City of Bloomington Common Council

Legislative Packet

Wednesday, 06 September 2017

Regular Session

For legislation regarding
Ordinance 17-29, please consult the
21 June 2017 Legislative Packet.

For legislation and material regarding
Ordinance 17-31 and Resolution 17-30, please consult the
30 August 2017 Legislative Packet.

All other legislation and material contained herein.

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City of Bloomington Indiana

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **September 1, 2017**

Packet Related Material

Memo
Agenda
Calendar
Notices and Schedules:

- **Revised Notice and Schedule** for Consideration of the Comprehensive Plan (Proposed by Res 17-28)
  - *The revisions reformat the document to make the information more accessible, add a new due date for the last round of amendments, refer to a Statement of Procedure adopted on August 29th regarding conduct of the deliberations (see below), but do not substantially alter the previously adopted schedule)*
- **Statement of Procedure for Consideration of Res 17-28** *(adopted at August 29, 2017 Meeting of the Special Session)*

Legislation for Second (and Subsequent) Reading and Resolutions:

- **Res 17-33 -** Opposing Attacks On Our Health Benefits
  Contacts:
  Susan Sandberg at 812.320.8552 or sandbers@bloomington.in.gov
  Jackie Yenna, White River Chapter of the Southern Indiana Regional Labor Council, AFL-CIO.

- **Res 17-32** Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City
  - Memo from Doris Sims, Director of the Housing and Neighborhood Development (HAND) Department;
  - Payment in Lieu of Taxation (PILOT) Calculations

  Contact:
  Philippa Guthrie at 349-3426 or guthriep@bloomington.in.gov
  Amber Gress Skoby at 339-3491 ext 124 or agress@blha.net

The Following Items and Related Information can be found in the Weekly Council Legislative Packet Issued for the <u>Special Session and Committee of the Whole on August 30th</u>

- **<u>Ord 17-31</u>** To Amend the Zoning Maps from Residential Single Family (RS) to Planned Unit Development (PUD) and Approve a District Ordinance and Preliminary Plan - Re: 1100 N. Crescent (Mecca Companies, Petitioner)

Contact: Eric Greulich at 812-349-3423 or greulice@bloomington.in.gov

- **<u>Res 17-30</u>** To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements - Re: Property Located at N. Crescent Road 53-05-32-200-006.001-005 (Union Development at Bloomington GP, LLC, Petitioner)

Contacts:
Alex Crowley, Director of Economic and Sustainable Development, 812-349-3477, <u>crowleya@bloomington.in.gov</u>;
Thomas Cameron, Attorney, City Legal, 812-349-3557, cameront@bloomington.in.gov

The Following Item Appeared in Previous Packets and Includes an Amendment that Appears in this Packet.

- **For the Initial Ordinance and Summary – Please see the Weekly Council Legislative Packet issued for <u>Special Session on June 21st</u>**
- **For the Revised Amendment[1] Proposed by Cm. Piedmont-smith and Sturbaum, Please See this Week's Packet.**

- **<u>Ord 17-29</u>** To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Adding Section 20.05.110 ("Accessory Dwelling Units") and Amending Section 20.11.020 ("Defined Words")
  - Statement of Mayor in Support of Affordable Housing (Addressing both the project on North Crescent Road and ADUs as a Permitted Use)
  - Amendment 02 (Sponsors, Cm. Piedmont-Smith and Cm. Sturbaum

Contacts: *For Amendment 02:*
Cm. Piedmont-Smith at 349-3409 and <u>piedmoni@bloomington.in.gov</u>
Cm. Sturbaum at 349-3409 or <u>sturbauc@bloomington.in.gov</u>
For Legislation as a Whole:
James Roach at 349- 3527, <u>roachja@bloomington.in.gov</u>
Philippa Guthrie at 349-3426 or guthriep@bloomington.in.gov

[1] Please note that an earlier version of this amendment was distributed in the Weekly Council Legislative Packet issued for the Regular Session on June 28th.

Legislation and Background Material for First Reading:
None

Minutes from Special Session:

- August 30, 2017

Memo

Reminder: Amendments to Chapter 4 (Downtown) of the Comprehensive Plan are due by Tuesday, September 5th at Noon

Five Items Ready for Consideration under Second (and Subsequent) Readings and Resolutions but No Items Ready for First Reading on Wednesday, September 6th

There are five items for consideration under Second (and Subsequent) Readings and Resolutions, but no items ready under First Readings. The first two items are resolutions (**Res 17-33** – Opposing Attacks on our Health Benefits and **Res 17-32** - Waiving Payments in Lieu of Taxes for the Bloomington Housing Authority) which can be found in this packet. The next two items are an ordinance rezoning the property at 1100 North Crescent Road and a resolution granting a tax abatement for an affordable housing project proposed at that site. Those items can be found in the packet issued for the August 30th Special Session. The last item is an ordinance proposing an amendment to the Unified Development Ordinance (UDO) to allow for Accessory Dwelling Units (ADUs). This ordinance was introduced and discussed in June (see the packet issued for the June 21st Special Session for the initial materials and summary). Please see this packet for an amendment (Am 02) being proposed by Cm. Piedmont-Smith and Strubaum.

