

Case # ZO-07-23 Memo

To: 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-07-23 on March 6, 2023 and voted to send the petition to the Common Council with a positive recommendation with a vote of 8-0.

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, 23-07:

1. ZO-07-23 | Chapter 6: Administration & Procedures

ZO-07-23 | Chapter 6: Administration & Procedures

This petition deals with processes and procedures. The amendments cover a variety of topics. Multiple amendments extend the appeal period from five days to ten days for various department or Commission decisions; unnecessary or duplicate regulations are removed; when a change in use review is required for a grading permit is clarified; the site plan expiration timeline is made explicit; outdated language is updated; the demolition delay expiration timeline is made explicit; language related to grading permit exemptions is clarified; language related to lot line shift expectations is clarified; the abandonment time period is synced at a year with another part of the UDO; expansions that are exempt from site plan review are altered to be cumulative; and existing language related to the update of adjacent pedestrian facilities in a limited compliance situation is updated to reflect past practice and policy. There are 21 amendments identified. These amendments are needed to improve the appeal process, provide clarity on existing processes, and also protect against many small commercial expansions over time with no site improvements.

Chapter	Citation	Current Language	Proposed Language	Synopsis	Difficulty	Type of Change
	6 20.06.020(g)(3)	Any interested person may appeal a decision by the Hearing Officer to the Board of Zoning Appeals within five days after the decision is made.	Any interested person may appeal a decision by the Hearing Officer to the Board of Zoning Appeals within five ten days after the decision is made.	Extends time period allowed for appeals		
	6 20.06.040(h)(3)	ii. Are necessary to meet conditions of approval or commitments; and	ii. Are necessary to meet conditions of approval or commitments; and	Removing this requirement because the others cover what is necessary.	easy	revision
	6 20.06.040(h)(5)(A)	A staff decision may be appealed to the Board of Zoning Appeals pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within five days of staff's or the Hearing Officer's decision.	A staff decision may be appealed to the Board of Zoning Appeals pursuant to the procedure set forth in Section 20.06.080(d) (Administrative Appeal). Any appeal shall be filed with the Planning and Transportation Department within five ten days of staff's or the Hearing Officer's decision.	Extends time period allowed for appeals	medium	revision
	6 20.06.050(a)(2)(C)(i)(5)	5. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by 10 to 25 percent;	5-Expansions, alterations, or modifications that increase the gross floor area of an existing structure by 10 to 25 percent;	Removes this standard since there are two previous sections that address triggers for residential and non-residential development.		revision
	6 20.06.050(a)(2)(C)(i)(7)	7. Petitions for a permit and/or certificate of zoning compliance for grading, or	1. Petitions for a permit and/or certificate of zoning compliance for grading permit where site improvements are required, or	Adds language not requiring staff level minor site plan approval for grading permit where no improvements are required.	easy	revision
	6 20.06.050(a)(3)(D)(ii)	(ii) Expiration of Approval Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Planning and Transportation Director grants an extension pursuant to Section 20.06.040(h)(1) (Expiration of Approval).	(ii) Expiration of Approval Approval of a minor site plan shall be effective for a maximum period of one year unless, upon petition by the petitioner, the Planning and Transportation Director grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval).	Codifies what has been common practice within the Department.		
	6 20.06.050(a)(3)(D)(iv)	Any person, other than the petitioner, aggrieved by a minor site plan decision by the Planning and Transportation Director may appeal the decision to the Plan Commission. Such appeal shall be filed in the Planning and Transportation Department within five ten days of the staff's decision. The appeal shall specify the grounds for the appeal and shall be filed in the form established by the Plan Commission rules of procedure. All appeals shall be accompanied by fees required by the Plan Commission rules of procedure.	Any person, other than the petitioner, aggrieved by a minor site plan decision by the Planning and Transportation Director may appeal the decision to the Plan Commission. Such appeal shall be filed in the Planning and Transportation Department within five ten days of the staff's decision. The appeal shall specify the grounds for the appeal and shall be filed in the form established by the Plan Commission rules of procedure. All appeals shall be accompanied by fees required by the Plan Commission rules of procedure.	Extends time period allowed for appeals		Clarification
	6 20.06.050(a)(4)(F)(ii)	(ii) Expiration of Approval Approval of a major site plan shall be effective for a maximum period of one year, unless, upon petition by the developer, the Plan Commission grants an extension pursuant to Section 20.06.040(h)(1) (Expiration of Approval).	(ii) Expiration of Approval Approval of a major site plan shall be effective for a maximum period of one year, unless, upon petition by the developer petitioner , the Plan Commission grants an extension during that one year period and pursuant to Section 20.06.040(h)(1) (Expiration of Approval).	Codifies what has been common practice within the Department.	easy	revision
	6 20.06.050(c)(3)(D)(i)(1)	1. A "Contributing" structure located in any of multifamily or nonresidential zoning district.	1. A "Contributing" structure located in any of mixed-use multifamily or nonresidential zoning district.	Revises language referencing districts	easy	Clarification
	6 20.06.050(c)(3)(D)(i)(2)	2. A "Contributing" structure located in any single-family district if the staff for the HPC determines that a review of the petition necessitates full HPC review.	2. A "Contributing" structure located in any single-family district the R1, R2, R3, or R4 districts if the staff for the HPC determines that a review of the petition necessitates full HPC review.	Revises language referencing districts	easy	clarification

