Case # ZO-06-23 Memo

То:	Bloomington Common Council
From:	Bloomington Plan Commission Jackie Scanlan, AICP Development Services Manager
Date:	March 15, 2023
Re:	Text Amendments to Unified Development Ordinance

The Plan Commission heard case ZO-06-23 on March 6, 2023 and voted to send the petition to the Common Council with a positive recommendation with a vote of 8-0, as amended. The Plan Commission voted to remove the proposed changes to Table 04-10 in order to have time for additional information to be gathered and discussion.

The Planning and Transportation Department proposes its annual update and amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code. The last regular UDO Update process was completed in the Spring of 2022. This update is smaller scale than the larger update done in 2020 and is for regular maintenance of the code. Staff utilizes the UDO daily in our interactions with the public and other Departments, and has identified portions of the code that contain errors or that may benefit from amendment. No changes to the permitted uses or zoning districts are included in this update.

The proposal is divided into four (4) petitions. One petition is discussed below and is this Ordinance, 23-06:

1. ZO-06-23 | Chapter 4: Development Standards & Incentives

ZO-06-23 | Chapter 4: Development Standards & Incentives

This petition deals with amendments of details related to design requirements for uses. These amendments vary greatly. The amendments clarify that I-69 is not a front for design purposes; extend a provision for front entry to all R1-R4 districts; require access from an alley for almost all residential districts, as well as the mixed-use downtown district if an improved alley is present; clarify standards for the affordable housing incentives; alter architectural requirements in the mixed-use and some residential districts; alter screening requirements of electrical equipment on an alley; alter signage requirements for drive-through uses; clarify existing signage language to match practice; reword some language for clarity; exempt City of Bloomington signage from sign standards; as well as clarify front setbacks for additions on nonconforming structures. The amendments also add the required State of Indiana Floodplain Management language. (Some of the formatting for this section is not quite right, but the content is accurate.) The amendments also address a number of landscaping issues such as entirely new species tables (The formatting of the tables is not quite right, but the content is accurate.); updating street tree allowances and requirements; excluding the use of plastic netting; clarifying that native plantings

are required in green infrastructure facilities; altering the percentage allowances to improve diversity; altering buffer yard requirements for clarity; clarifying parking lot landscaping requirements; and improving the processes for verifying the installation of landscape plans. There are 55 amendments identified. These changes are important for various reasons. Some help align future development with City Plans and policies, some clarify existing practice related to development regulation, and some improve the regulations related to ease of use as well as improved outcomes. Revising the landscaping section to align the priorities of various departments is an important part of increasing consistency of regulation across the City.

Indialo		Revises the overall alchitecture standards		Alcillecular stationalds - Mixed Use	4 20.04.070(a)(2)	
revision	n medium ti m	Removes language that would prohibit a typical parking area in multi-family districts	i. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the MD, RM, and RH districts, the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet if width. Determinations of whether an alley allows for safe access shall be Department.	I. In cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted. In the R1, R2, R3, and R4 districts, the required parking area shall directly access the alley and be limited to 20 feet in depth and 20 feet in width. Depth of required parking areas may exceed 20 feet if leading to a vehicular entrance of a detached garage or carport. In the RM and RH districts, the required parking area shall directly access the alley and be limited to 40 feet in depth and 20 feet in width. Determinations of whether an alley Planning and Transportation Department.		
revision	medium	Adds the MD district to the list of applicable districts requiring access to come from the alley r	In the R1, R2, R3, R4, RM, RH, and MD District	In the R1, R2, R3, R4, RM, and RH District	4 20.04.060(i)(2)(B)	
clarification	easy	Adds "or" to the end of the section to clarify that if either criteria are met, then the parking reduction is allowed	(A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives); or	(A) The multifamily residential structure qualifies for the affordable housing incentives pursuant to Section 20.04.110 (Incentives)	4 20.04.060(g)(3)(A)	
revision	Medium	Revises and syncs this section with the Parking section requiring driveway access if adjacent to an improved alley	Improved Alley Access in the R1, R2, R3, R4, RM, RH, and MD District: In the R3 and R4 zoning district, a A driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.	Improved Alley Access in the R3 and R4 District: In the R3 and R4 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley.	4 20.04.050(c)(2)(F)	
Revision	Medium	The Floodplain section is being replaced with the State model language with the addition of our conditional use language.	New guidance from the State was received.	Floodplain	4 20.04.040	
New	Easy	Plastic netting is used in permanent landscape situations and not removed from site. Now requiring that such treatments not be plastic.	(L) Plastic Netting Under no circumstances shall plastic netting or mesh be used for any type of permanent landscaping or erosion control.	New regulation re: plastic netting	4 20.04.030(d)(3)(L)	
Revision	easy	Clarifies language for additions to existing structures that are located in required setbacks that this only applies to first floor additions and provides language for second-story additions.	Additions to existing primary structures: For single-family, duplex, and triplex structures, additions to the first floor footprint of existing primary structures may use existing side or rear setbacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side). Vertical additions to existing primary structures may utilize existing front setbacks provided that the existing structure is equal to, or has a greater front setback than, the median front setback of abutting residential structures.	Addition to existing primary structure: For single-family, duplex, and triplex structures, additions to existing primary structures may use existing side or rear sebacks already established on the lot, provided that the gross floor area of the existing structure is not increased by more than 50 percent. In no case shall the setback be less than 10 feet (rear) or 4 feet (side).	4 20.04.020(e) Table 04-6	
Revision	Easy	Allows encroachment into front setback in the R4 district and the front setback created by the build-to-line for covered front entries to apply in the R3 district.	For existing primary structures in the R1, and R2, R3, and R4 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure.	For the R1 and R2 zoning districts, an entry or covered front addition a maximum of 6 feet deep and with a width not to exceed one-third the width of the primary façade of the structure.	4 20.04.020 Table 04-6	
new	easy	Codifies previous interpretations.	(D) For parking and building setback purposes, Interstate 69 is not considered a front.	New language	4 20.04.020(e)(3)	
Type of Change	Difficulty	Synopsis	Proposed Language	Current Language	Citation	Chapter