Items for Second (and Subsequent) Readings and Resolutions

Item One -- Res 17-33 – Opposing Attacks on Health Benefits

The first item under Second (and Subsequent) Readings and Resolutions is Res 17-33. It is sponsored by Councilmembers Ruff, Sandberg, and Sturbaum at the request of the White River Chapter of the Southern Indiana Regional Labor Council, AFL-CIO. The resolution was drafted by the AFL-CIO with minor revisions by the Council Office. The resolution documents the importance of comprehensive health benefits for all

Americans and the critical role played by the Affordable Care Act, Medicaid Expansion, and the Children's Health Insurance Program. The resolution opposes all attacks on health legislation, including legislation that: turns Medicare into a voucher system; increases the Medicare eligibility age beyond 65; imposes new taxes on or otherwise threatens the health benefits working people earn on the job; repeals the Affordable Care Act without a sufficient replacement maintaining key protections; repeals the Affordable Care Act's expansion of Medicaid benefits to millions of people; or blocks grants or imposes a *per capita* cap on federal funding for Medicaid. The resolution calls upon members of Congress to support a universal, comprehensive, single-payer system of health care and calls upon the City Clerk to send a copy of the resolution to Bloomington's Congressional delegation.

Item Two – Res 17-32 - Waiving Payments in Lieu of Taxation (PILOT) from the Bloomington Housing Authority to the City

Res 17-32 is the second of five items under Second (and Subsequent) Readings and Resolutions next week. It is an annual resolution requested by the Bloomington Housing Authority which waives any payment in lieu of taxes (PILOT) we might require of them. I.C. 36-7-18-25 exempts housing authorities from the payment of property taxes, but allows these authorities to enter into agreements with political subdivisions to pay a PILOT for the estimated cost of services, improvements, and facilities that are provided by the political subdivisions. In the early 1960s, the Housing Authority agreed to pay the City a PILOT. After acknowledging the services performed by the Housing Authority that might have been provided by the City, and acknowledging the benefits we received from its other services, the resolution waives this obligation.

Doris Sims, Director of the Housing and Neighborhood Development (HAND) Department has submitted a memo explaining the history of the PILOT obligation. She has also submitted a payment calculation sheet provided by the Bloomington Housing Authority, which is a Housing and Urban Development (HUD) form used to estimate the $33,806.30 that they would otherwise pay the City for services received during the fiscal year ending September 30, 2016. Philippa Guthrie, Corporation Counsel for the City, and Amber Gress Skoby, Executive Director, Bloomington Housing Authority, will be present on Wednesday to explain the resolution.

Items Three (Ord 17-31 – Rezoning 1100 North Crescent Road) and Four (Res 17-30 – Granting a Tax Abatement for that Project)

As noted above, these items and related summaries can be found in the Weekly Council Legislative Packet issued for the Special Session and Committee of the Whole on August 30th *(see above for link to that material).*

Please also note that, at the request of Cm. Volan, the Mayor has provided a written copy of his remarks last Wednesday that address both this project and the use of Accessory Dwelling Units (ADUs) as a permitted use *(next item on the agenda and in this packet)*.

Item Five – Ord 17-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code - Re: Adding Section 20.05.110 "Accessory Dwelling Units") and Amending Section 20.11.020 ("Defined Words")

After being postponed at the Regular Session on 28 June, Ord 17-29 (ADUs) comes back to the Council on Wednesday, 06 September. Recall, that the Council has 90 days to act on a matter certified to them from the Plan Commission. If the Council does not act within that period, the will of the Plan Commission goes into effect. Ord 17-29 was certified to the Council on 16 June and the 90-day period for action expires on 16 September.

Ord 17-29: A Brief Review

Ord 17-29 and all background material is captured in the Council's Legislative Packet for the 21 June meeting. The reader is directed to that material for the proposed legislation, memo, and background material. However, here is a brief review of Ord 17-29 as proposed in June.

Pilot Nature

The ordinance proposed in June would serve as a pilot project with the total number of ADUs to be capped at 30. These ADUs would be subject to regulations regarding lot size, separation, design standards, and occupancy standards. Such regulations are intended to ensure compatibility with surrounding neighborhoods by limiting the size, scope, and impact of ADUs. As the threshold of 30 is approached, and the period for the pilot closes, Planners would assess the overall effort to discern what parts of the initiative are working well and what parts warrant further change. The intent of the pilot is to provide Planners an opportunity to observe how the regulations work in practice.

Key Regulations

This pilot would be governed by certain key regulations related to size, occupancy, and location. Provided a person meets the requirements outlined in the proposed new regulations, they will be eligible for an ADU "by right." As proposed, ADUs will *not* be conditional uses. Key regulations of Ord 17-29 are as follows:

- **Residential Single Family Zoning Districts**: ADUs will be allowed in the following single-family zoning districts: Residential Core (RC), Residential Estate (RE), and Residential Single Family (RS)
- **Owner-Occupancy Required**: The ordinance requires that an ADU will be allowed only where an owner-occupier lives in either the primary residence or the ADU. Owner-occupancy will be determined by the existence of a Homestead exemption on file with the Monroe County Auditor's office. Only property owners who have a Homestead exemption on file will be eligible to have an ADU.
- **One ADU/Property**: Only one ADU will be allowed per property
- **Minimum Lot Size**: ADUs will not be permitted to be sited on a lot that is smaller than the minimum lot size allowed in each zoning district.
- **Maximum Size**:

  Attached ADUs – 600 sf or no more than 35% of structure, whichever is less

  Detached ADUs – 440 sf
- **Maximum of 2 Bedrooms Per ADU**
- **Setbacks**

  Attached ADUs – The setbacks are the same as the setbacks required for a primary structure.

  Detached ADUs – The setbacks are the same as the requirements that attach to accessory structures, except that the ADU can be as close to the street as the primary structure.
- **Height**

  Attached ADUs – are subject to the same height requirements as the primary structure.

