



CITY OF BLOOMINGTON

November 2018

BLOOMINGTON

UNIFIED DEVELOPMENT ORDINANCE

REVIEW OF MODULAR ADMINISTRATION & PROCEDURES

CLARION

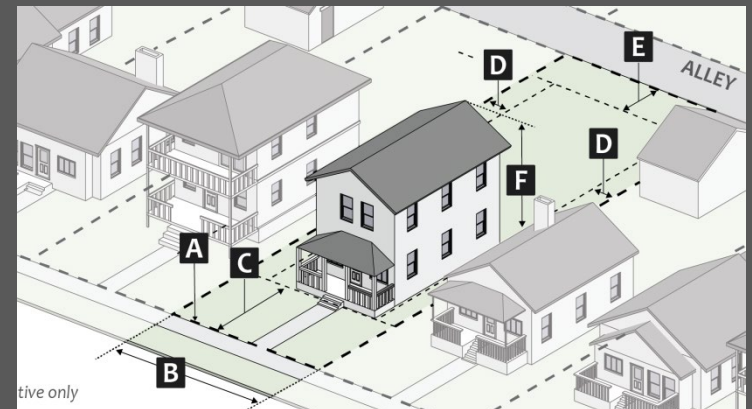
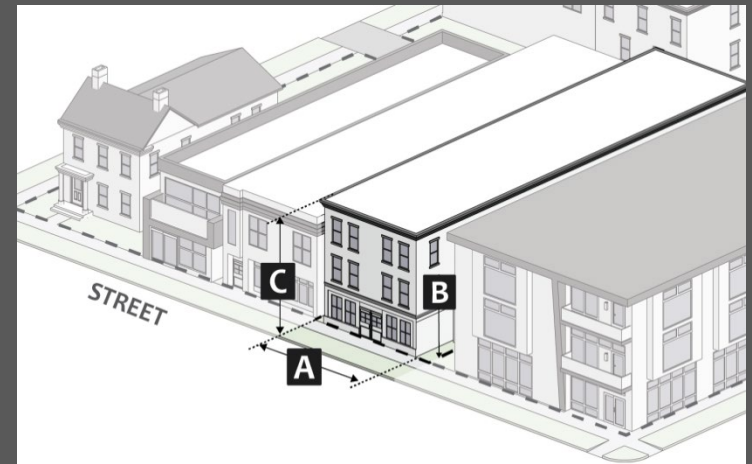
TODAY'S AGENDA

- Project overview
- Review Module 3 Draft
 - Ordinance Foundation
 - Administration and Procedures
- Next steps
- Discussion and Q&A

WHAT IS THE UDO?

The Bloomington Unified Development Ordinance (or “UDO”) contains the regulations for development within the city.

- Location and size of buildings
- Allowable land uses
- Quality and layout of development
- Procedures for zoning and subdivision review



PROJECT GOALS

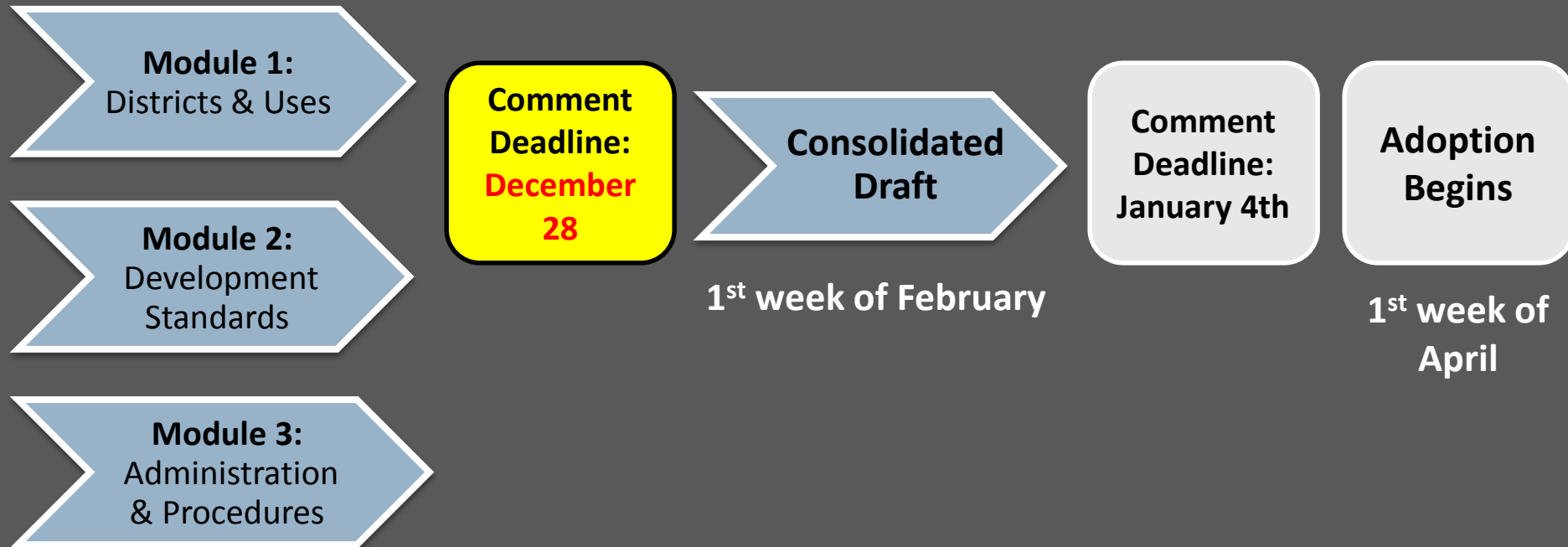
- Implement the Comprehensive Plan
- Streamline the development review procedures
- Improve and clarify design and form standards
- Re-evaluate UDO incentives to better align with Comprehensive Plan
- Create a more user-friendly code



