

BLOOMINGTON INDIANA



UNIFIED DEVELOPMENT ORDINANCE SUMMARY OF SIGNIFICANT CHANGES FROM CURRENT REGULATIONS

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Over the past two years, Clarion Associates and McBrideDaleClarion have worked with Bloomington staff, stakeholders, citizens, and property owners to update the Bloomington Unified Development Ordinance (UDO). The goals of this project have been to:

- Align the UDO with the 2018 Bloomington Comprehensive Plan;
- Improve the effectiveness, efficiency, and predictability of the UDO;
- Create new opportunities for more affordable housing; and
- Improve the user-friendliness of the UDO.

The result of this work is an Adoption Draft of the UDO that is scheduled to begin the public hearing and adoption process on August 26, 2019. The Adoption Draft contains numerous changes from Bloomington's current zoning and subdivision regulations. This document focuses on the most significant of those changes to Bloomington's current land use control regulations. For more detailed information related to proposed changes, we encourage you to review the full UDO document available on the project website: <https://bloomington.in.gov/planning/udo/update>.

Structure of the Regulations

All of the city's zoning and subdivision regulations have been reorganized into seven chapters:

- 20.01: Ordinance Foundation
- 20.02: Zoning Districts
- 20.03: Use Regulations
- 20.04: Development Standards & Incentives
- 20.05: Subdivision Standards
- 20.06: Administration & Procedures
- 20.07: Definitions

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 of the current UDO. Purpose statements and ties to the Comprehensive Plan were strengthened.

Chapter 20.02: Zoning Districts

This chapter describes an updated list of zoning districts available to accommodate current development and implement the Comprehensive Plan. It consolidates the content in current Chapter 20.02 (Zoning Districts); Chapter 20.03 (Overlay Districts); and Chapter 20.04 (Planned Unit Development Districts).

- Each district now includes a conceptual drawing and graphics to better illustrate the intended scale and character of development in each district (but do not reflect all of the development details addressed by the UDO).
- Each district now includes an updated table summarizing key dimensional standards such as lot size, maximum building height, and building setbacks. Changes to the existing dimensional standards are described in the Development Standards and Incentives section below.
- Four new zoning districts have been created (but not yet mapped):

- An R1 Residential Large Lot district with a minimum lot size of 20,000 sq. ft.;
- An R4 Residential Urban district to accommodate urban single-family lots of 4,800 sq. ft. (smaller than the current minimum size of 7,200 sq. ft.) to promote affordable housing (as suggested by the Comprehensive Plan);
- An MS Mixed-Use Student Housing district to accommodate large student housing projects with a maximum height of six stories (not to exceed 75 feet), to reduce pressure for large projects downtown (as suggested by the Comprehensive Plan); and
- A PO Parks and Open Space district to designate and protect City parks and open spaces.
- Most existing zoning districts have been renamed for internal consistency. The current RS district is now named R2 Residential Medium Lot, and the current RC district is now named R3 Residential Small Lot. A summary table clarifies how each existing district has been renamed, and which districts are new.
- The six current downtown overlay zone districts have been consolidated into one district with six separate character areas, for easier administration.
- Design and character guidance in the six downtown character areas has been retained, but standards for pedestrian-orientation were enhanced, and other standards were revised to avoid repetition and to remove unintentional inconsistencies and overly-subjective language.
- The ability to apply for Planned Unit Development (PUD) zoning has been narrowed, and the criteria for approval of PUDs has been strengthened, to ensure that this type of district produces developments of significant value to the City, rather than simply a way to avoid compliance with the City's development standards. PUDs are not available in the MD (Mixed-use Downtown) district.

Chapter 20.03: Use Regulations

This chapter consolidates all of the City's regulations concerning what land uses are permitted by right, or with conditional approval, and under what conditions, in each of the zoning districts.

- All regulations regarding permitted and conditional uses in each zoning district are summarized in a single Table of Allowed Uses, and all conditions and limitation on uses are cross-referenced in a consolidated list of Use-Specific Standards that follows the table. A portion of the table is shown below.