  Detached ADUs – maximum height is limited to 25'
- **Separation**: ADUs cannot be located any closer than 300' from each other. Distance is measured from lot line to lot line. The intent is to prevent a concentration of ADUs in any one area.

- **Foundation Requirement**: Ord 17-29, as proposed, requires that detached ADUs comport with the architectural and foundation requirements of BMC 20.05.16.
- **"Family" Size Requirements**: In RC, RE, and RS zones "family" is defined as no more than three unrelated adults and their dependent children. The ordinance would restrict this further for ADUs in these zones, allowing only for two adults and their dependent children. Together, this means that on a lot where an ADU is present, up to five *unrelated* adults may be occupy the two dwellings (3 in the primary, 2 in the ADU). The number of persons on a lot with an ADU could be higher if all persons in one of the units were related, as this would constitute a family.
- **Requirement for Recorded Commitment**: The ordinance would require a person wishing to establish an ADU to first obtain a Certificate of Zoning Compliance (CZC). In order to obtain a CZC, an applicant for an ADU must record a zoning commitment with the County committing that the: 1) the ADU will not be sold separate from the primary dwelling unit; and 2) the CZC will be in effect only as long as the owner of record is occupying either the primary residence or the ADU. This is a deed restriction that runs with the land and is binding upon subsequent purchasers.
- **Enforcement**. Violations of the proposed ordinance will result in revocation of the CZC. Revocation of the CZC triggers removal of the ADU. Removal includes, but is not limited to, removal of the second kitchen on the lot, including removal of kitchen appliances and cabinets. In separate communication, and during Plan Commission deliberations, Mr. Roach indicated that while removal of the second kitchen may be sufficient to constitute removal of the ADU as a whole, there may be instances where that is not the case, instances in which removal includes removal of elements *beyond* the kitchen, or even removal of the entire ADU structure altogether. Any removal must be sufficient for Planners to determine that there is only one unit on the lot.
- **Fines**. If the terms of the ordinance are not met and the owner failed to comply, Planning would asses a fine pursuant to BMC 20.10.040.
- **Rentals of ADUs**. If the owner-occupier lives in the primary dwelling and rents the ADU, the ADU must be registered with the HAND department and receive the appropriate certification prior to occupancy. This requirement is made clear in the proposed ordinance. Furthermore, where an attached ADU is rented, such ADU may be required to have a separate fire wall, separate

HVAC, and separate electric service as required by applicable building codes.[2]

Effect of Neighborhood Covenants

Many neighborhood covenants limit property owners to one dwelling per lot. Such restriction would eclipse the possibility of siting an ADU on a lot where such a covenant is in effect. The ADU ordinance would not, and could not, abrogate that. Neighborhood covenants are private agreements between private parties and the City has no authority over such agreements.

Concerns from the Council of Neighborhood Associations (CONA)

As included in the 21 June packet material, CONA has expressed a number of concerns with Ord 17-29, as proposed. Those concerns include:

- **Uneven distribution of ADUs as a function of the location of neighborhood covenants.** CONA points out that most neighborhood covenants are in newer developments, not core neighborhoods. According to CONA, this will put undue pressure on older, core neighborhoods to be the sites for ADUs.
- **Conditional Use as Preferable Approach.** CONA recommended that ADUs be provided as a conditional use, not by right. A conditional use would be subject to review by the BZA or the Hearing Officer (with notice to nearby property owners), the general conditional use standards of 20.05.023, and the conditional use standards specific to ADUs.
- **On Student Owner-Occupiers**. As Roach detailed in his memo to the Plan Commission, one of the concerns highlighted by CONA was the specter of students both living in the primary structure and renting out the ADU to other students. Provided the student is listed on the deed and has not filed another Homestead deduction, s/he may be eligible for a Homestead deduction on the subject property. Provided further that the student lives in either the primary residence or the ADU, s/he may be able to lawfully have an ADU.
- **Setbacks**. CONA requested that setbacks for detached ADUs be greater than that for accessory structures. Specifically, in conversation with Planning, CONA requested the setback be located at 10'.

Plan Commission Action

The Plan Commission voted in favor of the ADU ordinance on 12 June 2017, 6-2-0. During Plan Commission deliberations, many Commissioners made clear that they

[2] Know that, at this time, it is unclear if or how ADUs would be eligible for short-term rentals.

anticipate that Council will make further changes, based on some of the concerns articulated above.

<u>Amendment 02 (Sponsors: Cm Piedmont-Smith and Cm. Sturbaum)</u>

Recall that at the Committee of the Whole meeting on 21 June, Councilmembers Piedmont-Smith and Sturbaum proposed an amendment whose primary focus was shifting the allowance for ADUs from one of "by right" to a conditional use, subject to review and approval by the BZA or Hearing Officer. That amendment was given a "Do Pass" recommendation of 5-1-2.

Subsequent to the postponement of <u>Ord 17-29</u>, Councilmembers Piedmont-Smith and Sturbaum have done further work to refine their proposal and instead of introducing their previous proposal (Am 01), they plan to introduce their refined amendment, Am 02. Am 02 makes a number of changes to <u>Ord 17-29</u> intended to foster protection of single-family zoning and the welfare of residents thereof. Am 02 makes the following salient changes to the ordinance. Specifically, the amendment:

- shifts the allowance for ADUs from a "by-right" allowance capped at 30 ADUs, to a conditional use without a cap, where approval is granted by the Board of Zoning Appeals (BZA) or the Hearing Officer.[3]

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[3] In addition to the requirements outlined in the proposed Am02, all conditional uses are also subject to the General Conditional Use standards of UDO 20.05.023

20.05.023 CU-01 (Conditional use—General standards).
This conditional use standards section applies to the following zoning districts:

(a) All conditional uses are subject to the criteria established in this section. Additional criteria as specified in this chapter shall be met by the specified categories of conditional use found therein. Development standards for conditional uses shall be determined by either the hearing officer or board of zoning appeals. Such standards shall either be based on the zoning designation of the property or the zoning district most applicable to the proposed conditional use.

