

MEMORANDUM

TO: Terri Porter and Scott Robinson, City of Bloomington
FROM: Don Elliott and Jim Spung, Clarion Associates
DATE: March 5, 2019
RE: Bloomington UDO Update - Consolidated Draft

We are pleased to submit the revised Consolidated Draft of the new Bloomington Unified Development Ordinance (UDO) for your review. Some overall notes:

- o This draft consolidates edited versions of all three individual modules.
- o All materials have been edited based on the various comments we have received from City Staff, the general public, as well as notes we made during the various stakeholder meetings.
- o Throughout the document there are footnotes to help users understand how the new draft UDO is different from the current UDO. Major edits that are introduced as part of this draft are marked with new italicized footnotes that start with "Consolidated Draft." All other footnotes have been carried forward from previous drafts of Modules 1-3.

Any proposed edits and/or changes from the existing UDO are footnoted throughout the document; this memo only provides a brief summary of what we think are significant changes. For more detailed information related to proposed changes, we encourage you to review the draft UDO document, including the footnotes and commentary boxes provided.

Chapter 20.01: Ordinance Foundation

This chapter establishes the legal framework for adopting and administering development regulations in Bloomington. The content was largely carried forward from various sections the current UDO. Below are notable changes from current standards:

20.01.010(b): Purpose

- o Updated purpose statement to include references to ecosystem services, natural disasters, and affordable housing.

20.01.050(b): Comprehensive Plan Incorporated

- o Revised to clarify that the Comprehensive Plan, in addition to any related plan(s), are included by reference in the UDO. The current UDO lists specific area plans and other supporting documents by name, but that approach becomes quickly outdated as new plans and documents are approved.



Chapter 20.02: Zoning Districts

This chapter replaces the content in current Chapter 20.02 (Zoning Districts); Chapter 20.03 (Overlay Districts); and Chapter 20.04 (Planned Unit Development Districts) of the current UDO and establishes the new menu of zoning districts that will apply after the effective date of the UDO. We have proposed several changes to these standards as outlined below:

Generally

- Revised district purpose statements to better align with the Comprehensive Plan and existing built conditions.
- Relocated and simplified the Plan Commission/Board of Zoning Appeals guidance from each individual zone district to Chapter 20.06 (Administration and Procedures).
- Integrated text related to the specific intent of the zoning districts (e.g. “Commercial and office uses should be at a scale that serves the immediate neighborhood”) into the district purpose statements or to the use-specific standards in Chapter 20.03: (Use Regulations).
- Integrated regulatory text (e.g. “Residential uses should be limited to multifamily development on floors above the street level commercial uses”) into the use-specific standards and/or design standards.
- Added “illustrative scale and character” graphics throughout the chapter to help illustrate the intent of each zoning district. These graphics are illustrative only and are not intended to portray all of the development standards in this UDO.
- Updated all of the district and dimensional graphics to reflect the revisions to dimensional standards since Modules 1-3.

Dimensional Standards

This section highlights general observations and proposed edits related to other dimensional standards, as well as our rationale for proposing such changes.

- Created new summary tables for lot, building, and other dimensional standards keyed to a supplemental “dimensional standards” graphic.
- Clarified that the minimum lot area and minimum lot width standards only apply to lots that are created after the effective date of the UDO, and not to existing lots (a current practice that is not clear in the current UDO).
- Added neighborhood height and setback transition standards for development abutting a property in the RE, R1, R2, R3, or R4 zoning districts (see 20.04.070(d)(4)).
- Added new standards requiring a minimum floor-to-ceiling height for nonresidential uses on the ground floor to be 12 feet to accommodate a range of uses over time.
- Proposed several changes to specific lot, building, and other dimensional standards, each of which is detailed in footnotes.
- Reduced minimum lot width and area standards in the RM, RH, mixed-use, and nonresidential zoning districts to remove barriers to small-scale projects, promote infill development, and improve housing affordability.
- Increased the maximum impervious surface coverage allowance in the RE, RM, RH, and MN zoning districts to improve land use efficiency and housing affordability by allowing greater flexibility.

