required. It originally intended to allow all projects that met the use, design, and form regulations within the ordinance to have a quick administrative approval process. Plan Commission approval was only required then for select purposes, namely for projects that needed waivers from the standards. In practice, however, this did not occur very often. We received many comments from staff and stakeholders that almost every project proposed for downtown requires Plan Commission approval. As discussed in Chapter 20.03: Overlay Districts, we propose revising both the citywide architectural standards and the overlay zoning district standards to ensure that they are clear and implementable. Updated, more objective development standards that are attainable and realistic for developers can reduce the need for waivers, which can in turn reduce the approval timeline and expenses related to these projects.

In addition, the following processes will be reviewed and the following changes considered during the UDO update process:

- Updating the conditional use permit review criteria (which have not been updated since the 1970s);
- Coordinating with the City's contractor, Schmidt & Associates, which is evaluating the merits of an architectural review board;
- Removing the use variance process, which is generally not needed in light of current approaches to conditional uses, dimensional variances, and nonconformities;
- Creating an administrative variance process to simplify requests for "reasonable accommodation" under the federal Fair Housing Act;
- Clarifying the role of the Hearing Officer; and
- Require the submittal of electronic plans.

Chapter 20.10: Enforcement and Penalties

The current enforcement and penalty chapter includes the regulations pertaining to authority, remedies for violations, administration, procedures for enforcement, and appeals. It is not expected that any major changes to this section will be required, but the regulations should be evaluated and strengthened as appropriate to ensure that the City has the adequate enforcement tools to address ongoing compliance with approved plans.

Chapter 20.11: Definitions

The current definitions chapter encompasses the following sections:

Definitions Overview
Defined Words

The definitions chapter will remain in the same location at the end of the updated UDO and will maintain a similar format. Terms will be reviewed and updated as necessary, missing terms will be added, and definitions for new, broader uses and use categories will be added. From our initial review of the UDO and public outreach efforts, several missing terms have been identified, including “tiny home” and “stop work”. In addition, revisions are needed to existing terms such as “vehicle sign”, “fraternity/sorority house”, “group housing”, “lot width”, “wall sign”, “bay window”, and “impervious surface”. The use of graphics, pictures, or exhibits to illustrate a defined term is used throughout the existing UDO. Those illustrations will be carried forward and revised and new ones will be included if needed. We will also review and update the format of the definitions to ensure consistency in how the words are presented.

PART 2: ANNOTATED OUTLINE

This section of the document proposes a revised format and organization for the updated UDO. In addition to the changes listed below, those detailed changes noted in the diagnosis in Part 1 above will be incorporated into each applicable chapter or section, unless the text states otherwise. The following table summarizes the general proposed structure for a new UDO for the City of Bloomington. The right-hand column indicates some of the chapters of the current UDO from which content will be drawn. The remainder of Part 2 provides details on the contents of each proposed chapter and section.

Chapter	Name	Summary of Chapter Contents
20.01	Ordinance Foundation	<ul style="list-style-type: none"> • Basic Provisions • Transition Rules • Planning Documents
20.02	Zoning Districts	<ul style="list-style-type: none"> • Zoning Districts Established • Official Zoning District Map • Overlay Districts • Planned Unit Development District
20.03	Use Regulations	<ul style="list-style-type: none"> • Permitted Use Table • Use-Specific Regulations
20.04	Development Standards and Incentives	<ul style="list-style-type: none"> • Dimensional Standards • Site and Building Design • Drainage and Floodplain • Environmental Standards • Sustainability • Landscaping, Buffering, and Fences • Lighting • Access and Connectivity • Parking and Loading • Signs • Incentives • Maintenance and Operations
20.05	Subdivision Standards	<ul style="list-style-type: none"> • General • Subdivision Design Standards • Improvement Standards
20.06	Zoning and Subdivision Procedures	<ul style="list-style-type: none"> • Review and Decision-Making Bodies • Summary Table of Procedures • Common Review Requirements • Specific Procedures • Pre-Existing Development and Nonconformities • Enforcement and Penalties
20.07	Definitions	<ul style="list-style-type: none"> • Rules of Interpretation • Definitions

