Passed 8-0-1 (Sparkhler)

RESOLUTION 14-03

TO INITIATE A PROPOSAL TO AMEND THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 20 OF THE BLOOMINGTON MUNICIPAL CODE, IN ACCORDANCE WITH INDIANA CODE SECTIONS 36-7-4-602(b) & 36-7-4-607(b)

(Proposal to Protect the Character of the Courthouse Square and University Village Overlay Districts by Treating the Location or Expansion of a "Standardized Restaurants" in those Districts as a Conditional Use)

WHEREAS, the Common Council, via the City's zoning ordinance, known locally as the Unified Development Ordinance (Title 20 of the Bloomington Municipal Code), is required by Indiana Code 36-7-4-601(c)(3) to act for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare of the City of Bloomington; and

WHEREAS, the Common Council, via the Unified Development Ordinance, is required by Indiana Code 36-7-4-601(d)(2)(E) to regulate districts within the City to ensure that the historic and architectural heritage of the Bloomington community is protected; and

WHEREAS, the Common Council, via the Unified Development Ordinance, is required by Indiana Code 36-7-4-601(d)(2)(G) to regulate districts within the City by placing restrictions on particular kinds of intensities of uses; and

WHEREAS, the Common Council has the authority under Indiana Code 36-7-4-602(b) and 36-7-4-607(b) to initiate a proposal to amend the text of the Unified Development Ordinance; and

WHEREAS, the Common Council finds that the properties contained within the City's Courthouse Square Overlay and University Village Overlay combine to create a very unique atmosphere in the heart of downtown Bloomington; and

WHEREAS, the Common Council values the importance of the connections between community character and commerce; and

WHEREAS, the Common Council finds that the geographic areas defined by the Courthouse Square and University Village Overlays have a history of being specifically identified as unique and in need of protection via a variety of sources, including, but not limited to, the following: the 1991 Growth Policies Plan; the 2000-2001 "Big Dig" improvements along Kirkwood Avenue; the 2002 Growth Polices Plan; the 2002 Interim Report of Indiana Historic Sites and Structures Inventory; the 2005 Downtown Vision and Infill Strategy Plan; the 2006 creation of the Bloomington Entertainment and Arts District; and the 2007 Unified Development Ordinance, which codified the two Overlays; and

WHEREAS, the Common Council reasonably believes additional standardized restaurants could, in the foreseeable future, make their way to those areas contained within the Courthouse Square and University Village Overlays due to the popularity and vitality of these areas; and

WHEREAS, the Common Council believes the addition or expansion of excessive standardized restaurants in the boundaries of the Courthouse Square and University Village Overlays, if not monitored and regulated, will conflict with the City's goal of a diverse and unique restaurant base and continued and sustainable economic growth as envisioned by the Mayor and the Common Council in these areas; and

WHEREAS, Indiana Code 36-7-4-602(b)(1) gives the Common Council authority to initiate a proposal to amend the text of the Unified Development Ordinance and require the Plan Commission to prepare said proposal;

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The public health, safety, comfort, morals, convenience, and general welfare of the City of Bloomington will best be served and advanced by monitoring and regulating the establishment of new and expanded standardized restaurants in the Courthouse Square Overlay and University Village Overlay through the issuance of Conditional Use Permits by the City's Board of Zoning Appeals, which shall require the amendment and supplementation of certain provisions of the City's Unified Development Ordinance.

SECTION II. The City of Bloomington Plan Commission is hereby required to prepare a proposal to amend the City's Unified Development Ordinance ("Ordinance") which does the following:

A. Defines a standardized restaurant in the Ordinance as "a restaurant or bar devoted to the preparation and offering for sale of food or beverages to the public for consumption either on or off the premises, which is required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, company logos, or exterior design.";

B. Requires the issuance of a Conditional Use Permit by the City's Board of Zoning Appeals before a standardized restaurant may be established or expanded in the Courthouse Square Overlay and University Village Overlay areas; and

C. Establishes specific conditional use standards in the Ordinance to guide the Board's review so that proposed standardized restaurants in the Courthouse Square and University Village Overlay areas must comply with:

1. The conditional use standards currently found in Section 20.05.023(b); of the Ordinance; and
2. Additional conditional use standards that shall read as follows:
   a. Approval of the proposed use is strictly conditioned upon the proposed use contributing to an appropriate balance of local, regional, and national-based businesses within the regulated area;
   b. The proposed use must utilize a unique visual appearance that reflects or complements the community character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities; and
   c. The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.

SECTION III. The City of Bloomington Plan Commission is hereby required to prepare and consider the above-described proposal to amend the City's Unified Development Ordinance in accordance with Indiana Code Sections 36-7-4-604, 606 and 607.

SECTION IV. The City of Bloomington Plan Commission is hereby required to consider the above-described proposal to amend the City's Unified Development Ordinance at its March 10, 2014, meeting in order to fulfill the legal requirement that the proposal be heard within sixty (60) days.

SECTION V. If any sections, sentence or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION VI. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5th day of MARCH, 2014.

DARRYL NEHER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6th day of MARCH, 2014.

SIGNED and APPROVED by me upon this 6th day of MARCH, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution directs the City of Bloomington Plan Commission to prepare a proposal to amend the City's Unified Development Ordinance to create a process whereby businesses known as 'Standardized Restaurants' are required to obtain Conditional Use approval in order to locate and expand in two downtown overlay districts. These districts are the Courthouse Square Overlay (CSO) and the University Village Overlay (UVO). The purpose of the amendment is to ensure balance and diversity of restaurant activity in the most historic, vibrant, and eclectic areas of the downtown—areas which the City relies upon heavily for economic development purposes. The amendment directs the Commission to prepare the proposal by creating specific Conditional Use criteria to provide the Board of Zoning Appeals with guidance in determining whether proposals for Standardized Restaurants do not negatively impact these two downtown overlay districts, to wit: (1) Approval of the proposed use is strictly conditioned upon it contributing to an appropriate balance of local, regional, and national-based businesses within the regulated area; (2) The proposed use must utilize a unique visual appearance that reflects or complements the historic character of the regulated area and not project a visual appearance that is homogenous with its design elements in other communities; and (3) The proposed use will not result in an over-concentration of standardized restaurants within the regulated area.

Signed copies to:
legal
Plan Commission
Planning
Controller
CA/CA
Clerk (2)