- o Replaced “dwelling unit per acre” controls with clear building envelope and lot development standards (setbacks, height limits, lot coverage, parking maximums, etc.) to increase predictability and to allow the market to better respond to pressures for more affordable workforce housing. These controls are no longer needed in light of much clearer definitions for and controls on student housing.
- o Eliminated the “Dwelling Unit Equivalent” (D.U.E.) conversion factors (which were originally aimed at encouraging lower bedroom counts to regulate products designed for and marketed to students), in order to avoid artificially constraining workforce housing development in ways that drive up housing costs.

20.02.010(a): Summary Table of Zoning Districts

- o Updated the table showing how the current line-up of zoning districts translates into the new menu of zoning districts.

20.02.020: Residential Zoning Districts

- o Introduced a new R1 zoning district to fill the gap between the RE (current RE) zoning district (108,900 square foot minimum lot size) and the R2 (current RS) zoning district (8,400 square foot minimum lot size).
- o Introduced a new R4 zoning district to accommodate small urban-scale development (4,200 square foot lots). This new district is intended to be used for vacant or under-used land in Bloomington where future or proposed small-lot residential uses are desired. We do not recommend re-zoning existing RC (proposed R3) or any other existing single-family zoning districts to the R4 zone district as a part of the UDO update.
- o Clarified that single-family, duplex, triplex, and fourplex structures in the RM, RH, and RMH zoning districts are subject to the dimensional standards for the R4 zoning district.
- o Added new standards requiring front-loading garages and/or carports to be located 10 feet behind the primary structure’s front building wall.
- o Updated front setback measurement to be from the front property line (not the proposed right-of-way), unless the existing right-of-way is planned to be expanded within five years.

20.02.030(a): Mixed-Use Student Housing (MS)

- o Introduced a new zoning district to provide opportunities and locations for the growing student housing demand, to help encourage student housing and dormitories to locate in areas of the City that will help realize the goals and intent of the Comprehensive Plan and reduce housing pressures on other areas. These areas will not be mapped as part of the UDO adoption process, but we recommend mapping them as part of a second round of map revisions to better reflect Comprehensive Plan goals.
- o Allows “Student Housing or Dormitory” as a permitted use without minimum spacing requirements, maximum floorplate, and restricted height standards applicable in other zoning districts. Building envelope, buffering, neighborhood transition, and other standards still apply in this new district to ensure compatibility with adjacent neighborhoods.

20.02.030(g): Mixed-Use Downtown (MD)

- o Organized and formatted the downtown character area standards to resemble the other base zoning districts (i.e., clear purpose statement, illustrative graphic, and dimensional table keyed to dimensional graphic).

20.02.030(h): Mixed-Use Healthcare (MH)

- o Carried forward and renamed the current Medical (MD) zoning district. This district may be removed from the UDO after special planning efforts for the current hospital area are completed, the hospital is relocated, and other zoning districts are applied to the current hospital area to implement that plan.

20.02.040(b): Parks and Open Space (PO)

- o Added a new zoning district to help preserve and protect City-owned parks and open space by limiting the land uses allowed in that district as well as the size and scale of any buildings or structures. This is intended to provide an added level of predictability to neighboring residents for what activities and/or development activity can occur within city-owned parks.

20.02.050: Planned Unit Development District (PUD)

- o Revised purpose statement to clarify the intent of the PUD zoning tool to address the City's past experience with PUD amenities of limited value to the public, the unpredictability that PUDs create for neighboring development, and the time and expense required to negotiate these districts and administer them over time.
- o Introduced several new qualifying criteria to ensure that future PUD development is limited to only those projects that cannot develop using the base zoning districts in this UDO.
- o Added clarifying language that all PUDs are bound by the development and subdivision standards of the UDO, unless otherwise specified in the PUD approval.
- o Relocated the PUD procedures to Chapter 20.06 (Administration & Procedures), to group them with all other rezoning procedures.

20.02.060: Overlay Districts

- o Converted the six existing overlay districts into one Downtown Character Overlay (DCO) district and six "character areas." The new DCO district retains and simplifies the standards from the original overlays.
- o Reconciled minor differences in standards among the different character areas. For example, the minimum façade articulation module length in the DC and DG character areas was changed from 25 feet to 20 feet to be consistent with the other character area standards.
- o Included enhanced pedestrian design standards (pedestrian entrance requirements, pedestrian amenities, etc.).
- o Simplified upper-floor setback requirements to reference the number of stories rather than a specific height measured in feet. Inserted a new graphic illustrating this standard.