Table: 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 Current 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	
	RE	--	RS	RC	--	RM	RH	MH	--	CL	CG	CA	BP	IN	CD	MD	IG	QY	--
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family (detached)	P	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)			P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex		C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex					C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)

- The list of uses has been updated and reorganized into broader and more flexible categories.
- In response to public concern about the size and number of student housing projects in downtown, a new Student Housing or Dormitory use has been added, to clearly distinguish housing types designed and intended to be occupied by students from other types of housing. Any multi-family development with four or more bedrooms, or more than 33 percent three-bedroom units, is treated as student housing.
- Student Housing or Dormitory developments are limited in size and height and are required to be separated from each other in all zoning districts except the new MS Mixed-Use Student Housing zoning district. This use is also subject to conditional use approval in the RM Residential Multifamily, MN Mixed-Use Neighborhood-Scale, and MD Mixed-Use Downtown zoning districts.
- In order to promote the creation of more affordable housing and to diversify the housing stock in Bloomington, new duplex, triplex, and fourplex housing uses have been added.
- Although proposed to be allowed by right in the R2, R3, and R4 zoning districts in earlier drafts of the UDO, duplexes and triplexes are now proposed to be conditional uses (requiring a public hearing) in the RE, R1, R2, and R3 zoning districts, and fourplexes are only allowed in the RM, RH, and the new R4 district. In addition, based on public concern about possible crowding of these new types of housing, the number of bedrooms in duplex, triplex, and fourplex housing is now limited, and occupancy for each unit is limited to no more than two unrelated adults and their relatives.
- A new live-work use has been added.
- Because the current requirements for the construction of ground-floor retail space have produced an over-supply (much of which is unoccupied), those requirements have been reduced, and the number of downtown blocks where new ground-floor retail is required has been limited.
- Standards for noncommercial urban agriculture were clarified and updated.

- Standards for crops and pasturage and numbers of animals permitted were clarified.
- The 300-foot spacing requirement for accessory dwelling units has been removed to avoid inequities created by the current “first come first served” approach.

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. Key changes to each topic are summarized below.

Applicability

The UDO includes a new table that clarifies which development standards apply to which types of development and redevelopment projects.

Table: Development Standards Compliance Thresholds

UDO Standard	UDO Section	Change of Use		New Development		Redevelopment (minor site plan)		Redevelopment (major site plan)	
		Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only	Entire Site	Disturbed Areas Only
Dimensional standards	20.04.020		✓	✓			✓	✓	
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	20.04.100	✓		✓		✓		✓	

20.04.020: Dimensional Standards

- All dimensional standards have been consolidated into four tables.
- In the residential districts, the current low dwelling unit per acre standards were replaced by revised controls on building size, height, and numbers of bedrooms. This removes an incentive for developers to build fewer, larger, less affordable dwelling units, rather than smaller and more affordable units.
- In addition, Dwelling Unit Equivalent standards designed to discourage large student-oriented housing projects were replaced with new definitions and controls for Student Housing and Dormitory that achieve the same result.
- In the multifamily residential districts, the current large minimum lot sizes and lot widths were reduced to encourage efficient development of multifamily housing in new development areas, as recommended by the Comprehensive Plan.

- In mixed-use zoning districts, the current large minimum lot sizes and lot widths were reduced and lot coverage maximums were increased slightly to allow for more efficient infill and new development, as recommended by the Comprehensive Plan.
- The lower height limits adopted for the downtown MD zoning district in 2017 now only apply to Student Housing and Dormitory uses, but not to other downtown development.

20.04.030: Environmental

- The wording of several standards was revised to better align with current and best practices, and to better reflect the goals of the Comprehensive Plan.
- New standards to protect trees during construction have been added.

20.04.040: Floodplain

- Floodplain standards were separated from environmental standards.
- Floodplain standards were updated to reflect the Indiana Department of Natural Resources model floodplain ordinance.

20.04.050: Access and Connectivity

- This new section collects all standards related to access, connectivity, and walkability and emphasizes their importance and better integrates them into decision-making.
- Standards requiring sidewalk connections to building entrances adjacent to public street were strengthened.