Chapter 20.01: Ordinance Foundation

This chapter will include the materials related to the legal authority, purposes, and applicability of the City of Bloomington Unified Development Ordinance. It will include much of the information that exists in the current Ordinance Foundation, but the regulations pertaining to approval bodies and process will be relocated to other chapters. The proposed sections for this chapter include the following:

Basic Provisions

The basic provisions section covers the title, authority, purpose, applicability, authority, rules of interpretation, effective date, and severability regulations. The purposes of the UDO will be updated to reflect the values of the City's new Comprehensive Plan, new effective date, and relationship of this ordinance to previous ordinances.

Transition Rules

This section will explain how the City will transition from the provisions of the current UDO to the new UDO. More specifically, it will state that any complete application filed before the effective date of the new UDO shall be governed by the provisions of the previous ordinance. Incomplete applications pending on the effective date, and applications filed after the effective date, will be governed by the new UDO.

Planning Documents

This section will identify the planning documents used by Bloomington and how they relate to the UDO, including but not limited to the Comprehensive Plan, subarea plans, and the Transportation Plan. This section will be updated to reflect the City's new Comprehensive Plan and any additional applicable planning documents that have been adopted by the City. The text will clarify that these references are to the most recently adopted or amended versions of and/or replacement documents to ensure that the UDO does not need to be updated every time a new plan is approved

Chapter 20.02: Zoning Districts

This chapter will list the zoning districts available in the City of Bloomington, the purpose of each district, and any regulations that are unique to that district, including the overlay districts and the planned unit development district. The following summarizes the proposed sections for this chapter:

Zoning Districts Established

This section incorporates materials from the current Chapter 20.01: Ordinance Foundation including the establishment of the zoning districts, zoning districts labeling, the establishment of the overlay districts, and the purpose statements for each zoning district from Chapter 20.02.

Official Zoning District Map

This section will indicate that there is an official zoning map that is adopted as part the UDO and that the official Bloomington Zoning Map is the latest electronic version of that map containing all changes approved by City Council to date.

Overlay Districts

This section will contain the regulations for the City's six overlay districts. This section will be limited to the regulations that specifically apply to the overlay districts and will not include general standards that apply to broader areas or types of buildings or development in the revised UDO. Procedures associated with the overlay districts will be consolidated into other procedures in the UDO.

Planned Unit Development District

This section will include the qualifying standards and regulations that apply to planned unit development districts. The procedures associated with the creation and modification of PUDs will be relocated to Zoning and Subdivision Procedures chapter of the UDO.

Chapter 20.03: Use Regulations

This chapter will include all regulations and standards related to land uses permitted, or conditionally permitted, in different zoning districts.

Permitted Use Table

Unlike the current method of identifying the list of permitted uses under each zoning district, the new UDO will include a consolidated table of permitted uses. This will allow easier comparison of the types of uses permitted in each district, and clear understanding where each use is allowed, how it is allowed (permitted, permitted with special conditions, or conditionally permitted), and where uses are prohibited. Use categories will be revised to be broader and more flexible, and the permitted or conditional status of each will be clarified. Each use-specific standard will be cross-referenced in the right-hand column of the table. Sections of the table will also address accessory and temporary uses. As this section is drafted, more flexible opportunities for adaptive reuse of older existing buildings should be included.

Use-Specific Regulations

This section will contain all standards applicable to individual uses and update them as stated in Part 1 of this document. Standards will apply to (or be tailored to apply to) permitted uses with special conditions, conditional uses, temporary uses, and accessory uses.