2018 Comprehensive Plan
City of Bloomington



NEXT STEPS – GETTING TO ADOPTION



UDO ORGANIZATION

Chapter 20.01 – Ordinance Foundation

Chapter 20.02 – Zoning Districts

Chapter 20.03 – Use Regulations

Chapter 20.04 – Development Standards and Incentives

Chapter 20.05 – Subdivisions

Chapter 20.06 – Administration and Procedures

Chapter 20.07 – Definitions



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Chapter 20.01: ORDINANCE FOUNDATION

CLARION

ORDINANCE FOUNDATION - CONTENTS

20.01.010— Title and Effective Date

20.01.020— Purpose

20.01.030— Authority, Applicability, and Jurisdiction

20.01.040— Interpretation and Conflicting Provisions

20.01.050— Transition from Prior Regulations

20.01.060— Comprehensive Plan

An aerial night photograph of a city square, likely in a Midwestern state, featuring a prominent domed capitol building. The square is covered in snow, and the surrounding streets and buildings are decorated with extensive warm-white string lights. A large, illuminated Christmas tree stands in the center of the square. The sky is a deep twilight blue, and the overall atmosphere is festive and celebratory.

Chapter 20.06: ADMINISTRATION AND PROCEDURES

ADMINISTRATION & PROCEDURES - CONTENTS

20.06.010 – General

20.06.020 – Review and Decision-Making Bodies

20.06.030 – Summary Table of Review Procedures

20.06.040 – Common Review Procedures

20.06.050 – Development Permits and Procedures

20.06.060 – Subdivision Procedures

20.06.070 – Plan and Ordinance Amendments

20.06.080 – Flexibility and Relief Procedures

20.06.090 – Nonconformities

20.06.100 – Enforcement and Penalties

GENERALLY

- Consolidated all procedures into one place
- Reorganized content to fit new document structure
- New Administrative Manual:
 - Not part of the UDO (allows for more streamlined updates)
 - Includes petition submittal requirements, review time periods, fees, and other technical information
 - Can be a physical manual and/or online content