(b) No conditional use approval shall be granted pursuant to Chapter 20.09, Processes, Permits, and Fees unless the petitioner shall establish that the standards for the specific conditional use are met and that the following general standards are met:

(1) The proposed use and development must be consistent with the growth policies plan and may not interfere with the achievement of the goals and objectives of the growth policies plan;
(2) The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;
(3) The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;
(4) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;
(5) The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
(6) The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic

- reduces the allowable number of bedrooms from two to one.
- reduces the number of unrelated people constituting a family and allowed to live on a lot with an ADU from five to back to the currently-allowable limit of three.
- provides that the rear setbacks for ADUs shall be at least ten feet from any property line, rather than five feet; however, where an ADU is located on a lot that abuts an alley, the rear setback may be no less than five feet.
- retains the general requirement that ADUs should be located on a lot that is at least 300 feet from another ADU, but provides that ADUs may be located closer where the BZA or Hearing Officer finds that such proximity does not result in an undue concentration of ADUs leading to adverse impacts on a block or neighborhood.
- requires the owner of property upon which an ADU is located to file an annual affidavit with the Planning and Transportation Department pledging agreement with the ADU requirements.
- deletes a no-longer relevant "Whereas" clause referring to an ADU cap and adds two new clauses:
    - one requesting that the HAND department reach out to neighborhoods with covenants limiting or restricting ADUs to encourage removal of such restrictions; and,
    - another requesting that the Planning and Transportation Department report back to the Council annually on the number and location of ADUs approved and an assessment of the impact of ADUs on neighborhoods.

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or historic feature of significant importance;
(7) The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;
(8) Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the board of zoning appeals' determination, shall not be approved; and
(9) The proposed use and development complies with any additional standards imposed upon that particular use by this chapter.

Council Review

Council review of Ord 17-29 (ADUs) is governed by State statute. Statute and local guidelines outline the factors that Council should consider in voting on an amendment to extant zoning text. Statute also tightly prescribes the timeline for Council, and subsequent Plan Commission review.

Factors for Consideration

Ord 17-29 is a text amendment to the UDO. In reviewing text amendments to the UDO, statute requires that both the Plan Commission and the Council pay "reasonable regard" to the following:

(1) the comprehensive plan;

The GPP includes one reference to ADUs. That reference is included in the GPP's Chapter on conserving community character and enhancing neighborhoods and reads that,
"Bloomington's Neighborhood character can evolve in a gradual and compatible way to allow additional density through subdividing lots, and the creation of granny flats and duplexes." (GPP, p. 17)

(2) current conditions and the character of current structures and uses in each district;

(3) the most desirable use for which the land in each district is adapted;

(4) the conservation of property values throughout the jurisdiction; and

(5) responsible development and growth. § 36-7-4-603; BMC 20.09.360(e)

Timeframes

The process for developing and reviewing text amendments to the UDO is governed by State statute, specifically I.C. § 36-7-4-602(b) and IC § 36-7-4-607(b)-(f). In brief, that process is as follows:

- **Council has 90 Days from the date of Certification to Act**
  - The Council has 90 days from date of certification of Plan Commission action to act on the ordinance. In the event the Common Council fails to act, then the recommendation of the Plan Commission goes into effect at the end of that time period. The Plan Commission certified both of these ordinances to the Council on 16 June 2017; therefore, **the 90-day period would expire on Friday, 16**

September 2017. If the Common Council adopts the ordinance, as certified, within the 90-day period, the legislation goes into effect as any other ordinance.

- **Council Amendment or Rejection of the Ordinance**
  - If the Council rejects or amends one or both of the ordinances within the 90-day period, then the legislation and an accompanying statement explaining the rejection or tracking the amendments is forwarded to the Plan Commission.

  Then, the Commission has 45 days from that time to approve or reject that action of the Council.
  → If the Plan Commission *approves* the action of the Common Council within those 45 days, then the legislation goes into effect upon the filing of a report of approval to the Common Council.
  → If the Plan Commission *fails to act* within those 45 days, then the legislation stands as passed by the Common Council at the expiration of the 45-day period.
  → If the Plan Commission *disapproves* the amendment or rejection of the Common Council within the 45-day period, then the legislation stands *only if* the Common Council confirms its action by another vote within 45 days after certification of Plan Commission disapproval.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, SEPTEMBER 06, 2017
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES August 30th, 2017 (Special Session)

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)
1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
4. **Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND (AND SUBSEQUENT) READINGS AND RESOLUTIONS

1. Resolution 17-33 – Opposing Attacks on Our Health Benefits

Committee Recommendation None

2. Resolution 17-32 – Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Committee Recommendation None

3. Ordinance 17-31 - To Amend the Zoning Maps from Residential Single Family (RS) to Planned Unit Development (PUD) and Approve a District Ordinance and Preliminary Plan - Re: 1100 N. Crescent (Mecca Companies, Petitioner)

Committee Recommendation 8-0-1

4. Resolution 17-30 − To Designate an Economic Revitalization Area, Approve the Statements of Benefits, and Authorize Periods of Abatement for Real Property Improvements – Re: Property Located at N. Crescent Road and Identified by the Monroe County Parcel ID Number 53-05-32-200-006.001-005 (Union Development at Bloomington GP, LLC, Petitioner)