4 20.04.080(c)(2)(D)(ii)	4 20.04.080(c)(2)(D)(i)	4 20.04.080(c)(2)(C)	4 20.04.080(c)(2)(B)	4 20.04.080(c)(1)(F)	4 20.04.080(c)(1)(E)	4 20.04.080(c)(2)(A) [(1)(E) in Municode]	4 20.04.080(c)(1)(B)(vi)	4 20.04.080(c)(1)(B)(v)	4 20.04.080(c)(1)(B)(iii)	4 20.04.080(c)(1)(B)(ii)
To improve pollinator habitat, at least twenty-five percent of planted areas shall include native flowering and nectar producing plant species.	On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty-five percent of the total number of newly planted trees on site.	Invasive Plants Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements.	Species Identification: New plantings shall have species identification tags on the plant or paid purchase identification labels.	New	New	(A) Distribution: Required landscape shall be reasonably distributed in any areas of a site not covered by a structure, parking lot or required buffer yard. It is suggested that the required plantings be planted in clusters or irregular patterns, and that native grasses and herbaceous perennial species be used for ornamentation in addition to the required plantings.	New	Where utility lines pass overhead of a tree plot, small trees may be used.	A tree canopy may project over a right-of-way or easement.	ii. Trees shall be planted at least 10 feet from sanitary sewer, water service lines, and natural gas lines.
Remove Section.	On sites that require an aggregate total of twenty or more new trees, any given genus of tree shall be limited to a maximum of twenty-five percent of the total number of newly planted trees on site.	Invasive Plants Prohibited Plant Species Species identified as invasive, detrimental, or noxious shall not be planted under any circumstances and will not be counted toward landscape requirements.	Species Identification: New plantings shall have species identification tags on the plant or paid purchase identification labels on the plants during the final inspection. A receipt with purchase order for plantings may be submitted prior to inspection in lieu of tags or labels on site.	(F) Installation Prior to Occupancy: All landscaping required by the approved site plan shall be installed and inspected prior to issuance of a recommendation for final occupancy, unless an extension is approved by the Planning and Transportation Department for weather-related or unique circumstances.	(E) Green Infrastructure: All green infrastructure facilities, including detention basins, bioswales, and raingardens shall be planted with only native seeds and/or plugs.	Remove Section.	Where utility lines or tree plot widths are an impediment to planting large trees in a tree plot, the Urban Forester may approve medium or small trees.	Where utility lines pass overhead of a tree plot, medium or small trees may be used with approval of the Urban Forester.	A tree eanopy crown may project over a right-of-way or easement.	ii. Large canopy tFrees shall be planted at least 10 feet from public sanitary sewer, water service lines, and natural gas lines. Medium and small trees shall be planted at least 5 feet from public sanitary sewer, water service lines, and natural gas lines, except that medium and small trees planted less than 5 feet from public sanitary sewer, water service lines, and natural gas lines may be approved by the Planning and Transportation Director.
Not necessary.	Reducing the percentage allowance for one genus in site plans.	Changing the title	Clarification that plants needs to be identifiable during inspection.	Clarification that landscaping is required for final occupancy.	Clarification that seed mixes must be native.	Not necessary with other standards.	Clarifying that street tree substitutions for utility conflict need Urban Forester approval.	Clarifying that street tree substitutions for utility conflict need Urban Forester approval.	Verbiage correction	Revises standards to give flexibility for street trees in existing tree plots where there are existing utilities that may prevent street trees from being replaced or installed.
easy	easy	easy	easy	easy	easy	easy	easy	easy	easy	easy
revision	revision	clarification	clarification	clarification	clarification	revision	revision	revision	revision	revision