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

* = Public Hearing Required

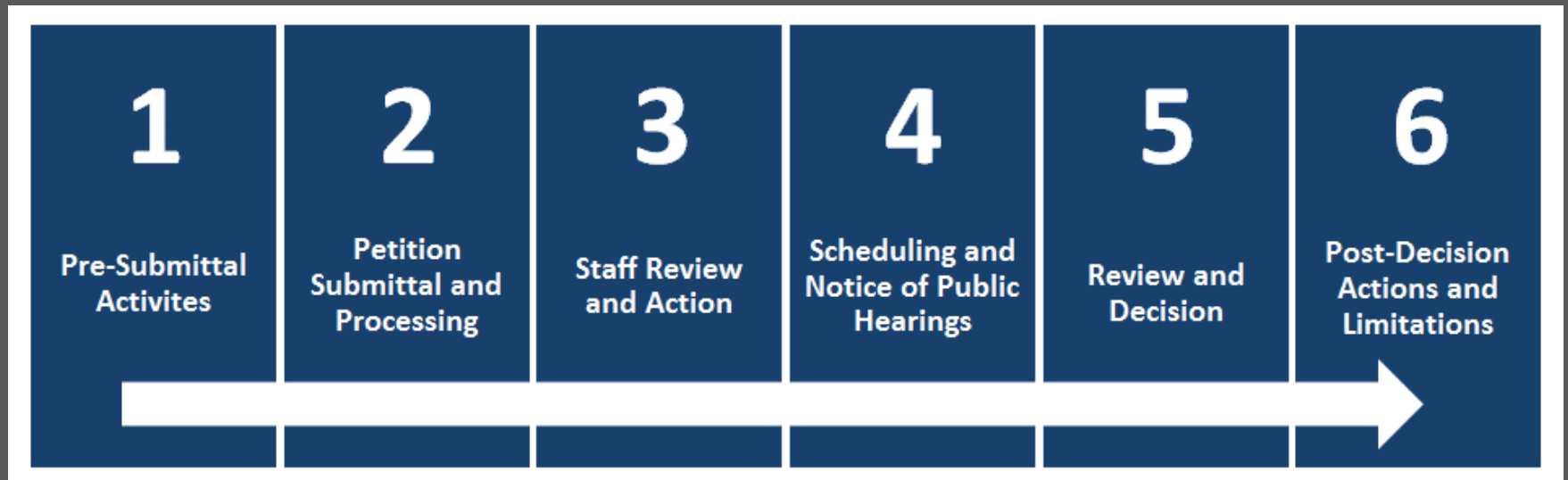
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Grading Permit	20.06.050(d)							D						
Certificate of Zoning Compliance	20.06.050(e)							D						
Certificate of Occupancy	20.06.050(f)							D						
Certificate of Final Acceptance	20.06.050(g)							D						
Certificate of Nonconforming Use	20.06.050(h)							D						
Sign Permit	20.06.050(i)							D						
Temporary Use Permit	20.06.050(j)							D						
Easements	20.06.050(k)	See 20.06.050(k) (Easements)												

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Subdivision Procedures														
Primary Plat	20.06.060(b)	✓	✓	✓	✓	✓		R	A	D*				
Secondary Plat	20.06.060(c)					✓		R	A	D				
Vacating Plat	20.06.060(d)	✓	✓	✓	✓	✓		R	D*					
Plat Waivers and Modifications ⁷⁶⁵	20.06.060(e)	✓	✓	✓	✓	✓		R	D*					
Plan/Ordinance Amendments														
Comprehensive Plan Amendment	20.06.070(a)	✓	✓	✓				R	R*			D*		
Zoning Map Amendment	20.06.070(b)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Rezoning to Planned Unit Development (PUD) ⁷⁶⁶	20.06.070(c)	✓	✓	✓	✓	✓	✓	R	R*			D*		
Zoning Text Amendment	20.06.070(d)	✓	✓	✓	✓			R	R*			D*		
Flexibility and Relief Procedures														
Minor Modification	20.06.080(a)				✓			As required for associated petition						
Variance	20.06.080(b)	✓	✓	✓	✓			R			A		D*	
Administrative Interpretation	20.06.080(c)							D			A			
Administrative Appeal	20.06.080(d)	✓		✓				R			D*			

