Passed: 8-0
Young absent

**ORDINANCE 99-47**

**TO INITIATE PROPOSED ZONING AMENDMENTS AND REFER THEM TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION AND RECOMMENDATION**
**(Amending the PRO6/RS3.5 Regulations)**

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," as well as the incorporated zoning maps, and Title 21, entitled "Land Use and Development"; and

WHEREAS, Section 20.07.15.01 of the new zoning ordinance created Planned Residential Overlay designations for RS3.5, RM/RT 7, and RM 15 zoning districts, which were designed to promote compact urban form, encourage amenities on the affected parcels, and assure compatibility with surrounding uses; and

WHEREAS, since May of 1995 the community's experience with the PRO6/RS3.5 has generally been unsatisfactory for a number of reasons that include, but are not limited to:

1. the placement of a large quantity of multifamily units in close proximity to and incompatible with the surrounding single family uses;
2. the generation of traffic between the development and the Indiana University campus causing congestion on the affected roadways; and
3. the failure of the density bonus formulae to achieve the stated goals;

and

WHEREAS, the Common Council recognizes the need to act now to avoid the most harmful of these adverse consequences, while at the same time anticipating that the Planning Commission and their staff will consider other amendments in the context of the ongoing Growth Policies Plan Review; and

WHEREAS, after paying reasonable regard to factors set forth in Indiana Code 36-7-4-603, the analysis of which is attached and made a part of this legislation, the Common Council concludes that certain amendments to Section 20.07.15.01 that refine the purpose of the PRO6/RS3.5 designation and restrict the employment of multifamily uses deserve consideration at this time; and

WHEREAS, in accordance with Indiana Code 36-7-4-600 *et seq.* and Bloomington Municipal Code Section 20.03.02.01 the City of Bloomington Common Council desires to initiate amendments to the text of Title 20, entitled "Zoning" and to direct the Planning Commission to prepare them;

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

Section 1. Pursuant to Indiana Code 36-7-4-600 *et seq.* and Bloomington Municipal Code 20.03.02.01, the City of Bloomington Common Council hereby initiates the following proposal for amending the text of Title 20, entitled "Zoning," and refers it o the Plan Commission for their consideration and recommendation:

A. Amend part (a) of 20.07.15.01 Planned Residential Overlays so that it reads as follows:

(a) Purpose: The Planned Residential Overlay is a series of three "performance" overlay districts intended to permit maximum residential densities recommended by the Comprehensive Plan on large sites which may be near properties previously developed to lower density standards or where such densities are appropriate with adequate buffering and mitigation of impacts. The intent of all PRO overlays is to provide higher density

residential development that advances the goal of compact urban form while protecting the character of adjacent neighborhoods through density transitioning and buffering; to serve as an incentive to provide public amenities; and, where appropriate, to provide an incentive for clustered development that creates common open space and preserves sensitive environmental features. One major purpose of the PRO6 overlay is to advance the supply of owner-occupied single family housing and to promote traditional neighborhood developments, which are characterized by higher density and pedestrian scales.

B. Amend part (c) of 20.07.15.01 Planned Residential Overlays so that it reads as follows:

(c) Uses Allowed Within the Planned Residential Overlays: The uses permitted within planned residential overlays shall be as follows: (1) Permitted principal and accessory uses in the underlying district shall be permitted. In the PRO6 overlay, duplexes shall also be permitted. Also in the PRO6 overlay, townhomes and apartments shall be permitted for PRO6-zoned properties that satisfy each of the following criteria: a regular-service local public bus line abuts or is located within 500 feet of the property at the time of site plan application; the property directly abuts one or more contiguous parcels comprising at least three acres that have commercial or industrial zoning (CA, CG, CL, CD, BP, IL, IG or any PUD tract with approved commercial or industrial uses)(Note: for purposes of this provision, properties that are separated by an intervening right-of-way do not "abut" one another); and, the property has direct access on to a roadway with a functional classification of primary collector or arterial. (2) Uses allowed as conditional uses in the underlying district shall also be allowed as conditional uses in the Planned Residential Overlay.

Section 2. If any sections, sentence or provision of this ordinance, 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 3. This ordinance 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 17th day of November, 1999.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of November, 1999.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 19th day of November, 1999.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This legislation is sponsored by Councilmembers Mayer and Sherman. It initiates amendments to Title 20 of the Bloomington Municipal Code "Zoning," and refers them to the Planning Commission for their consideration and recommendation. Under the terms of state law, the Planning Commission would have 60 days after receiving this legislation to prepare the amendments and to hold a public hearing to consider them.

The amendments propose two sets of changes to the PRO6/RS3.5 regulations as found in Section 20.07.15.01 entitled, "Planned Residential Overlays." The first set of amendments broaden the purposes for this district to include: promoting compact urban form while preserving the character of surrounding land uses; encouraging the construction of public amenities; exploring the use of clustered housing in order to preserve green space and sensitive environmental features; and, increasing the supply of single family housing in traditional neighborhood settings. The second set of amendments would restrict the employment of multifamily uses in the PRO6/RS3.5 district to areas that: have direct access to a roadway with a functional classification of primary arterial or principal collector; are located within 500 feet of the public transit service at the time the application for the site plan was submitted; and abut contiguous parcels containing at least 3 acres of commercial or industrial zoning. Please note that for purposes of the later condition, parcels separated by an intervening right-of-way would not "abut" one another.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 99-47 is a true and complete copy of Plan Commission Case Number ZO-65-99 which was given a recommendation of approval by a vote of 6_ Ayes, 2__Nays, and __0__ Abstentions by the Bloomington City Plan Commission at a public hearing held on December 6, 1999.

