



# BLOOMINGTON, INDIANA

## UNIFIED DEVELOPMENT ORDINANCE UPDATE Consolidated Draft - Frequently Asked Questions

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### Q: **What is the UDO update project?**

The Unified Development Ordinance (UDO) is the primary source of land use regulations for the City of Bloomington. It brings together both zoning regulations (which control the location of buildings/structures and types of uses that can be built or operated on lots in different areas of the city) and subdivision controls (which regulate how new developable lots are created). The UDO was originally adopted in 2007, and a process to update it has been underway since early 2018.

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### Q: **Why do we need to revise the UDO?**

In March of 2018, the City of Bloomington adopted an update to the City's Comprehensive Plan, which is the City's long-range vision for Bloomington's future land use and development. The UDO update is designed to align the City's zoning and subdivision regulations with the Comprehensive Plan. The new UDO will provide residents, business owners, and government officials with a clear path to facilitate appropriate and more predictable development outcomes that are consistent with the City's long term vision.

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### Q: **What are the goals of the UDO update project?**

The main goal is to implement policies of the recently adopted Comprehensive Plan. In addition, four project goals were identified during the project kickoff:

- Make the review of development applications more straightforward, predictable, and efficient;
- Improve design and form standards for the downtown;
- Set clear minimum quality standards for new development; and
- Improve the user-friendliness of the UDO.

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### Q: **Who is leading this project?**

The Bloomington UDO update project is being led by the City of Bloomington's Planning and Transportation Department. The City has retained consultants from Clarion Associates and McBride Dale Clarion to assist in drafting the new UDO. In addition, a UDO Advisory Committee comprised of a broad and diverse range of local stakeholders to provide additional direction at key milestones of the project.

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### Q: **Will my property be rezoned as part of this UDO update project?**

The current boundaries of each zoning district will remain unchanged when the new UDO is adopted. However, many zoning districts will be renamed to create a more internally consistent list of zone district names. In addition, the rules governing development in the renamed zoning districts will change to better implement the goals of the Comprehensive Plan. Please visit the City's [Official Zoning Map](#) to determine the zoning district designation for a specific property. After the adoption of the new UDO, the City will initiate a separate mapping exercise to consider where new zoning districts should be applied or existing zoning district boundaries should be changed to better align with the City's Future Land Use Map in the Comprehensive Plan. That process will require detailed analysis and public and stakeholder input.

**Q: What happens if my property does not comply with the new UDO?**

Any lot, site, structure, or land use that does not comply with one or more of the standards of the new UDO, but that lawfully existed when it was created, is a “lawful nonconforming” lot, site, structure, or land use. The property and structure can remain in its current use, and can be sold or rented to others who want to continue that use. However, any expansions, additions, changes, or other modifications to the lot, site, structure, or land use will generally need to comply with the standards of the new UDO. Please refer to Section 20.06.090 (*Nonconformities*) of the draft UDO for more detailed information.

**Q: Does the new UDO change building heights in Bloomington?**

Yes. In some zoning districts the maximum allowed building height has been increased a few feet to accommodate the higher floor-to-ceiling heights in new building technologies. To help increase predictability, the new UDO also includes a maximum number of stories allowed (in addition to overall height in feet) in each mixed-use and nonresidential zoning district. The proposed maximum height allowances are accompanied with a suite of improved building design and neighborhood transition standards, to ensure appropriate building scale, massing, and compatibility. In the Mixed-Use Downtown (MD) zoning district, the maximum heights are recommended to return to the limits that applied prior to the December 2017 interim ordinance – with one exception. The exception is student housing projects, which would still be subject to the lower heights established in the interim ordinance in order to manage the impact of large-scale development. Many of these changes are summarized in the table below.