4 Table 04-17	4 Table 04-16	4 Table 04-16	4 Table 04-15	4 Table 04-15	4 Table 04-15	4 Table 04-14	4 20.04.080(d)(4)	4 20.04.080(d)(3)	4 20.04.080(d)(2)	4 20.04.080(d)(1)	4 20.04.080(c)(4) and (5)	4 20.04.080(c)(2)(E)(i)	4 20.04.080(c)(2)(D)(iii)
Table 04-17: Prohibited Plant Species	Table 04-16: Permitted Herbaceous Perennial Plant Species	Table 04-16: Permitted Herbaceous Perennial Plant Species	Table 04-15: Permitted Shrubs, Bushes and Hedges Species	Table 04-15: Permitted Shrubs, Bushes and Hedges Species	Table 04-15: Permitted Interior Tree Species	Table 04-14: Permitted Street Trees	Herbaceous Perennial Plants Herbaceous perennial plants suitable for infili, aesthetics, and cover are established in Table 04-16: Permitted Herbaceous Perennial Plant Species	Shrubs, Bushes, and Hedges Plants, bushes, and hedges suitable for individual, screen, biohedge uses, up to 12 feet at mature height are established in Table 04-15: Permitted Shrubs, Bushes and Hedges Species.	Interior Trees Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species. Permitted Street tree species listed in Table 04-14: Permitted Street Tree Species may also be used.	Street Trees Trees suitable for planting along public streets and highways, parking lots, and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.	Alternatives Authorized and Alternative Landscape Plan Approval Criteria	Deciduous Trees All newly planted deciduous trees shall be two-inch caliper.	Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with flowering perennials, grasses, or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(2). Any flowering perennials, grasses, or ferns used toward parking lot perimeter requirements shall be of species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping).
Table 04-178: Prohibited Plant Species	New Table	Table 04-167: Permitted Herbaceous (Forb) Flowering Perennial Plant Species	New Table	Table 04-156: Permitted Shrubs, Bushes and Hedges Shrub Species	New Table	New Table	Herbaceous Perennial Plants Forbs Forbs, or flowering, nongrassy hHerbaceous perennial plants suitable for infill, aesthetics, and cover are established in Table 04-16: Permitted Forb Herbaceous Perennial Plant Species	Shrubs,-Bushes, and Hedges Plants, bushes, and hedges Shrubs suitable for individual, screen, or biohedge uses, up to 12 feet at mature height are established in Table 04-15: Permitted Shrubs; Bushes and Hedges Species.	Interior Trees Trees suitable for the interior of a site are established in Table 04-15: Permitted Interior Tree Species, Permitted Street tree species listed in Table 04-14: Permitted Street Tree Species may also be used, as interior trees, except the parenthesized trees, which are prohibited for interior trees.	Street Trees Trees suitable for planting along public streets and highways- parking lobs- and in locations where low maintenance and hardy constitution are required are established in Table 04-14: Permitted Street Tree.	No substance changes, only reorganizing.	Deciduous Trees All newly planted deciduous trees shall be at least two-inch caliper.	Where shrubs are required to be planted, up to 15 percent of the total number of required shrubs may be substituted with flowering percentials, grasses, perennial forb species, graminoids , or ferns. This does not apply to shrubs required as part of a landscape buffer requirement per Section 20.04.080(g). Any flowering perennisks, grasses, or ferns substituted plants used toward parking lot perimeter requirements shall be of species that typically grow to be at least four feet in height, and shall be maintained in accordance with Section 20.04.120(b) (Landscaping).
Title Correction	Amending table per Senior Environmental Planner	Title Correction and Change	Amending table per Senior Environmental Planner	Title Correction and Change	Amending table per comments from the Tree Commission and Urban Forester	Amending table per comments from the Tree Commission and Urban Forester	Updating language.	Updating language.	Clarifying what street trees can be used for interior trees.	Clarifying that street trees are for public rights-of-way.	Re-numbering these sections for clarity.	Clarifying the minimum caliper.	Updating language.
easy	medium	easy	medium	easy	medium	medium	easy	easy	easy	easy	easy	easy	easy
revision	revision	revision	revision	revision	revision	revision	Clarification	Clarification	Clarification	Clarification	Clarification	Clarification	clarification