Committee Recommendation 7-0-2

5. Ordinance 17-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Adding Section 20.05.110 ("Accessory Dwelling Unites") and Amending Section 20.11.020 ("Defined Words")

Motion to Postpone to September 6th Regular Session	(6/28/17)	7-2-0
Committee Recommendation	(6/21/17)	1-2-5
Amendment 01	(6/21/17)	5-1-2

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

**Members of the public may speak on matters of community concern not listed on the agenda at one of the two Reports from the Public opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.*

***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812)349-3409 or e-mail council@bloomington.in.gov.*

Posted & Distributed: September 1, 2017

REVISED NOTICE AND SCHEDULE FOR CONSIDERATION OF THE CITY'S COMPREHENSIVE PLAN (PROPOSED BY RES 17-28)

THE CITY OF BLOOMINGTON COMMON COUNCIL WILL CONSIDER THIS LEGISLATION AT A SERIES OF MEETINGS CONSTITUTING ONE LONG SPECIAL SESSION

THE MEETINGS WILL BE HELD AT THE CITY COUNCIL CHAMBERS OF THE CITY HALL, ON THE FOLLOWING EVENINGS STARTING AT 6:30 PM

August

Tuesday, August 29, 2017

The Council will have a presentation, discussion, and public comment on Chapter 4: Downtown (Pages 50 – 57)

September

Tuesday, September 5th: Amendments for Chapter 4: Downtown due. See Footnote 1 to learn more about the submission of amendments.
Friday, September 8th: Amendments for Chapter 4: Downtown released on the Council webpage.

Tuesday, September 12th

The Council will finish previous meeting's presentation (if necessary), consider amendments [1] to Chapter 4: Downtown (covered on August 29th), and have a presentation, discussion & public comment on Chapter: 6: Transportation (Page 66 – 77) and Chapter 7: Land Use (Pages 78 – 97)

Tuesday, September 19th Amendments for Chapter 6: Transportation and Chapter 7: Land Use due.
Friday, September 22nd: Amendments for Chapter 6: Transportation and Chapter 7: Land Use released on the Council webpage

Monday, September 25th

The Council will finish the previous meeting's work (if necessary), consider amendments to Chapter 6: Transportation and Chapter 7: Land Use, and have a presentation, discussion & public comment on Chapter 5: Housing and Neighborhoods (Paged 58 – 65)

October

Tuesday, October 3rd Amendments for Chapter 5: Housing and Neighborhoods due.
Friday, October 6th: Amendments for Chapter 5: Housing and Neighborhoods released on the Council webpage

Tuesday, October 10th

The Council will finish the previous meeting's work (if necessary), consider amendments to Chapter 5: Housing and Neighborhoods, and have a presentation, discussion & public comment on Chapter 3: Environment (Pages 42 – 49)

Tuesday, October 17th Amendments for Chapter 3: Environment due.
Friday, October 20th: Amendments for Chapter 43: Environment released on the Council webpage.

(Over)

[1] Amendments must be sponsored by Council members and must be submitted to the Council Office at noon on the days set forth in the schedule. Amendment packets are to be released on the Council's webpage by the end of the day on the Friday after they are due.

Tuesday, October 24th

The Council will finish the previous meeting's work (if necessary), consider amendments to Chapter 3: Environment, and have a separate presentation, discussion & public comment on the remaining parts of the Plan: Introduction and Executive Summary (Pages 6 – 17); Community Profile (Pages 18 – 24); Chapter 1 Community Services & Economy (Pages 225 – 33); Chapter 2: Culture & Identity (Pages 34 – 40); and Appendix (Pages 98 – 123)

Tuesday, October 31st Amendments for Plan: Introduction and Executive Summary, Community Profile, Chapter 1: Community Services & Economy, Chapter 2: Culture & Identity, and Appendix due.

November

Friday, November 3rd: Amendments for Plan: Introduction and Executive Summary, Community Profile, Chapter 1: Community Services & Economy, Chapter 2: Culture & Identity, and Appendix released on the Council webpage.

Tuesday, November 7th

The Council will finish the previous meeting's work (if necessary), consider amendments to the Introduction and Executive Summary (Pages 6 – 17); Community Profile (Pages 18 – 24); Chapter 1 Community Services & Economy (Pages 225 – 33); Chapter 2: Culture & Identity (Pages 34 – 40); and Appendix (Pages 98 – 123), and conduct a review of the document as a whole.

Wednesday, November 8th: Final Amendments due.
Friday, November 10th: Final Amendments released on the Council webpage

Wednesday, November 15th

The Council will continue the Special Session to this date where it will have an opportunity to consider any final amendments, reconsider any previously adopted amendments,[2] and entertain a Motion to Adopt the Res 17-28, which would approve the Plan (with any amendments).

City of Bloomington Comprehensive Plan - Index

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- Chapter 5: Housing & Neighborhoods (58)
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- Chapter 7: Land Use (78)
- Appendix (98)

Online Materials

Comprehensive Plan (Forwarded by Plan Commission):
https://bloomington.in.gov/boards/plan/comprehensive-plan

Amendment Packets (when available – by date of meeting):
https://bloomington.in.gov/council

** On August 29, 2017, the Council adopted a motion regarding the consideration of the Comprehensive Plan over a series of meetings. The motion, in large part, elaborated upon this schedule and also described the conduct of deliberations. This motion can be found online on the Council webpage and provides for the public to comment once, for no more than 5 minutes at each opportunity to offer public comment. Please note that this schedule and the associated procedures may be amended by a motion of the Council made during the course of these meetings or at other Regular and Special Sessions occurring over the span of these deliberations.*
***Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call (812)349-3409 or e-mail council@bloomington.in.gov.*

Posted & Distributed: September 1, 2017

[2] A packet of all previously adopted amendments is scheduled to be released on Friday, November 10th.