20.06.040 – COMMON REVIEW PROCEDURES

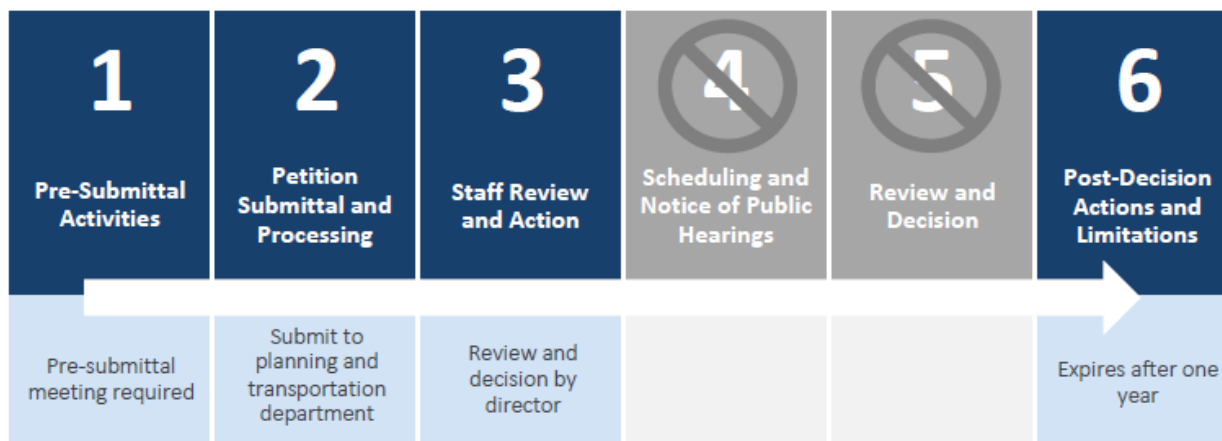
- Apply to several petition types
- Prevent repetition (and potential inconsistency) within specific petition procedures
- Specific procedures refer back to common review procedures



(4) Minor Site Plan Review Process

Figure 6.05-1 identifies the applicable steps from 20.06.040 (Common Review Procedures) that apply to minor site plan review. Additions or modifications to the common review procedures are noted below.

Figure 6.05-1: Summary of Minor Site Plan Review Procedure



(A) Pre-Submittal Activities

A pre-submittal meeting is required in accordance with Section 20.06.040(b)(1) (Pre-Submittal Meeting).

(B) Petition Submittal and Processing⁸⁵²

The minor site plan petition shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 20.06.040(c) (Petition Submittal and Processing).

(C) Staff Review and Action⁸⁵³

i. Generally

1. The planning and transportation director shall review the minor site plan petition 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).⁸⁵⁴
2. Alternatively, the planning and transportation director may refer the petition to the plan commission pursuant to Section 20.06.040(d)(2) (Petition Routing).

ii. Commitments⁸⁵⁵

The planning and transportation director may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.06.040(d)(8) (Commitments).

iii. Additional Review for Drainage and Floodplain

Any projects that are determined by the planning and transportation department to be located within an identified floodway, floodway fringe, or within the floodplain shall also meet the criteria in Section 20.04.040(c)(9)(E) (Site Plans).

PETITION ROUTING – WHO REVIEWS IT?

New UDO codifies current practice:

- Plan Commission/BZA
 - Petitions that are complex, unique, or have potentially serious impacts
- Plat Committee/Hearing Officer
 - Everything else
- Planning and transportation director makes determination
- Only applies to conditional use, plat, and variance petitions
- Review criteria remain the same
- Determines hearing and noticing requirements
- Intended to provide a more predictable and fair process

REVISED APPROVAL CRITERIA

1. General Criteria

- UDO requirements
- Other regulations (flood plain, building code, etc.)
- Utility requirements (infrastructure design, fire code, etc.)
- Previous approvals

2. Conditional Uses (general criteria also apply)

- Consistent with adopted plans
- Adequate public service/facilities
- Minimize/mitigate adverse impacts
- Rational phasing plan

3. Plats, Zone Changes, PUDs (cumulative – 1 and 2 also apply)

- Consistent with intergovernmental agreements
- Adequate road system

PUBLIC NOTICING

- Relocated from Plan Commission and BZA Rules and Procedures
- Simplified (currently 3 flavors of noticing)
- State law requires 10-day notice
- New draft proposes two noticing periods:
 - 21 day- Plan Commission/BZA review (major requests)
 - 10day - everything else (minor requests)
- Summary table identifies noticing requirements



R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
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Easements	20.06.050(k)	See 20.06.050(k) (Easements)												

SITE PLAN REVIEW – MINOR VS. MAJOR

R = Review and Recommendation D = Decision A = Appeal * = Public Hearing Required

Procedure	UDO Section	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Submittal Meeting	DRC Meeting	Neighborhood Meeting	Staff	Plan Commission	Plat Committee	Board of Zoning Appeals	Common Council	Hearing Officer	Historic Preservation Commission
Development Permits and Procedures														
Site Plan Review, Minor	20.06.050(a)				✓			D	A					
Site Plan Review, Major	20.06.050(a)	✓	✓	✓	✓	✓	✓	R	D*					

SITE PLAN PROCEDURES – REVIEW THRESHOLDS

Exempt

- Change of use (no site improvements)
- Tenant improvements that don't increase floor area
- Single-family, duplex, triplex, and fourplex projects