Chapter 20.03: Use Regulations

This chapter consolidates all of the regulations controlling specific uses of land in Bloomington. It includes the ground rules for where specific activities are allowed and what specific standards apply to those activities. We have proposed several changes to these standards as outlined below:

Generally

- o Deleted the proposal for a new category of "V" uses that would have allowed some additional land uses in buildings that have been vacant for five or more years. This approach was proposed in Module 1, but is not included in the Consolidated Draft because of staff concerns about administering and tracking the program over time.

- Clarified how to administer use regulations for specific circumstances (multiple uses on a single lot, unlisted uses, previously permitted uses, etc.).

20.03.010(f): Additional Standards in MD Character Overlay

- Revised current standards regulating ground-floor retail uses to reflect more realistic levels of market demand. Current standards require the construction of too much nonresidential space, which often remains or becomes vacant. The revised standards generally focus nonresidential development to a two-block perimeter around Courthouse Square and in University Village along Kirkwood and 4th Streets (see Section 20.03.010(f) for more details).
- Introduced new standards requiring a minimum floor-to-ceiling height of 12 feet where any nonresidential uses are proposed or required on the ground-floor to help ensure long-term viability of that space for nonresidential land uses.
- Revised the list of prohibited land uses in the downtown character overlay areas to allow more flexibility.
- Added standard typical of most modern zoning regulations requiring compliance with all required state, federal, and local licenses, permits, and operation rules to ensure that any activities that occur in the City comply with those important requirements. This does not obligate the City to enforce regulations outside of their authority, but gives it the ability to do so if it affects public health or safety.

20.03.020: Table of Allowed Uses

- Consolidated the current lists of permitted uses in the Bloomington UDO into a single table.
- Reorganized permitted land uses into broader use categories to help organize specific use types in a logical way and to encourage future amendments to be consistent with existing land use regulations.
- Consolidated several similar uses for simplicity (and footnoted those changes).
- Introduced several new uses to help implement the Comprehensive Plan guidance and to respond to emerging market forces (and footnoted those additions).
- Introduced several “missing middle” housing types (i.e., duplexes, triplexes, fourplexes, small-scale multifamily, townhouses, live/work units, and similar innovative forms of housing) to the use table to provide dwelling units compatible in scale with, or only marginally larger than, single-family homes, and to help meet the growing demand for walkable urban living. Please see the footnotes and commentary boxes in the draft UDO for more information.
- Added a new “Student Housing or Dormitory” land use to clearly distinguish this use from other multifamily uses. This draft also establishes tailored standards addressing the minimum separation requirements, size, and building height of student housing projects. See Section 20.03.030(b)(12) and Chapter 20.07: (Definitions) for relevant definitions and controls.
- Added hyperlinks throughout the table to refer users to specific standards that apply to specific use types.

20.03.030: Use-Specific Standards

- Relocated all standards and controls that apply to specific land uses to this section. The Table of Allowed Uses includes hyperlinks to each of these standards.
- Added clarifying language ensuring that existing legally established single-family homes are not made nonconforming by adoption of this UDO, regardless of where they are located.

- o Introduced controls on the location and orientation of duplex, triplex, and fourplex uses to address neighborhood concerns of compatibility, scale, and potential student occupancy.
- o Updated multifamily dwelling standards to reflect the suite of revisions addressing student housing.
- o Established new standards regulating “Student Housing and Dormitories”, including location separation requirements, maximum building floorplates, and reduced building heights for some zoning districts.
- o Created standards for noncommercial urban agriculture to control accessory structures, establish operational standards, and require soil testing to protect public health.
- o Updated standards for crops and pasturage to be more specific and to clarify how many animals are permitted per property.
- o Removed standards requiring screening and side- or rear-yard placement of solar collectors.

20.03.030(g): Accessory Uses and Structures

- o Consolidated current standards regulating the number and size of accessory structures permitted in each zoning district into a single table.
- o Removed minimum 300 foot spacing requirement for accessory dwelling units (ADUs) to avoid the inequities involved in the current “first come first served” approach. This approach has proven difficult to track, monitor, and enforce, and several cities have moved away from this type of spacing control.