Date: December 17, 1999

Donald F. Hastings, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____,1999.

Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

Type of Legislation:

| | | |
|---|---|---|
| Appropriation | End of Program | Penal Ordinance |
| Budget Transfer | New Program | Grant Approval |
| Salary Change | Bonding | Administrative Change |
| Zoning Change | Investments | Short-Term Borrowing |
| New Fees | Annexation | Other_____ |

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure_____ Emergency_____
Unforseen Need _____ Other_____

Funds Affected by Request:

| | | |
|---|---|---|
| Fund(s) Affected | _____ | _____ |
| Fund Balance as of January 1 | $_____ | $_____ |
| Revenue to Date | _____ | _____ |
| Revenue Expected for Rest of year | _____ | _____ |
| Appropriations to Date | _____ | _____ |
| Unappropriated Balance | _____ | _____ |
| Effect of Proposed Legislation (+/-) | _____ | _____ |
| Projected Balance | $_____ | $_____ |

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No_____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

FILENAME: ORD-CERT.MRG

## ANALYSIS OF ZONING CRITERIA

The Common Council is considering legislation that would initiate amendments to Section 20.07.15.01 (Planned Residential Overlays) of the City's Zoning Ordinance. In particular, these amendments would affect parts (a) Purpose and (c) Uses Permitted Within the Planned Residential Overlays. When initiating amendments to the Zoning Ordinance, state and local law require the Common Council to pay reasonable regard to certain factors. The following is an analysis of how the amendments would affect those factors:

20.05.07.02 Standards for Amendments

A. The Comprehensive Plan.
Analysis: This amendment is supported by the GPP goals that address traffic mitigation, environmental protection, compatibility with neighborhoods and conserving community character. Because the amendments are not lowering allowed density, they should not harm the goal of compact urban form. This is also true given the stated desire of the Planning Staff to investigate the revision of the development standards for this district in order to increase the feasibility of 5-6 unit per acre single family housing.

B. Current conditions and the character of current structures and uses in each district.
Analysis: This amendment is intended to protect current conditions of neighborhood compatibility and infrastructure adequacy.

C. The most desirable use for which the land in each district is adapted:
Analysis: This amendment will still permit higher density single family housing.

D. The conservation of property values throughout the jurisdiction.
Analysis: This amendment is not expected to harm property values; furthermore, by avoiding in some cases land use incompatibility and infrastructure degradation, this amendment may in fact protect property values from being harmed.

E. Responsible development and growth.
Analysis: This amendment promotes responsible growth and development by preventing potential land use incompatibilities and degradation of roadway capacity, while providing the opportunity to research and devise optimal regulations for the RS3.5/PRO6 zoning district.

In sum, the Common Council finds these proposed amendments to satisfy the standards for zoning text amendments, and to be of urgent importance, and therefore desires to them to the Planning Commission for their expeditious consideration and recommendation.

Date: Thursday, October 28, 1999 I:/common/ccl/o&r99/PRO6 - Factors

**City of Bloomington Indiana**

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To: Members of the Common Council
From: Jim Sherman
Date: October 27, 1999
Re: Proposed Revisions to PRO6 designations

The proposal is to amend the text of the zoning ordinance to modify the RS3/PRO6 regulations that were established in 1995. Planned Residential Overlay (PRO) is an overlay district intended to permit maximum residential densities recommended by the Comprehensive Plan on large sites that may be near properties developed to lower density standards or where such densities are appropriate with adequate buffering and mitigation of impacts. The major intent of all PRO designations (including PRO6) is to advance the goal of compact urban form while protecting the character of adjacent neighborhoods through density transitions and buffering. An incentive in the way of increased allowed density is offered in exchange for added amenities such as open common space, protection of environmental features, or pedestrian and bicycle amenities.

Although the reasoning behind the PRO6 designation seems sound, the fact is that PRO6 developments have not achieved the stated goals. In considering adding the PRO6 designation to the GPP, it was stated that the developments would likely be primarily single family with perhaps some duplexes and some townhouse concepts. This has not happened. Instead, these developments have often included primarily multifamily apartments. Many are dominated by student apartment complexes with the effect that the residents are all headed for the same destination. This has created traffic and congestion problems in areas where the existing infrastructure is not capable of handling such increases in traffic.

In addition, the amenities necessary to achieve the PRO6 designation have been very easy to meet. Once big apartment structures are built, of course there will be somewhat more open space. The tradeoff has not been worth it in the sense that the ultimate development is not highly attractive and is not compatible with adjacent neighborhoods. Witness Rogers Farm or Deer Park West. It is important that we be more restrictive with regard to PRO6 designations and that we insure that the developments are compatible with adjacent neighborhoods, that existing infrastructure is sufficient to handle the new development, and that serious traffic and congestion and safety problems will not arise.

Why act now? Why not wait until the GPP undergoes comprehensive scrutiny and change over the next year or so? The reason is simple. Waiting that long might be too late. We have already seen the results of this PRO6 designation with Deer Park West, Latimer Woods, and Rogers Farm (which as a PUD conformed with PRO6 standards). Booze Farm is currently being considered by the Planning Commission as a PRO6. And it looks to be more of the same - that is, heavy multifamily components. Other PRO6's are likely to follow shortly. By acting now, we gain needed control over these important plots of land. When the GPP finally does undergo comprehensive review, further changes in the PRO designations may well be made. That is fine. But to wait for that lengthy process will mean that we keep on the books a zoning designation that, frankly, is not working as intended.

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