Major Site Plan (Plan Commission decision)

- More than 25,000 square feet
- Creation of more than 100 dwelling units

Minor Site Plan (Staff decision)

- Everything else that isn't exempt or that requires major site plan review

AFFORDABLE AND SUSTAINABLE INCENTIVE

- Site plan petitions that qualify as affordable or sustainable are reviewed under the minor site plan category
- Only for site plan review, standard procedures for re-zoning, conditional use, platting, or others still apply
- Intended to provide additional incentive (stream-lined review)
- Project still needs to meet all other standards in UDO (height, density, setbacks, screening, buffering, etc.)
- Director has discretion to “bump -up” petitions that are complex, unique, or have potentially serious impacts

20.06.060 & 070– SUBDIVISIONS, PLANS & CODES

Subdivision – reorganized and aligned with state law

- Primary Plat
- Secondary Plat
- Vacating Plat
- Plat Waivers and Modifications
 - Staff is discussing whether this can be removed because other flexibility tools are available

Plan and Code Amendments

- Comprehensive Plan Amendment
- Zoning Map Amendment
- Rezoning to Planned Unit Development (PUD)
- Zoning Text Amendment

20.06.080 – FLEXIBILITY & RELIEF PROCEDURES

Variance

- Consolidated different “flavors” of variances into one procedure
- Staff discussing whether current use variance procedure should be eliminated
- Use variances are typically not needed with current approaches to conditional uses, development standard variances, minor modifications, and nonconformities

20.06.080 – FLEXIBILITY & RELIEF PROCEDURES

Minor Modification

- Minor flexibility for dimensional or numeric standards during staff review of an application
- Intended to allow “common sense” application of standards
- Not intended to be the new baseline, there are qualifying criteria for consideration:
 - No adverse impacts on neighboring properties
 - Not necessitated by owner’s own actions
 - Needed due to unique site features, to protect a natural resource, or to protect a community asset

UDO Standard	Allowable Modification (maximum percentage)
Subdivision Standards⁹⁷⁷	
Parent tract size, minimum	10
Open space required, minimum	5
Block length, minimum or maximum	10
Site Standards	
Lot area, minimum	10
Lot coverage, maximum	10
Lot Dimensional Standards	
Front building setback, minimum	25
Front parking setback, minimum	25
Front build-to range, minimum	25
Front building façade at build-to range, minimum	25
Side building setback, minimum	25
Rear building setback, minimum	25
Encroachment into setback pursuant to Table 4-5	10
Impervious surface coverage, maximum	5
Building Standards	
Density, maximum	5
Primary structure height, maximum	10
Primary structure height, minimum	10
Student housing or dormitory building floor plate (maximum)	5
Accessory building height, maximum	10
Projection into height requirement pursuant to Table 4-6	10
Development Standards	
Number of required vehicle or bicycle parking spaces, maximum or minimum	10
Minimum landscaping requirements, minimum	10
Fence or wall height, maximum	15

20.06.080 – FLEXIBILITY & RELIEF PROCEDURES

Administrative Interpretation

- Updated to allow more interpretations
 - Text, zoning map boundaries, use regulations
 - Criteria clarified for transparency
- Planning and transportation director and/or traffic and transportation engineer can make determinations

Administrative Appeal

- Formalized procedure in UDO
- Burden of proof is on petitioner
- Not a “second bite at the apple”

20.06.090 – NONCONFORMITIES

More logical and user-friendly structure

- General standards (all nonconformities)
- Nonconforming uses
- Nonconforming structures
- Nonconforming lots
- Nonconforming site features
- Nonconforming signs

Generally

- Maintenance and repair allowed
- Property owner has burden of proving legal nonconformity
- Nonconforming uses can expand within a building (with limitations)

NONCONFORMING SITE FEATURES

- Revised thresholds that trigger compliance with UDO (i.e., when is someone required to bring nonconforming site features into compliance)?
- Strike a balance between improving development quality and not discouraging reinvestment