20.03.030(h): Temporary Uses

- o Removed the requirement to obtain a temporary use permit for “Farm Produce Sales”.

Chapter 20.04: Development Standards & Incentives

This chapter consolidates all of the site and building layout and development quality standards for new development in Bloomington and organizes those standards into broad categories. We have proposed several changes to these standards as outlined below:

20.04.010: Applicability

- o Clarified and simplified standards as to the types of development and investments that trigger compliance with the UDO.

20.04.020: Dimensional Standards

- o Consolidated all of the dimensional standards for each zoning district into a series of tables for easy side-by-side comparison across districts.
- o Consolidated all measurement and exception standards into one place for user-friendliness and consistent administration of the standards.
- o Revised building height measurement methodology to measure height from the average finished grade on each façade to the highest point on the roof instead of from the lowest point of the building to the highest point of the building (see definition for “height, building” for more information).
- o Included a maximum number of stories allowed (in addition to overall height in feet) and calibrated the overall height limits accordingly.

20.04.030: Environmental

- o Revised several standards based on staff feedback to better align with current and best practices (and footnoted those changes)
- o Separated drainage standards from floodplain controls, and relocated the drainage standards to this section.
- o Added standards to protecting trees during construction.

20.04.040: Floodplain

- o Replaced standards in current 20.05.048 to reflect recommended standards included in the state model floodplain ordinance provided by Indiana Department of Natural Resources.
- o Relocated content related to floodplain permitting, administration, or procedures to Chapter 20.06: (Administration & Procedures).

20.04.050: Access and Connectivity

- o Grouped all standards and controls related to access and connectivity into this section of the UDO
- o Revised several standards based on staff feedback to better align standards with current and best practices (and footnoted those changes).
- o Updated references to transportation corridors and other improvements to be consistent with the Transportation Plan.
- o Added flexibility to allow the City Engineer or Planning and Transportation Director to make determinations and adjustments where strict adherence to certain design standards is not practical or would result in reduced safety.
- o Added a new requirement for sidewalk connections to building entrances adjacent to public streets.

20.04.060: Parking and Loading

- o Removed minimum parking requirement (two spaces per dwelling) for single-family detached and attached dwellings.
- o Reduced minimum parking requirement for duplex, triplex, and fourplex uses to one-half spaces per dwelling unit in all zoning districts, and eliminated the minimum parking requirement in the MD (downtown) district.
- o Revised multifamily parking ratios to be calculated based on the number of units rather than the number of bedrooms. The new standards still assign a different standard for units based on bedroom count.
- o Updated and simplified the maximum vehicle parking requirements as provided in Table 4-10 of the draft UDO. The current and proposed standards are included for easy side-by-side comparison.
- o Introduced a new suite of alternative parking standards to allow more flexibility with parking requirements and to allow development to consider impacts that may reduce overall parking demand. Please see 20.04.060(g) and 20.04.060(h) for more information regarding what types of activities allow for adjustments to parking standards.
- o Revised minimum vehicle parking dimensions to reflect current trends to reduce overall area dedicated to vehicle parking and to increase land efficiency on a site.

- o Added language allowing alternative stormwater run-off treatments to help improve water quality and to reduce stress on the City's stormwater infrastructure.
- o Added new standard requiring electric vehicle (EV) charging stations for new parking areas with more than 50 vehicle parking spaces.
- o Revised and simplified bicycle parking standards to align with the new structure, organization, and format of the UDO. Clarified when and how many bicycle parking spaces are required for specific types of development.
- o Clarified how various parking requirements are calculated.

20.04.070: Site and Building Design

- o Added a clear purpose statement for why site and building design is regulated in Bloomington.
- o Clarified which types of developments and what types of activities require compliance with site and building design standards.
- o Included standards requiring that adequate space be provided for on-site refuse and recycling containers.
- o Added new neighborhood transition standards requiring increased building setbacks and lower building height for new projects within 100 feet of a property in the RE, R1, R2, R3, and R4 zoning districts.
- o Revised standard requiring additional building standards for projects adjacent to historic buildings to be required when they are "abutting" and not "adjacent" to historic structures, so that these standards do not apply across streets and alleys.