20.04.060: Parking and Loading

- Minimum parking requirement (two spaces per dwelling) for single-family detached and attached dwellings were removed to encourage more efficient and affordable residential developments.
- Minimum parking requirements for new duplex, triplex, and fourplex uses were set at one-half space per dwelling unit in all zoning districts, except in the MD (downtown) district, where no parking is required.
- Maximum vehicle parking requirements were updated and simplified to focus on medium and large facilities where over-supply of parking can have a significant impact on neighborhood character and walkability, rather than small parcels and facilities that are unlikely to over-provide parking and that have only small impacts.
- Minimum vehicle parking space dimensions were reduced to reflect current trends, to reduce the overall area dedicated to vehicle parking, and to increase land use efficiency.
- A new standard requires electric vehicle (EV) charging stations in new parking areas with more than 50 vehicle parking spaces.

20.04.070: Site and Building Design

- The UDO now clarifies which types of developments and what types of activities require compliance with site and building design standards.
- New standards require that adequate space be provided for on-site refuse and recycling containers.

- In order to protect low density residential neighborhoods from overshadowing by nearby development, new neighborhood transition standards require increased building setbacks and lower building heights for new projects within 100 feet of a property in the RE, R1, R2, R3, and R4 zoning districts.

20.04.080: Landscaping, Buffering, and Fences

- A new standard allows public art to count towards up to five percent of the required landscape area.
- The permitted plant list was updated to only include native plants.
- Buffer yard standards were revised and are now based on adjacent land use rather than zoning district (i.e., single-family, multifamily, mixed-use, commercial, etc.), which is a more accurate indicator of the need for buffering.
- New standards require mechanical equipment to be screened, and standards for loading, service, and refuse areas were strengthened.

20.04.090: Outdoor Lighting

- Outdoor lighting standards were reorganized, clarified, and illustrated with new graphics.

20.04.100: Signs

- Sign regulations were revised to comply with the U.S. Supreme Court's ruling in Reed v. Gilbert, which strictly prohibits content-based regulations.

20.04.110: Incentives

- This section of the UDO has been substantially revised to focus incentives on the key City goals of housing affordability and sustainable development, and to reduce the need for lengthy negotiations to achieve those incentives. Affordable housing incentives have been substantially increased to allow builders to offset the added costs of this type of development.
- New affordable housing incentives allow multifamily projects to earn one additional floor of building height in return for providing at least 15 percent of the dwelling units as affordable to households earning below 120 percent of the HUD AMI for Monroe County, Indiana, and to earn up to two additional floors of building height if half of the rent restricted units are affordable to households earning below 80 percent of the HUD AMI for Monroe County, Indiana. Developers of non-residential projects and Student Housing and Dormitory projects may earn the same incentives if they include enough affordable units to offset the additional demand for affordable housing created by their project. However, all affordable housing projects located within 100 feet of low-density residential zone districts must still comply with the lower height limits and increased building setbacks in the neighborhood transition standards.
- In the case of low-density residential developments, developers that provide at least 7.5 percent of units as affordable to households earning below 120 percent of the HUD AMI for Monroe County, Indiana qualify for reduced lots sizes and setbacks.
- New sustainable development incentives allow developers to earn one additional floor of building height if they include at least four of six listed sustainability features, or if their building is certified to

meet a defined level of sustainability based on LEED or another approved third party rating system. If a developer meets the criteria for both the sustainability incentive and the affordable housing incentive, the additional height “added” by the sustainability incentive is limited to one-half floor. Again, projects located within 100 feet of low-density residential zone districts must still comply with the lower height limits and increased setbacks in the neighborhood transition standards.

- The criteria for earning the revised incentives are objective, and are determined by staff during the project review in order to increase predictability and reduce the time needed for project review and approval. Although the Hearing Officer or the Plan Commission often have final authority to approve or deny a project, that review will take place based on project designs that include any incentives earned by the applicant. Reducing the time needed for project approval and increasing the predictability of the review process significantly increases participation in incentive programs.
- A new payment-in-lieu process has been added, and tied to documented affordable housing impacts rather than individualized negotiations, to allow developers to contribute funds to a City-managed affordable housing fund in lieu of constructing affordable units.