Statement of Procedure for Consideration of <u>Resolution 17-28</u>, which Would Approve the City's Comprehensive Plan (Prepared for Consideration at the 8/29/17 Special Session)

<u>Consideration of the Comprehensive Plan (Plan) and Amendments Over a Series of Meetings:</u>

The Council will consider the Comprehensive Plan (Plan) over a series of meetings. The order of consideration does not follow the order of the chapters in the Plan and the public should refer to the Schedule (attached) to know what will be considered when. In general, amendments will be considered no sooner than the next meeting after the relevant chapters have been presented, discussed by the Council, and commented upon by the public. Once the amendments covering the previous meeting's topics have been considered, then the Council will introduce, discuss and hear comment upon the next scheduled chapter(s) of the Plan.

Except as set forth in the next paragraph, the conduct of the deliberations will follow the usual Council practice:

- Staff or the applicable person will make a presentation on the relevant matter;
- Council members may then ask questions relevant to that matter for response that evening or at a later time;
- The public may offer comments on that matter (see below); and
- The members may ask further questions (at the leave of the Council), comment, and take whatever actions are in order at that time.

The exceptions to the usual practice are as follows:

- Amendments on a chapter will not be considered on the night the chapter is first presented, discussed, and commented upon; and
- The Council will be deliberating over one, long session spanning many meetings which, in essence, extends the opportunity to revisit sections and amendments, and calls for the Council to end each evening with a Motion to Recess until the Next Scheduled Meeting of the session.

Public Comment - Limiting Time and Occasions for Comment

When public comment is requested, members of the public may speak once and for no more than 5 minutes. In addition, members of the public are encouraged to submit written comments to the Clerk/Council Office or via email to council@bloomington.in.gov.

Amendments - Sponsorship and Deadlines

Amendments must be sponsored by a council member. Members of the public wishing to have an amendment considered must find a council member to sponsor it. Members of the public wishing to solicit a council sponsor for a proposed amendment may either contact a council member directly, or contact the council office staff and have their proposal distributed to all council members for consideration. In order to provide time to circulate the amendment, those requests should be made well before the deadlines set forth in the Schedule. Council Office staff (Dan Sherman and Stacy Jane Rhoads) can be reached at 812-349-3409 or at council@bloomington.in.gov.

Members of the Council must submit amendments in writing to the Council Office by noon of the deadlines set forth in the Schedule. These deadlines are approximately one week after the respective chapter of the Plan has been presented, discussed, and commented upon.

These deadlines are intended to allow distribution of the amendments prior to their formal consideration at a Council meeting. In that regard, the Council Office will: format the amendments; obtain their approval from the sponsoring council member; seek their review from the Planning and Transportation Department; distribute them to the council members, and make them available to the public prior to the hearing.

Final Hearing - New Amendments, Reconsidering Old Amendments, and Final Vote

After all parts have been considered in the above manner, the Council will consider Res 17-28 (as amended) at a continuation of the Special Session on Wednesday, November 15, 2017 to be held 6:30 pm. During this meeting:

- The presiding officer will open the entire document to further amendment, giving council members an additional opportunity to present amendments to the Plan.
- A council member wishing to introduce a new amendment may do so at this time, only after having submitting the new amendment by noon on November 8th for release by November 10th.
- In the event a council member wishes to revisit an amendment that has already be voted upon, there must be a motion to reconsider offered by someone from the prevailing side of the previous vote, and a majority must vote in favor of it.
- After considering any new amendments and revisited amendments, the Council is expected to take a single vote to adopt the entire document as amended.

Suspension of the Rules

The procedures and meetings set forth in this Statement and Schedule anticipate actions to be taken during the course of these deliberations. They may be altered by a motion to suspend the rules, which requires a 2/3's majority in order to succeed.

Time and Place of Meetings

These meetings will be held in the Council Chambers in the Showers Center at 401 North Morton Street. All the meetings will begin at 6:30 p.m.

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 04 -09 September 2017

Monday, 04 September

Labor Day – City Offices Closed

Tuesday, 05 September

11:30	am	Plan Commission Work Session, Kelly
3:30	pm	Board of Public Works Work Session, McCloskey
4:00	pm	Bloomington Community Farmers' Market, Madison St., between 6th and 7th St.
5:00	pm	Redevelopment Commission, McCloskey
5:00	pm	Utilities Services Board, 600 E. Miller Dr.
5:30	pm	Board of Public Works, Chambers
6:00	pm	Bloomington Commission on Sustainability Work Session, Hooker Conference Room

Wednesday, 06 September

2:00	pm	Hearing Officer, Kelly
5:30	pm	Commission on Hispanic and Latino Affairs, McCloskey
6:30	pm	Common Council – Regular Session

Thursday, 07 September

5:30	pm	Commission on the Status of Women, McCloskey

Friday, 08 September

12:00	pm	Common Council Internal Work Session, Council Library
1:30	pm	Metropolitan Planning Organization, Policy Committee, Chambers

Saturday, 09 September

8:00	am	Bloomington Community Farmers' Market, 401 N. Morton St.

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please contact the applicable board or commission or call (812) 349-3400.