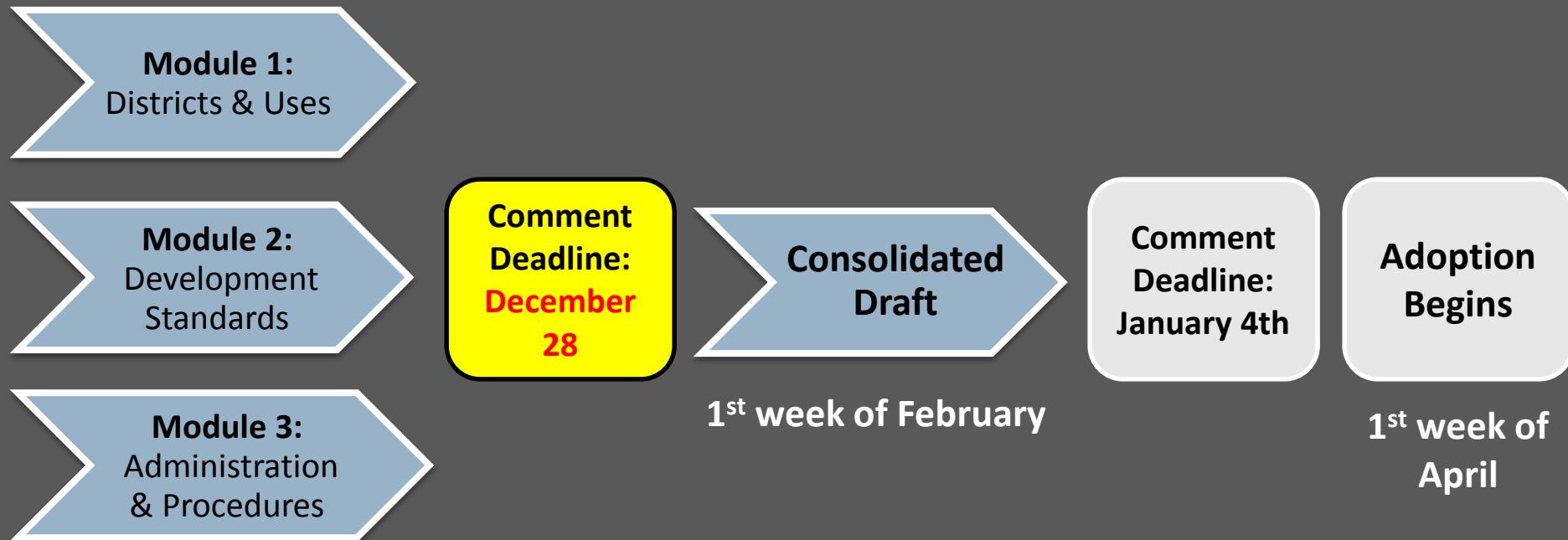
NONCONFORMING SITE FEATURES

Table 6-3: Nonconforming Site Feature Upgrade Thresholds

✓ = Entire Site Blank cell = Disturbed Areas Only

UDO Standard	UDO Section	Change of Use	New Development	Redevelopment (minor site plan)	Redevelopment (major site plan)
Dimensional standards	20.04.020		✓		✓
Environmental	20.04.030		✓		✓
Drainage and 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	20.04.0100	✓	✓	✓	✓

NEXT STEPS – GETTING TO ADOPTION



HOW TO SUBMIT COMMENTS

<https://bloomington.in.gov/planning/udo/update>

Zone Districts and Permitted Uses

July 16 - 17, 2018

This next step of the UDO assessment (Module 1) proposes changes to the existing UDO, each change is footnoted, and are aimed to address the menu of zone districts needed to implement the Comprehensive Plan. This assessment also focuses on the uses (permitted/conditional/accessory/temporary uses) for each zoning district. Materials for this assessment step can be accessed below:

1. [Module 1: UDO Zone Districts and Uses](#)
2. [Presentation Handout](#)
3. [Public Notice and Meeting Schedule - July 16 - 17, 2018](#)

Public Review #2: ([Submit Comment Form Module 1](#))



Dimensional and Development Standards

September 11 - 12, 2018

Module 2 will cover the dimensional standards (height, size, setbacks, and location of primary and accessory structures) and the development layout and quality standards (access/ connectivity, parking, lighting, landscaping/buffering, signage, and maintenance standards). Just as in Module 1, proposed changes to the existing UDO are footnoted and are aimed to implement the Comprehensive Plan.

1. [Module 2 - Development Standards, Incentives, and Student Housing Supplement](#)
2. [Presentation Handout](#)
3. [Public Notice and Meeting Schedule - September 11th and 12th, 2018](#)

Public Review #3: ([Submit Comment Form Module 2](#))





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DISCUSSION AND Q&A

CLARION