20.04.120: Operation and Maintenance

- All City standards related to the operation and maintenance of buildings and sites (such as the duty to maintain landscaping) have been consolidated into this section of the UDO.

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:

- The “suburban subdivision” type was not carried forward because that type of development pattern is not consistent with the guidance provided in the Comprehensive Plan. New infill subdivision regulations provide flexibility without the curvilinear street layouts required by the old standards.
- Several technical standards have been revised based on staff feedback to better align standards with current practices and to address gaps and inconsistencies in the current regulations.

Chapter 20.06: Administration & Procedures

This chapter consolidates all of the zoning and subdivision administration and procedures and helps users understand the process for receiving approval to engage in specific activities in the City.

20.06.020: Review and Decision Making Bodies

- All of the roles and responsibilities for each review and decision-making body in Bloomington have been consolidated into a single section.
- A new section on the responsibilities of the floodplain administrator has been added to be consistent with the state model floodplain language.

- To improve readability, minor procedural requirements (such as internal operating procedures for some appointed bodies) have been relocated to an Administrative Manual outside of the UDO.

20.06.030: Summary Table of Review Procedures

A new table consolidates information about each type of application under the UDO, which bodies review and make a decision on the application, which bodies hear appeals of those decisions, and what kind of public notice is required. A portion of that table is shown below.

Table: Summary Table of Review Procedures

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*					
Conditional Use Permit	20.06.050(b)	✓	✓	✓	✓			R			A		D*	
Demolition Delay Permit	20.06.050(c)			✓	✓			R						D
Floodplain Development Permit	20.06.050(d)							D						
Grading Permit	20.06.050(d)							D						

20.06.040: Common Review Procedures

This section consolidates information about the common steps in most application review and approval procedures and states them once, rather than repeating them for each procedures (as in the current UDO). The petition-specific procedures in sections 20.06.050 through 20.06.080 refer back to these common review procedures and note any modifications or additions.

- Submittal requirements for each type of petition, as well as public notice verification procedures, have been relocated to an Administrative Manual outside the UDO, where they can be updated more easily as technology changes.
- Public notice requirements currently separated in the UDO, the Plan Commission Rules and Procedures, and the BZA Rules and Procedures have been integrated and now appear in the UDO.
- Numerous different notice periods for different procedures, and that vary based on who submits the application (all property owners, some property owners, or the City), have been simplified. The UDO now contains (1) a major decision notice period of 21 days for those decisions requiring action

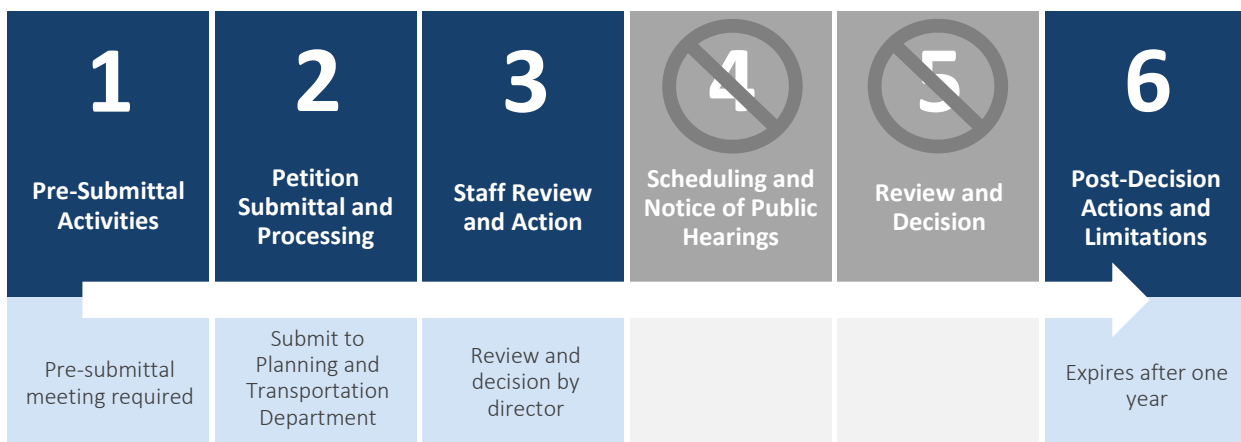
by the Plan Commission or Board of Zoning Appeals, and (2) a minor notice period of 10 days for decisions requiring action by staff, the Hearing Officer, or the Plat Committee.