Chapter 20.04: Development Standards and Incentives

This chapter will include all of the UDO regulations that address site design and development (rather than permitted uses or procedures for development review and approval). It will cover a wide range of topics from site design to landscaping, parking, and lighting. This proposed organization will group standards by topic and will incorporate regulations from both the zoning development standards and the subdivision development standards while clarifying where they apply. The following summarizes the proposed sections for this chapter:

Dimensional Standards

This section will collect all of the standards for the size, shape, height, and size of lots and buildings in each of the City's zoning districts. It will address both site and building standards including minimum lot sizes, lot widths, building setbacks and build-tos, building height, as well as building form where those standards exist. It will also list all exemptions to these rules for height and setback encroachments and the rules for measurement of dimensional standards.

Access and Connectivity

This section will combine the various sections related to access and connectivity that are currently located in both the zoning developments standards and the subdivision design standards. It will address topics such as entrance and drive standards, street types, street design, cross-access easements, alternative transportation (including electric vehicle and autonomous vehicle standards), access and transit easements, pedestrian and trail network standards, and driveways and access regulations.

Parking and Loading

This chapter will consolidate all parking, loading, and vehicle stacking requirements, and will align those standards with the revised list of broader, more flexible uses in the use regulations chapter. It will incorporate both the parking standards from the zoning development standards and the on-street parking requirements from the subdivision design standards. In addition, it will cover parking space calculations, required off-street parking spaces (minimums and/or maximums as appropriate), parking alternatives such as joint parking and off-street parking regulations, parking incentives and credits, parking lot layout and design, bicycle parking, off-street loading requirements, and vehicle stacking standards for drive-through uses. In addition, this section will include objective standards allowing for additional flexibility in parking requirements and design in return for measureable and enforceable actions by the property owner to further reduce traffic generation and parking needs.

Landscaping, Buffering, and Fences

This section will bring together all UDO regulations related to landscaping, buffering, and fencing, including the general landscape standards, buffering requirements, street tree standards, parking area requirements, tree protection standards, walls, fences, and screening methods, and installation requirements.

Site and Building Design

This section will contain the site and building design standards for all of the zoning districts in the City and will update those standards to ensure that the base standards reflect the high quality of development that Bloomington expects citywide, and to reduce the length of building design regulations in the downtown overlay zoning districts.

Drainage and Floodplain

This section will contain the regulations pertaining to drainage, storm water design and management, floodplains, and erosion control related to both subdivision and zoning regulations. These standards will be reviewed and updated as discussed in Part 1 of this document, including updating the City's floodplain regulations to reflect the State's new requirements to the maximum extent practicable.

Sustainability Standards

This section will combine the City's environmental and sustainability standards that are currently located throughout the UDO. This will include regulations pertaining to steep slopes, wetlands, riparian buffers, and other environmental standards in addition to sustainability policies related to green development. Standards will be revised as discussed in Part 1 of this document.

Lighting

This section will contain the standards related to outdoor lighting including applicability and exemptions, parking area lighting, building lighting, and street lighting standards. The lighting standards will be updated and modernized to align with more traditional measurement metrics, as discussed in Part 1.

Signs

This section will include all sign regulations, including general sign regulations, applicability, compliance required, computation methods, prohibited signs, and permitted signs for residential, nonresidential, commercial, and downtown uses. It will also include regulations for temporary signs, and electronic signs.

Incentives

This section will include a more objective list of development standards or processing requirements that can be adjusted in return for specific community benefits. The current framework of incentives for design, sustainability, and affordable housing will be revisited and revised to ensure that the incentives are clear and objective, that they reflect the goals established in the Comprehensive Plan, and that they are reasonable in light of the developer's costs to earn the incentive. Incentives in this section may include additional height allowances, increased density, reduced parking, or other similar regulations.

Maintenance and Operation

This new section will include all regulations related to the maintenance of landscaping, parking lots, signs, and building features, as well as regulations addressing operations to prevent nuisances.

Chapter 20.05: Subdivision Standards

This chapter consolidated all substantive standards for the creation of new lots or the re-platting of existing lots, including regulations from the current Chapter 20.06 and 20.07. Some of the current regulations from current Chapter 20.07: Design Standards will be relocated to new chapter 20.04 (Development Standards) because they are intended to apply both when new lots are platted and when individual lots are developed. The following summarizes the proposed sections for this chapter:

General

This section will cover the applicability of the regulations and that compliance is required with all applicable zoning development standards in addition to the subdivision standards found within this chapter.