4 20.04.080(h)(2)(C)	4 20.04.080(h)(1)(C)(ii)	4 20.04.080(g)(4) Table 04-19	4 20.04.080(g)(2)	4 20.04.080(g)(3) Table 04-18	4 20.04.080(g)(3) Table 04-18	4 20.04.080(g)(2)(B)	4 20.04.080(f)(3)(E)	4 20.04.080(f0(3)(C)	4 20.04.080(f)(1)
Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided.	Shrubs shall be planted within five feet of the parking lot edge.	Table 04-19 Required Buffer Yards	New language/section	Note [1]: The buffer yard setback is measured from the property line along the boundary between the subject and adjoining properties and shall be provided in addition to the required building and parking setbacks required by the UDO.	Minimum Setback	All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of alleys, streams or other features that may separate the two properties.	New Section	Proximity of Adjacent Street Trees The spacing between adjacent street trees shall be no less than 10 feet and no more than 40 feet.	A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right of way or 20 feet for small trees under overhead utility lines.
Each landscape bumpout, island, or endcap shall contain at least one large canopy tree. Where a bumpout, island, or endcap area is equal to the width and length of two parking spaces, a minimum of two large canopy trees shall be provided. Required trees within bumpouts, islands, or endcaps do not count toward required street trees totals, required parking lot perimeter area tree totals, or required interior plantings tree totals.	Shrubs shall be planted within five feet of the parking lot edge. In situations where there is a sidewalk surrounding a parking area, the required shrubs must be within 5' of the sidewalk.	New Table	(G) Prohibited Uses: Buildings, parking areas, swimming pools, or drive aisles are not allowed within Buffer Yards	Note [1]: The buffer yard setback is measured from the property line along the boundary between the subject and adjoining properties and shall be provided in addition to the required building and parking setbacks required by the UBO.	Minimum Setback Width	All required buffer yard areas shall be provided entirely on the subject property and shall be in- addition to setbacks required by Section 20.04.020 (Dimensional Standards). The required buffer yards shall be installed despite the presence of alleys, streams or other features that may separate the two properties.	Planting All street trees shall be planted, stabilized, and mulched accoding to this UDO and the Administrative Manual.	Proximity of Adjacent Street Trees Separation The spacing between adjacent street trees shall be no less than 10 feet and no more than 40 feet from the center of one tree to the next. Street trees shall be planted no more than 30 feet apart, from the center of one tree to the next, except that street trees with separation exceeding 30 feet may be approved by the Planning and Transportation Department because of site constraints, such as utility or driveway location.	A minimum of one canopy tree shall be planted per 40 feet of property that abuts a public right of way or 20 feet for small trees under overhead utility lines: The minimum number of required street trees to be planted shall be one large canopy tree for evrey 30 feet of property that abuts a public right-of-way. If medium or small trees are allowed, two medium or small trees can be substituted for each large canopy tree.
Adds language to clarify standards and to reflect previous interpretations and application that parking lot bumpout, island, or endcap trees are their own requirement.	Adds language to address the presence of sidewalks around parking areas and the locational requirements for shrubs in these situations. Reflects previous interpretations for this situation.	Amends table to have buffer yard based on district.	Adds language clarifying what uses or improvements are allowed within Buffer Yards	Changes this standard so that there is no longer a stacked setback. The depth of the stacked setbacks hasbeen more difficult on smaller lots.	Changes this standard so that there is no longer a stacked setback. The depth of the stacked setbacks has been more difficult on smaller lots.	Removing buffer yard requirement in addition to setbacks.	Clarifying planting expectations that will be in the Administrative Manual.	Reducing the separation maximum and clarifying how that is measured.	Clarifying that this regulation if for number only. Increasing the number required.
easy	easy	medium	Medium	medium	medium	easy	easy	easy	easy
darification	Clarification	revision	New	revision	revision	revision	revision	revision	revision