Posted and Distributed: Friday, 01 September 2017

RESOLUTION 17-33

OPPOSING ATTACKS ON OUR HEALTH BENEFITS

WHEREAS, Americans want and deserve health care that enables their children to grow into their full potential, does not force them into impossible choices between receiving lifesaving treatments and medicine and putting food on the table, and makes it possible for our seniors to be fully part of the life of their families and communities; and

WHEREAS, comprehensive health benefits are essential to ensuring working families and retirees can get the health care they need, when they need it; and

WHEREAS, health insurance should be affordable for all Americans; and

WHEREAS, Medicare is a promise to the American people that must be kept for current and future generations, including the 55 million seniors and people with disabilities enrolled today and the many millions more counting on it for their retirement; and

WHEREAS, turning Medicare into a voucher system will break that promise—benefits would no longer be guaranteed and health care costs for seniors and people with disabilities would rise dramatically; and

WHEREAS, raising the Medicare eligibility age from 65 to 67 will not only harm millions of American seniors, but also increase costs for employers and states because they will have to cover more medical costs for people ages 65 and 66; and

WHEREAS, health benefits that working people earn on the job are the biggest source of health coverage in the United States, covering 178 million workers, retirees, and their family members; and

WHEREAS, some in Congress want to tax part of the cost of workplace health benefits by including it in workers' taxable income; and

WHEREAS, taxing workplace health benefits will penalize working people by raising their taxes and result in cuts to their health benefits, increased deductibles and other out-of-pocket requirements, and even the elimination of entire health plans by some employers; and

WHEREAS, the Affordable Care Act (ACA) was an important step toward providing comprehensive, affordable health care for all; and

WHEREAS, the ACA has reduced the share of people without health insurance to historic lows by guaranteeing everyone's right to buy insurance, providing new financial support for buying individual coverage, expanding Medicaid, and encouraging many employers to contribute toward the cost of workers' health benefits; and

WHEREAS, the ACA requires insurance companies to treat consumers fairly, to provide meaningful insurance without tricks and traps, and not to discriminate against anyone because they have a preexisting condition or because of their gender; and

WHEREAS, the ACA's expansion of health benefits has provided much needed help in addressing the opioid addiction crisis; and

WHEREAS, repealing the ACA without a replacement will put 30 million people at risk of losing their health benefits entirely and strip away vital protections and benefits from the many millions more with Medicare, Medicaid, and workplace coverage; and

WHEREAS, more than 74 million people get health benefits through Medicaid and the Children's Health Insurance Program (CHIP); and

WHEREAS, repealing the Affordable Care Act in its entirety will take health benefits away from the approximately 11 million people who gained coverage through that law's Medicaid expansion; and

WHEREAS, cutting federal funding to Indiana for Medicaid through block grants or per capita caps will shift health care costs onto our state, force impossible choices between cutting health benefits or even eliminating eligibility for them, take funding away from other essential services, and require state taxpayers to pay more; and

WHEREAS, cutting federal funding to Indiana for Medicaid will threaten the health care, nursing home care and the long-term supports and the services that allow seniors and people of all ages with disabilities to live independently in their own homes and communities; and

WHEREAS, cutting federal funding to Indiana for Medicaid will threaten the health benefits that, together with the Children's Health Insurance Program (CHIP), ensure that one-in-three children can get the medical care they need; and

WHEREAS, the recent efforts of the United States Congress to repeal the Affordable Care Act may have stalled, but Congress could, at any time, resume its efforts to repeal the Affordable Care Act without a sufficient replacement, stripping health insurance away from millions of Americans; and

WHEREAS, the Common Council has affirmed its strong commitment to universal, comprehensive healthcare in the past by adopting *Resolution 94-54: To Support State and Federal Legislation Enacting Single-Payer Health Insurance*; *Resolution 06-16: Supporting State and Federal Legislation Enacting Universal Publicly-Paid Health Insurance*; and, *Resolution 14-01: Supporting the Full Expansion of Medicaid in Indiana Through The Affordable Care Act*, and the Council continues to support universal healthcare today;

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

SECTION I. The Bloomington City Council opposes any and all attacks on our health benefits.

SECTION II. The Bloomington City Council calls upon all members of Congress representing the people of Indiana to oppose any and all attacks on our health benefits, including legislation that:

- Turns Medicare into a voucher system, increases the Medicare eligibility age beyond 65, or in any other way cuts seniors' Medicare benefits or shifts additional costs onto them;
- Imposes new taxes on or otherwise threatens the health benefits working people earn on the job;
- Repeals the Affordable Care Act without a replacement plan that ensures that anyone with coverage today is able to afford it and keep it and that maintains key protections for all working families and seniors;
- Repeals the Affordable Care Act's expansion of Medicaid benefits to millions of people; or
- Blocks grants or imposes a *per capita* cap on federal funding for Medicaid;

SECTION III. The Bloomington City Council calls upon all members of Congress representing the people of Indiana to support health care for all through the creation of a universal, comprehensive single-payer system.

SECTION IV. The City Clerk is directed to send a copy of this resolution to Bloomington's Congressional delegation.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Ruff, Sandberg, and Sturbaum at the request of the White River Chapter of the Southern Indiana Regional Labor Council, AFL-CIO. The resolution documents the importance of comprehensive health benefits for all Americans, the critical role played by the Affordable Care Act, Medicaid Expansion, and the Children's Health Insurance Program. The resolution opposes all attacks on health legislation, including legislation that turns Medicare into a voucher system; increases the Medicare eligibility age beyond 65; imposes new taxes on or otherwise threatens the health benefits working people earn on the job; repeals the Affordable Care Act without a sufficient replacement maintaining key protections; repeals the Affordable Care Act's expansion of Medicaid benefits to millions of people; or blocks grants or imposes a *per capita* cap on federal funding for Medicaid. The resolution calls upon members of Congress to support a universal, comprehensive, single-payer system of health care and calls upon the City Clerk to send a copy of the resolution to Bloomington's Congressional delegation.