20.04.080: Landscaping, Buffering, and Fences

- o Added standard allowing public art to count towards up to five percent of the minimum landscape area required.
- o Established new alternative landscaping provisions allow for deviations from the minimum requirements if certain conditions exist that prevent compliance with standards.
- o Updated permitted plant list species to only include native plants.
- o Revised buffer yard standards to be required based on adjacent land use rather than zoning district (i.e., single-family, multifamily, mixed-use, commercial, etc.).
- o Revised the number of required landscape bumpouts, islands, and endcaps are determined from one per 16 vehicle parking spaces to one per 10 vehicle parking spaces.
- o Clarified that if a bumpout, island or endcap is as long as two parking stalls (rather than one stall), then two trees must be planted (rather than just one tree).
- o Created new mechanical equipment screening requirements.
- o Elevated standards for screening loading, service, and refuse areas city-wide.

20.04.090: Outdoor Lighting

- o Reorganized and clarified standards.
- o Added new graphics to help illustrate standards.

20.04.100: Signs

- o Reorganized content to be consistent with the structure of other chapters of the UDO.

- o Revised some standards to align with the U.S. Supreme Court's ruling in Reed v. Gilbert, which strictly prohibits content-based regulations.
- o Deleted standard from current 20.05.079(j)(4) requiring a hold harmless agreement.

20.04.110: Incentives

- o Replaced current incentive standards in sections 20.05.009; 20.05.049; and 20.07.200 with a new suite of incentives focused on affordable housing and sustainable development.
- o Strengthened incentives to build affordable housing and sustainable development through allowing alternative lot size and setback standards for single-family, duplex, triplex, and fourplex uses and increases in building height for multifamily projects.
- o Removed the requirement for individualized negotiations to qualify for incentives, in order to increase predictability and reducing time and expense of projects including affordable housing or sustainable development.
- o Updated standards to be more objective and to clearly define the level of affordable housing required to receive the incentives.
- o Introduced a new expedited review processes for projects that qualify for affordable housing or sustainable development incentives by allowing projects with 50 dwelling units or less to be reviewed as a "minor site plan" rather than a "major site plan," except for projects adjacent to the R1, R2, R3, or R4 zoning district. Any project that requires an approval other than site plan (i.e., rezone, plat, conditional use, etc.) will still be subject to the review procedures for the respective petition type.
- o Added a new payment-in-lieu option to allow developers to contribute funds to a City-managed affordable housing fund in lieu of constructing affordable units.
- o Revised sustainability development incentives to include two different options. Option one allows a developer to choose from a menu of sustainable development options derived from existing sustainability programs (i.e., LEED, Living Building Challenge, Green Globes Certification, WELL Building Standards, etc.). Option two requires proof that the project is being reviewed and expects to be certified by a third-part sustainability program.

20.04.120: Operation and Maintenance

- o Consolidated existing standards related to the operation and maintenance of a site after it has been developed.
- o Added a reference to the City's noise controls in the Bloomington Municipal Code to clarify that all uses and operations are subject to such controls.

Chapter 20.05: Subdivision Standards

This chapter consolidates all of the standards for the subdivision of land and the creation of new developable lots in Bloomington, including street and lot layout, easement requirements, utility requirements, and other related standards. We have proposed several changes to these standards as outlined below:

- o Added a purpose and applicability statement to clarify the intent of the provisions.
- o Reorganized subdivision types and standards into a consistent and user-friendly table format.

- Removed the current section 20.06.020 (suburban subdivision) type, because that type of development pattern would be inconsistent with the guidance provided in the Comprehensive Plan.
- Removed the current alternative dimensional standard requirements for subdivisions, because those are no longer needed in light of revised UDO standards for lot dimensions and layouts.
- Revised several standards based on staff feedback to better align standards with current practices and address gaps and inconsistencies in current standards.

Chapter 20.06: Administration & Procedures

This chapter consolidates all of the administration and procedures in Bloomington and helps users understand the process for receiving approval to engage in specific activities in the City. We have proposed several changes to these standards as outlined below:

20.06.020: Review and Decision Making Bodies

- Consolidated all of the roles and responsibilities for the review and decision-making bodies in Bloomington into a single section.
- Added a new section for “floodplain administrator” to be consistent with the state model floodplain language.
- Relocated some minor procedural requirements (such as internal operating procedures for some appointed bodies) to an Administrative Manual outside of the UDO.