Subdivision Design Standards

This section will cover the various subdivision design standards, including the types of available subdivisions within the City (suburban subdivision, conservation subdivision, traditional subdivision, and commercial/industrial subdivisions), lot layout, and block layout. The environmental standards applicable at the subdivision layout stage will either be included here or will be combined with similar environmental considerations that apply at the site planning stage. If they are relocated to the zoning development standards, such regulations will be cross-referenced here.

Improvement Standards

This section will consolidate the different regulations pertaining to improvements including public and private improvement standards, streets and alleys, sidewalks and paths, easements, utilities, construction and acceptance regulations, easements, monuments and markers, and municipal services.

Chapter 20.06: Zoning and Subdivision Procedures

This chapter will consolidate all of the existing sections that identify the roles and responsibilities of the various decision-making bodies involved in the development process in Bloomington, as well as all material related to different types of applications for development review and the criteria that will be used to make those decisions. The sections of this chapter are summarized below:

Review and Decision-Making Bodies

This section will introduce each of the bodies that have authority to review and make decisions on development applications – including the Plan Commission, Common Council, Board of Zoning Appeals, City Staff, the Hearing Officer, and the Plat Committee – and will briefly list the types of decisions made by each body.

Summary Table of Review Bodies

This table will illustrate which person or board has the role of reviewing, making recommendations, making decisions, or hearing appeals for each type of application authorized by the UDO, including Common Council, Plan Commission, Board of Zoning Appeals, Land Use Committee, Planning and Transportation Staff, and other various approval bodies.

Common Review Requirements

This section of the updated UDO will bring together all those procedural requirements that apply to several different types of applications – such as who can file applications, neighborhood meetings, fees, application review, public notice requirements, adjustments from standards, withdrawal of applications, appeals, and other similar regulations. These common provisions will apply to all types of applications unless the UDO specifically provides otherwise. Consolidating these general requirements helps users better understand the City’s basic review procedures. It also avoids unnecessary duplication, ensures consistent application of common procedures, and eliminates the need to amend multiple sections of the UDO if a common procedural provision is revised. Sections devoted to specific processes will follow to address the specifics of the various development applications.

Specific Provisions

This section will describe (and illustrate with a flowchart) the steps involved in review and approval of each specific type of application under the UDO. Many of the existing specific types of application procedures from the current Chapter 20.09: Processes, Permits, and Fees will be carried, but will be updated and simplified as discussed in Part 1. Additionally, the specific procedures related to the overlay districts, planned unit developments, subdivisions, and platting will be relocated to this section in an effort to consolidate these regulations in one location.

Pre-Existing Development and Nonconformities

This section will carry forward the regulations in the current UDO Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses. It will address the continuation, expansion, restarting, replacement, repairs, and maintenance of non-conforming uses, structures, lots, and signs. As discussed in Part 1, the City may want to consider loosening up these standards to promote the reuse of existing vacant buildings and existing nonconformities.

Enforcement and Penalties

This section will carry forward the regulations in the current UDO Chapter 20.10: Enforcement and Penalties. It will address the regulations pertaining to authority, penalties and remedies for violations, administrations, enforcement procedures, and appeals.

Chapter 20.07: Definitions

This chapter will consolidate all the definitions for the UDO in one location as it is in the current UDO. All definitions will be reviewed and revised, with additional definitions created and outdated definitions removed as necessary. Illustrations will be added where helpful to understand individual definitions.

Rules of Interpretation

This section will cover the basic rules used in interpreting the UDO -- for example, clarifications that any singular word also includes the plural and that words used in the present tense shall also include the future.

Definitions

This section will carry over the definitions from Chapter 20.11 of the current UDO, but the terms will be reviewed and revised as discussed in Part 1.