**Summary of Revised Maximum Building Heights**

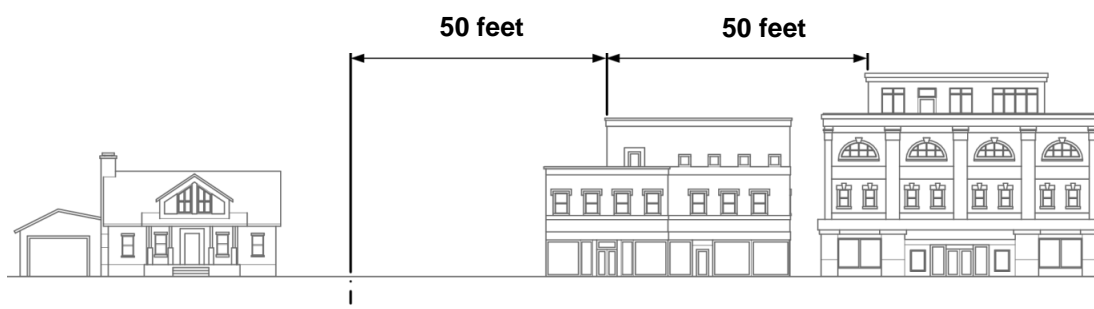
Zoning District Name		Current Maximum Height	Proposed Maximum Height
Current	Proposed		
RH	RH	50 feet	63 feet (5 stories)
--	MS (new district – not yet mapped)	--	75 feet (6 stories)
BP	ME	50 feet	63 feet (5 stories)
CD-CSO	MD-CS	35 feet	40 feet (3 stories)
CD-DCO	MD-DC	40 feet	50 feet (4 stories)
CD-UVO	MD-UV	General & Kirkwood: 30 feet Restaurant Row: 25 feet	General & Kirkwood: 40 feet (3 stories) Restaurant Row: 35 feet (3 stories)
CD-DEO	MD-DE	25 feet	40 feet (3 stories)
CD-DGO	MD-DG	30 feet	40 feet (3 stories)
CD-STO	MD-ST	35 feet	50 feet (4 stories)
MD	MH	80 feet	40 feet (3 stories)

Notes:

- [1] This table does not list zoning districts where building heights were carried forward unchanged.
- [2] Affordable housing and sustainability incentives could increase maximum building heights by up to 2 ½ stories.
- [3] Student housing or dormitory projects are subject to lower maximum heights in the MD zoning district and are not eligible for additional heights from incentives.

**Q: Does the new UDO protect residential neighborhoods from the construction of tall buildings nearby?**

Yes. The new UDO includes several standards to ensure that new development adjacent to single-family residential zoning districts respects the scale of those residential buildings and provides a buffer along the residential neighborhood edge. In addition to enhanced landscape buffer requirements, new neighborhood transition standards limit the building height of development within 50 feet of adjacent residential zoning districts to the maximum building height allowed in that residential zoning district. Between 50 and 100 feet from the residential zoning district, building height can be increased up to one additional story beyond the maximum height of the residential district. Additional building height incentives are not available within this area unless a variance is obtained. Along the edge of the residential district, new buildings must also comply with the minimum building setbacks that apply in the residential district.



**Q: What types of new housing are allowed under the UDO, and where are they allowed?**

The new UDO introduces several new housing types in Bloomington to ensure there is a diverse housing stock to meet the needs of a wide spectrum of residents. Some new housing types include duplexes, triplexes, fourplexes, small-scale multifamily, townhouses, live/work units, accessory dwelling units, and similar innovative forms of housing. Several of those new forms of housing – and the zone districts in which they are permitted – are shown in the table excerpt below.

**Table 3-1: Allowed Use Table**

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use,

Uses with an \* = use-specific standards apply

NOTE: Additional uses may be permitted, prohibited, or require conditional use approval in some MD Character Areas pursuant to Section 20.03.060.

Proposed Name	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	
Current Name	RE	--	RS	RC	--	RM	RH	MH	--	CL	CG	CA	BP	IN	CD	MD	IG	QY	--
<b>RESIDENTIAL USES</b>																			
<b>Household Living<sup>300</sup></b>																			
Dwelling, single-family (detached) <sup>301</sup>	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached) <sup>302</sup>			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex <sup>303</sup>	P	P*	P*	P*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex <sup>304</sup>		P*	P*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, fourplex <sup>305</sup>				C*	P*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(3)
Dwelling, multifamily <sup>306</sup>					C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work <sup>307</sup>					C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development <sup>308</sup>		C*	C*	C*	C*	C*	C*			C*									20.03.030(b)(7)
Dwelling, mobile home								P*											20.03.030(b)(8)
Manufactured home park <sup>309</sup>								P*											20.03.030(b)(9)
<b>ACCESSORY USES<sup>394</sup></b>																			
Dwelling, accessory unit <sup>398</sup>	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(5)

These “missing middle” housing types provide dwelling units compatible in scale with, or only marginally larger than, single-family homes, and help meet the growing demand for a more walkable and affordable neighborhood. Limiting the size and the locations in which these new types of housing are permitted helps strike a balance that allows these uses to develop over time while preserving the existing scale and character of single-family neighborhoods.