20.06.030: Summary Table of Review Procedures

- Consolidated and summarized all of Bloomington’s review, noticing, and appeal procedures into one table for user-friendliness and increased transparency for all processes.

20.06.040: Common Review Procedures

- Consolidated steps that are generally applicable to many types of development petition to reduce repetition and to provide an efficient organizational framework for the remainder of the chapter.
- Added new flowcharts to summarize which steps of the common review procedures apply to each type of petition.
- Revised language for pre-submittal activities to provide more clarity and predictability and to more closely align with current practice.
- Relocated specific petition submittal requirements to an Administrative Manual outside the UDO.
- Added standards clarifying what happens if a petition is revised, abandoned, or withdrawn.
- Clarified how petitions are routed throughout the City and what criteria qualify them for referral to a different review body.
- Consolidated and categorized general project review criteria into a three-tiered system including (1) general compliance criteria, (2) additional criteria for conditional uses; and (3) criteria for zoning map amendments, plats, and PUDs.
- Consolidated, simplified, and relocated the current public notice requirements in the UDO, the Plan Commission Rules and Procedures, and the Board of Zoning Appeals Rules and Procedures into one section.
- Relocated complex noticing proof and verification procedures to an Administrative Manual.

- Simplified noticing into two different noticing periods: (1) a petition requiring Plan Commission or Board of Zoning Appeal action (typically “major” requests) requires a 21 day notice, and (2) a petition requiring staff, Plat Committee, or Hearing Officer action (typically “minor” requests) requires a 10 day notice.
- Clarified the appeal procedures for all application types.

20.06.050: Development Permits and Procedures

- Divided the current site plan review procedure into two categories (minor and major). A minor review would be conducted administratively by staff and would not require a Plan Commission hearing. Major site plan review requires Plan Commission review.
- Revised site plan applicability thresholds and exemptions to be more clear and objective.
- Introduced a new floodplain development permit procedure to align with the new standards integrated from the Indiana state model floodplain ordinance.
- Added financial surety requirement for grading permits.
- Codified the current practice for obtaining a certificate of zoning compliance and certificate of nonconforming use.
- Revised criteria for obtaining a temporary and final certificate of occupancy.

20.06.060: Subdivision Procedures

- Renamed platting procedures to align with state law (i.e., primary plat, secondary plat).
- Updated the subdivision review criteria to implement language from the state model floodplain ordinance.
- Removed the plat waiver and modification process because it is unnecessary in light of the other UDO standard adjustment tools and the revised lot and dimensional.

20.06.070: Plan and Ordinance Amendments

- Revised the process for zoning land as a PUD process to clarify what is required to qualify for a PUD and reduce the use of this hard-to-administer zoning tool in the future.
- Updated the approval criteria for rezoning to a PUD to reflect updates to replace vague considerations with more objective standards, in order to ensure that substantial public benefits are obtained, and to discourage the use of this district except for very unique projects.

20.06.080: Flexibility and Relief Procedures

- Introduced a new “minor modification” process to allow the final decision-making body to approve minor deviations from certain dimensional or other numeric standards when justified by unique site circumstances.
- Consolidated development standards variance, use variance, and floodplain variance (based on the Indiana state model floodplain ordinance) into one procedure (each with their own review criteria).
- Updated the “administrative interpretation” procedure to be more clear and objective and to allow for interpretations beyond just the interpretation of uses (UDO text, zoning map boundaries, use determinations, etc.).

20.06.090: Nonconformities

- Reorganized content from current Chapter 20.08 into a more logical and user-friendly structure, beginning with general standard applicable to all nonconformities, then addressing specific standards applicable to nonconforming uses, structures, site features, and signs.
- Added several standards to clarify how nonconformities are administered, and clarified that changes in ownership or tenancy can occur and nonconformities may generally continue to operate.

20.06.100: Enforcement and Penalties

- Carried forward current UDO content with some minor wording edits.

Chapter 20.07: Definitions

This chapter consolidates all of the definitions for words and phrases used throughout the UDO, with several clarifying edits to current definitions and several new definitions based on new uses or standards elsewhere in the UDO. Among other changes, this chapter includes clearer definitions of student housing related uses to distinguish them from general workforce multifamily housing and to better control the impacts of student housing on the housing stock and adjacent neighborhoods.