- Where a petition might be routed to one of two different review bodies, the criteria for making that decision have been clarified.
- The criteria to be applied in making decisions on different types of petitions have been clarified and made more objective, and repetitive language has been removed. Criteria are now grouped into (1) general compliance criteria, (2) additional criteria for conditional uses; and (3) criteria for zoning map amendments, plats, and PUDs.

20.06.050: Development Permits and Procedures

This section consolidates information about those types of petitions that generally do not require review or action by the Plan Commission, Board of Zoning Appeals, or City Council. In addition, the UDO contains a horizontal flowchart illustrating the steps involved in review of each type of petition and referring back to section 20.06.040 where one or more of the common procedures apply. An example of one of those flowcharts is shown below.

Minor Site Plan Review Procedure



- The criteria for deciding when a site plan approval is required (and when it is not required) have been clarified.
- The current site plan review procedure has been into two categories -- minor and major – and clarifies what types of petitions fall into each category. A minor site plan can be approved administratively by staff.
- To encourage the use of affordable housing and sustainable development incentives, the site plan portion of any petition that qualifies for those incentives may be reviewed through the minor site plan process, with one exception. If the project is located adjacent to a lot in the R1, R2, R3, or R4 zoning districts and contains more than 50 dwelling units, major site plan review will be required.

Requests for rezoning, conditional uses, variances, or other types of approval would still require a public hearing.

- A new floodplain development permit procedure has been added to align with the Indiana state model floodplain ordinance.
- A financial surety requirement for grading permits has been added.
- The current practices for obtaining a certificate of zoning compliance and certificate of nonconforming use are now codified in the UDO.

20.06.060: Subdivision Procedures

- The platting procedures have been renamed to align with state law (i.e., primary plat, secondary plat).
- The subdivision review criteria have been revised to implement language from the state model floodplain ordinance.
- The current plat waiver and modification process has been removed, because the UDO contains other flexibility and adjustment tools that can achieve the same result.

20.06.070: Plan and Ordinance Amendments

- Because of the difficulty of administering Planned Unit Developments (PUD) and doubts about the benefits received by the City when this tool is used, the eligibility criteria for a PUD petition have been narrowed.
- 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. PUD applications are now required to provide additional open space, recreational, entertainment, or cultural amenities, or to protect important historical, ecological, natural, architectural, or archaeological resources, or to provide more affordable housing than that required to earn an affordable housing incentive.

20.06.080: Flexibility and Relief Procedures

- The current procedures for development standards variance, use variance, and floodplain variance have been consolidated into a single procedure, although each type of variance has its own review and approval criteria.
- A new "minor modification" process has been created to allow the final decision-making body to approve minor deviations (within defined limits) from certain dimensional or other numeric standards when justified by unique site circumstances.
- The text on "administrative interpretation" has been made clearer and more objective, and now applies to all interpretations of the UDO text (not just interpretation of land uses).

20.06.090: Nonconformities

This section clarifies how the UDO applies to properties and land uses that were created legally in the past, but that now do not meet the UDO standards because of later amendments to the UDO.

- The content has generally been carried over from the current UDO, but has been reorganized to begin with those general standards applicable to all nonconformities, followed by specific provisions applicable to nonconforming uses, structures, site features, and signs.
- Text now clarifies that the ability to continue to operate a nonconforming land use or to occupy a nonconforming building or site is not affected by later changes in ownership or tenancy of the business or property.

20.06.100: Enforcement and Penalties

This section 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.