6 20.06.050(c)(3) (D)(iii)	Published notice pursuant to Section 20.06.040(e) is required except as modified to comply with Indiana State Code § 36-7-9-7. Notice must be published at least three times before demolition, with the first publication no more than 15 days after a petition to demolish the structure is filed, and the final publication at least 15 days before the issuance of a demolition permit.	Published notice pursuant to Section 20.06.040(e) is required except as modified to comply with Indiana State Code § 36-7-9-7. Notice must be published at least three times before demolition, with the first publication no more than 15 days after a petition to demolish the structure is filed, and the final publication at least 15 days before the issuance of a demolition permit.	This section is not needed.		easy	revision
6 20.06.050(c)(3) (F)(ii)	i. No action of the Historic Preservation Commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period.	i. No action of the Historic Preservation Commission may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one year from the end of the waiting period. The demolition delay approval by the HPC shall expire one year after the approval is issued.	Clarifies expiration time limit for a decision from the HPC.		easy	revision
6 20.06.050(e)(2) (A)(ii)	Land-disturbing activity on an individual single-family lot.	i. Land-disturbing activity on an individual single-family lot on lots containing the uses: dwelling, single-family (attached), dwelling, single-family (detached); dwelling, duplex; dwelling, triplex, or dwelling, fourplex.	Provides specific language for when a grading permit is not required		easy	clarification
6 20.06.050(e)(2) (A)(iii)	Projects with only new foundations for buildings or additions with a footprint of 5,000 square feet or less.	Projects with only new foundations for new Land-disturbing activity solely for new foundations for buildings or additions with a footprint of 5,000 square feet or less.	Revises wording of section.		easy	clarification
6 20.06.060(a)(2) (B)(i)	i. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.	i. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site the lots below the minimum zoning requirements of Chapter 2 and does not increase change the original number of lots--lots in any block of the recorded plat.	Adds new language to reflect previous interpretations for what standards lot line adjustments are reviewed by.		easy	clarification
6 20.06.060(a)(2) (B)(vii)	The exchange of land between owners of adjacent property provided that such exchange does not serve to reduce lot area or other dimensions below required minimums.	The exchange of land between owners of adjacent property provided that such exchange does not serve to reduce the parcels below the minimum zoning requirements of Chapter 2 and does not increase the original number of parcels, lot area or other dimensions below required minimums.	Deletes unnecessary section		easy	clarification
6 20.06.070(c)(3) (E)(ii)(4)	Interested parties, as defined in Section 20.06.040(e)(2)(D) (Notice to Interested Parties), affected by the decision of the Planning and Transportation Director upon review of a final plan may within five days of such decision request that the Plan Commission review the Planning and Transportation Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commission rules of procedure. The Plan Commission may affirm, reverse, or modify the Planning and Transportation Director decision.	Interested parties, as defined in Section 20.06.040(e)(2)(D) (Notice to Interested Parties), affected by the decision of the Planning and Transportation Director upon review of a final plan may within five-ten days of such decision request that the Plan Commission review the Planning and Transportation Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commission rules of procedure. The Plan Commission may affirm, reverse, or modify the Planning and Transportation Director decision.	Extends time period allowed for appeals		easy	clarification
6 20.06.080(d)(3) (A)(ii)	An administrative appeal shall be filed with the Planning and Transportation Department within five days of the order, requirement, decision, or determination that is being appealed.	An administrative appeal shall be filed with the Planning and Transportation Department within five-ten days of the order, requirement, decision, or determination that is being appealed.	Extends time period allowed for appeals		easy	revision

6 20.06.090(c)(3)	A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six months, or when the furnishings have been removed and not replaced for a continuous period of six months.	A lawful nonconforming use shall be deemed abandoned when the nonconforming use has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of six twelve months, or when the furnishings have been removed and not replaced for a continuous period of six-twelve months.	Syncs language with definition of "use, abandonment of" that lists twelve months as the time period.	easy	revision
6 20.06.090(f)(2) A)(i)(3)	Expansions, alterations, or modifications that increase the gross floor area of the building by more than 10 percent.	Cumulative expansions, alterations, or modifications that increase the gross floor area of the building by more than 10 cumulative percent, including previous additions approved under any UDO effective since February 12, 2007.	Clarifies that all previous additions approved since the 2007 UDO are included.	easy	Clarification
6 20.06.090(f)(2) B)(viii)	i. Pedestrian Facilities: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian And Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that pedestrian facilities shall comply with the Americans with Disabilities Act.	i. Pedestrian Facilities: Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per Section 20.04.050(d) (Pedestrian and Bicycle Circulation). If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that curb ramps pedestrian facilities shall comply with the Americans with Disabilities Act.	Clarifies that ramps on existing sidewalks are evaluated for compliance standards.	easy	revision