Several commenters have expressed concern about allowing missing middle housing in traditional single-family neighborhoods. The primary concerns are that the existing single-family homes will be torn down to make way for these new types of housing, and that the new units will be occupied by students. The draft UDO includes several new standards that help address these concerns. For example, in the R1, R2, and R3 zoning districts, duplex and triplex dwellings are only permitted on corner lots, must have separate utility meters for each unit, and the primary entrance of each duplex dwelling must front on two different streets to retain a single-family dwelling appearance. Additionally, duplex, triplex, and fourplex dwelling units may not have more than three bedrooms per unit, to help reduce the likelihood that they will be built for or occupied by students. Section 20.03.030 (Use-Specific Standards) of the draft UDO lists additional standards specific to these uses.

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**Q: How does the new UDO address student housing pressures in Bloomington?**

Several stakeholders have voiced concern about increasing demand for student housing in Bloomington and the considerable pressure it is placing on the workforce housing market. In an effort to proactively address the student housing need, the UDO includes a new use type called “Student Housing or Dormitory.” This use type distinguishes student housing from typical multifamily housing projects so they can be regulated differently, including their size and where they are allowed. A project is considered a student housing or dormitory use if any single unit contains four or more bedrooms, if more than 33 percent of the total units in the building contain three bedrooms, or if the project requires a common hallway to access shared bathroom or cooking areas. The “Student Housing or Dormitory” use is proposed to be allowed in the multifamily and mixed-use zoning districts (RM, RH, MS, MN, MM, MC, MI, and MD); however, a public hearing and conditional use approval would be required (RM, MN, and MD zoning districts).

Where student housing or dormitory uses are allowed, they must be separated from each other by at least 300 feet (approximately the length of one downtown block) and the building floorplates are limited to between 5,000 and 20,000 square feet (depending on the zoning district they are in). Additionally, student housing or dormitory uses in the downtown require conditional use permit approval and are limited to 40 feet (approximately 3 stories) in the Downtown Core character area, and 30 feet (approximately two stories) in all other downtown character areas. For more detailed information about zoning controls on student housing, please refer to Section 20.03.030(b)(12) of the draft UDO.

The new UDO also introduces a new zoning tool to allow larger student housing projects than are permitted in any of the other draft UDO zoning districts. A new Mixed-Use Student Housing zoning district (MS) allows “Student Housing or Dormitory” uses by-right without the separation, maximum floorplate, and reduced height standards described above. These projects would still be subject to building setbacks, height limits, neighborhood transition standards, buffering, and other applicable standards to ensure it respects nearby development.

The MS zoning district is not intended to isolate “Student Housing or Dormitory” uses to a single zoning district. Rather, it is intended to help encourage these uses to locate in areas adjacent to campus, along underdeveloped commercial corridors, and along transit routes, as recommended in the Comprehensive Plan. Since this is a new zoning district, it will not be applied to the Conversion Zoning Map during the adoption of the new UDO. Instead, a second zoning map update effort to align the Comprehensive Plan with the zoning tools in the new UDO will begin after the adoption and effective date of the UDO.

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**Q: How does the new UDO address the need for more affordable housing in Bloomington?**

The need for more affordable housing is a topic that surfaced in nearly every meeting to date. The new UDO removes several barriers to affordable housing in Bloomington to help increase the supply of affordable housing. The following paragraphs highlight a few noteworthy updates:

- **Allow more diverse housing options** – Removing barriers that prevent the creation of a wider variety of housing types is important. The new UDO removes these barriers by allowing duplexes, triplexes, fourplexes, small-scale multifamily, townhouses, live/work units, accessory dwelling units, and similar innovative forms of housing in some areas of Bloomington.
- **Modernize dimensional standards** – Another barrier to affordable housing is a legacy of suburban-style lot and building dimensional standards that are in direct conflict with the Comprehensive Plan desire to welcome new small-scale and walkable development. For example, the current minimum lot area for most nonresidential zone districts is one-half to three-quarters of an acre. This means a half-acre lot that is 100 feet deep would need to be at least 217 feet wide (nearly 75 percent of the average block-face). In addition, current standards limit impervious areas (buildings, patios, parking, etc.) to no more than 50 or 60 percent of a lot. The new UDO significantly reduces minimum lot width and area requirements and increases the maximum impervious surface coverage allowances to allow for smaller-scale and more efficient development. Overall, this will help reduce land acquisition and development costs, which translates to increased housing affordability.
- **Improve affordable housing incentives** – Another major priority of the UDO update is to refine and strengthen the affordable housing incentives so the private sector will build more new affordable housing units. The new affordable housing incentives are much more objective and clearly define the level of affordable housing required to qualify for incentives. The new UDO also removes the need for individualized negotiations for each project, which can be very unpredictable and time consuming. The incentives offered to those who qualify are much more enticing, allowing for reduced lot sizes and setbacks for single-family, duplex, triplex, and fourplex uses; increases in building height (up to two additional stories) for multifamily projects; and expedited review for projects that contain fewer than 50 dwelling units that are not immediately adjacent to the R1, R2, R3, or R4 zoning districts.