4 20.04.100(j)(7)	4 20.04.100(j)(6)	4 20.04.100(j)(6)(A)	4 20.04.100(d)(3)	4 20.04.110(c)(4)	4 20.04.100(c)(2)(A)	4 20.04.080(m)(2)(B)
Developments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per vehicle entrance. The freestanding sign shall not exceed 32 square feet and the height of the sign shall not exceed six feet.	New language/section	(A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet.	Architectural Standards - RM and RH	Student housing or dormitory projects located outside of the Mixed-Use Downtown (MD) zoning district shall qualify for the incentives established in subsection (5) below:	Public Signs: Any signs erected, or required to be erected, by a unit of local, state, or federal government.	In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria:
Bevelopments containing at least 15 dwelling units shall be permitted up to 24 square feet of wall signage per development and one freestanding sign per vehicle entrance. The freestanding sign shall not exceed 32 square feet and the height of the sign shall not exceed six feet. (A) Multifamily developments containing between three and 14 dwelling units shall be permitted one wall sign not to exceed 24 square feet per development. (B) Multifamily developments containing at least 15 dwelling units shall be permitted. (De freestanding sign per development vehicle entrance, not to exceed 32 square feet per side in maximum sign area and not to exceed six feet in height; and ii. One wall sign per building not to exceed 24 square feet each.	(C) Structures with a drive-through shall be permitted one additional sign at the ordering location of each drive-through, provided that the sign(s) has only one face, the maximum area of that sign face does not exceed 12 square feet, and the height does not exceed five feet. These signs shall be allowed to have 100% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).	(A) Structures with a drive-through shall be permitted one additional sign at the entrance to or for each area connected to a drive-through lane, provided that the sign has only one face, the maximum area of that sign face does not exceed 36 square feet, and the height of the sign does not exceed six feet. These signs shall be allowed to have 20% as electronic reader board and shall be exempt from the landscaping requirements of 20.04.100(g)(1)(E).	See separate exhibit	Student housing or dermitory projects located outside of the Mixed-Use Downtown (MD) zoning district shall qualify for the incentives established in subsection (5) below: Student housing or domitory projects located in the Mixed-Use Downtown (MD) zoning district shall not be eligible for the incentives established in subsection (5) below. Student housing or dormitory projects located in other zoning district shall be eligible for the incentives established in subsection (5) below if they meet the eligiblify criteria outlined in subsection (2) above.	Any signs erected, or required to be erected, by a unit of local, state, or federal government. City of Bloomington public signs are exempt from signage regulations.	In cases when ground-mounted mechanical equipment is visible from a public open space, public trail, public street, or adjacent property, the equipment shall be screened from view by a solid wall or fence or a vegetative screen that satisfy the following criteria, except that ground-mounted equipment within 10 feet of an improved platted alley does not require screening:
Replaces language for multifamily in the RH and RM districts with the language from the Mixed-Use Districts.	Allow menu board signs to be exempt from landscaping standards. Changes electronic reader board to reflect changing technology and standards. Also exempts them from landscaping requirements since these are not located along a road frontage.	Allow menu board signs to be exempt from landscaping standards. Changes electronic reader board to reflect changing technology and standards. Also exempts them from landscaping requirements since these are not located along a road frontage.	Revises the overall architecture standards	Rewording of this section to be clearer, no change in the eligibility standards is proposed with this change.	Adds language to specifically state that public signs are exempt from signage regulations.	Revised standards to not require screening adjacent to an alley.
easy	n nedium	medium	medium	easy	easy	easy
revision	revision	revision	revision	clarification	New	revision

clarification	easy	Clarifies this language to include electronic reader board	Internally illuminated signs and electronic reader boards are prohibited.	Internally illuminated signs are prohibited.	4 20.04.100(I)(4)(F)
new	easy	Adds language for multifamily uses in the MN District similar to other districts that have specific language for this use, while respecting the smaller scale of MN.	Multifamily developments shall be permitted one wall sign not to exceed 24 square feet.	New language/section	4 20.04.100(k)
clarificatio	easy	Clarifies existing language to be consistent with other sections	The following standards apply to wall signs for individual uses or tenants within a multi-tenant center:	Wall Signs: The following standards apply to wall The following standards apply to wall signs for signs for individual uses within a multi-tenant individual uses or tenants within a multi-tenant center:	4 20.04.100(k)(2)