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**Q: Does the new UDO change the way residential density is calculated and controlled?**

Yes. Maximum dwelling unit density limits can unintentionally drive up the cost of housing because the density limits are usually lower than the number of dwelling units that a building could reasonably accommodate. It is especially difficult to visualize dwelling units per acre, making it ineffective in predicting “how big” something may be. A residential townhouse project on one acre of land may have the same dwelling unit “density” as a six-story multifamily project on a large lot. In addition, the current maximum dwelling unit per acre limits in Bloomington are unusually low given the permitted building heights, lot coverages, and parking requirements. This disconnect is likely a big reason why developers are frequently applying for PUDs, waivers, and other negotiated processes, that avoid UDO standards.

The new UDO replaces dwelling unit per acre controls with clear building envelope and lot development standards (setbacks, height limits, lot coverage, minimum landscape requirements, etc.). This is similar to “form-based” approaches and offers a more predictable way to regulate a building’s size and scale and visualizing how well it will fit in with different areas of Bloomington. In other words, if a project complies with required building setbacks, height limits, minimum landscape requirements, parking requirements, neighborhood transition standards, use-specific standards, and other development standards, it is unnecessary to also limit the number of individual units allowed on a lot. This approach allows the market to determine how many units the site can accommodate (provided all UDO standards are met), which will in turn help lower housing costs.

The current Dwelling Unit Equivalents (D.U.E.s) conversion factors (aimed at encouraging lower bedroom counts and reducing the likelihood that new projects will be designed for and marketed to students) are also proposed to be removed from the new UDO. The D.U.E. standards are no longer necessary in light of the proposed changes to how the “Student Housing or Dormitory” use is defined and regulated.

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**Q: Will development under the new UDO be more environmentally sustainable?**

Yes. A major goal of the UDO update project is to raise the bar for sustainable development in Bloomington generally, and not just for those applicants that seek incentives. The current UDO already includes several standards to improve sustainability, but more can be done to elevate the baseline standards without a significant cost burden on development. The list below identifies a few of the UDO changes in this area:

- Fewer barriers for compact, mixed-use development;
- Improved access and connectivity standards allowing for pedestrians and bicyclists to safely navigate the City;
- Requirements for electric vehicle charging stations in parking areas with 50 or more vehicle spaces;
- Allowances for innovative stormwater treatment alternatives (biofiltration swales, vegetated swales, bioretention areas, and culvert outfalls) to improve water quality and reduce stress on City infrastructure;
- Enhancements to minimum landscape requirements to minimize urban heat-island effect; and
- Meaningful incentives for those seeking to construct sustainable projects.

The new UDO also refines the sustainability incentives by offering two options. Projects that satisfy either option are allowed one additional story of building height. Projects that achieve both the sustainable and affordable housing incentives are allowed one additional floor of building height (in addition to the original incentive), but that floor is limited to 50 percent of the total building footprint area.

- **Option 1** – Developers may select five sustainable practices from a menu of seven options derived from existing sustainability programs (i.e., LEED, Living Building Challenge, Green Globes Certification, WELL Building Standards, etc.). These standards promote the City’s goals and do not reference or require certification from a particular third-party program.
- **Option 2** – Developers must submit proof that the proposed project is being reviewed and expects to receive a mid-level certification by a verified third-party sustainability program (similar to those listed in option 1 above). Proving that the project is designed to meet the third-party standards is sufficient and actual proof of post-construction certification is not necessary.

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**Q: Will the new UDO affect private covenants or other HOA rules?**

No. Some neighborhoods in Bloomington have private covenants, conditions, and restrictions (CC&Rs) and/or a home owner’s association (HOA) that establishes specific rules. CC&Rs and other HOA rules are disclosed during escrow closing on a property and are not associated with the City of Bloomington. Because these are private agreements, the City of Bloomington does not regulate or enforce CC&Rs or HOA rules. The new UDO will not change, repeal, or impair any existing easements, covenants, or deed restrictions; and where the UDO and a private agreement conflict or overlap, the more stringent regulation applies.

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If you have additional questions regarding the Bloomington UDO update, please contact:

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