RESOLUTION 17-32

WAIVING CURRENT PAYMENTS IN LIEU OF TAXES BY THE BLOOMINGTON HOUSING AUTHORITY TO THE CITY

WHEREAS, the Bloomington Housing Authority provides a public service to the Bloomington community by providing sanitary, safe and affordable housing for low income people; and

WHEREAS, according to I.C. 36-7-18-25, the Bloomington Housing Authority is exempt from all property taxes, but may enter into an agreement with a political subdivision to pay no more than the estimated costs of services, improvements, or facilities provided by that political subdivision; and

WHEREAS, on May 2, 1961, the Bloomington Housing Authority and City of Bloomington entered into a Cooperation Agreement under which the Bloomington Housing Authority agreed to make annual payments in lieu of taxation based upon the value of services established by Housing and Urban Development guidelines; and

WHEREAS, the City of Bloomington does not desire for the Bloomington Housing Authority to make these payments in lieu of taxes this year;

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

SECTION I. In consideration for the provision of services to its residents and property by the Bloomington Housing Authority, the City of Bloomington hereby waives its right to any and all payments in lieu of taxes for the year 2016.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

_____
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2017.

_____
NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2017.

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution waives the right of the City of Bloomington to receive payments in lieu of taxes from the Bloomington Housing Authority for the year 2016.

Housing and Neighborhood Development

Memo

To: Council Members

From: Doris Sims, Director

CC: Amber Skoby, BHA Director

Date: September 1, 2017

Re: BHA PILOT

Resolution 17-32 is an annual request by the Bloomington Housing Authority to waive any payment in lieu of taxes (PILOT) as may be required of the entity. In 1961, the Bloomington Housing Authority entered into a cooperation agreement with the City of Bloomington, which was part of the creation of the Housing Authority. The cooperation agreement states, "Under the constitution and statutes of the State of Indiana, all Projects are exempt from all real and personal property taxes levied or imposed by the Taxing Body, as long as the project continues to serve low income citizens this rule applies."

This year, the BHA is requesting that the City forgive the $33,806.30 Payment in Lieu of Taxes as computed on the attached form.

Computation of Payments in Lieu of Taxes

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

For Fiscal Year Ended 2016

OMB Approval No. 2577-0026 (Exp. 10/31/2009)

Public reporting burden for the collection of information is estimated to average .4 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for HUD to ascertain compliance with requirements of Section 6(D) of the U.S. Housing Act, which provides for PHA exemptions from real and personal property taxes, and inclusion in the formula data used to determine public housing operating subsidies. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Local Agency:	Location:	Contract Number:	Project Number:
Bloomington Housing Authority	Bloomington, Indiana	C-0894	IN022

Part I - Computation of Shelter Rent Charged.

1. Tenant Rental Revenue (FDS Line 703)	$ 771,977.00	
2. Tenant Revenue Other (FDS Line 704)	68,649.00	
3. **Total Rental Charged** (Lines 1 & 2)		$ 840,626.00
4. Utilities Expense (FDS Line 931 - 939)		408,288.00
5. Shelter Rent Charged (Line 3 minus Line 4)		432,338.00

Part II - Computation of Shelter Rent Collected. To be completed only if Cooperation Agreement provides for payment of PILOT on basis of Shelter Rent Collected.)

1. Shelter Rent Charged (Line 5 of Part I, above)	$ 432,338.00
2. Add: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at beginning of fiscal year	38,343.00
3. Less: Tenant Bad Debt Expense (FDS Line 964)	122,956.00
4. Less: Accounts Receivable - Tenants (FDS Lines 126, 126.1, & 126.2) at end of fiscal year	9,662.00
5. Shelter Rent Collected (Line 1 plus Line 2 minus Lines 3 & 4)	338,063.00

Part III - Computation of Approximate Full Real Property Taxes.

(1) Taxing Districts	(2) Assessable Value	(3) Tax Rate	(4) Approximate Full Real Property Taxes
Total			0.00

Part IV - Limitation Based on Annual Contribution. (To be completed if Cooperation Agreement limits PILOT to an amount by which real property taxes exceed 20% of annual contribution.)

1. Approximate full real property taxes	$ 0.00
2. Accruing annual contribution for all projects under the contract	$
3. Prorata share of accruing annual contribution*	
4. 20% of accruing annual contribution (20% of Line 3)	0.00
5. Approximate full real property taxes less 20% of accruing annual contribution (Line 1 minus Line 4, if Line 4 exceeds Line 1, enter zero)	$

Part V - Payments in Lieu of Taxes.

1. 10% of shelter rent (10% of Line 6 of Part I or 10% of Line 5 of Part II, whichever is applicable)**	$ 33,806.30
2. Payments in Lieu of Taxes (If Part IV is not applicable, enter the amount shown on Line 1, above, or the total in Part III, whichever is the lower. If Part IV is applicable, enter the amount shown on Line 1, above, or the amount shown on Line 5 of Part IV, whichever is lower.)	$ 33,806.30

* Same as Line 2 if the statement includes all projects under the Annual Contributions Contract. If this statement does not include all projects under the Annual Contributions Contract, enter prorata share based upon the development cost of each project,
** If the percentage specified in the Cooperation Agreement or the Annual Contributions Contract with HUD is lower, such lower percentage shall be used.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012: 31 U.S.C. 3729, 3802).

Prepared By: Nika Alexander		**Approved By:** Amber Gress	
Name: Nika Alexander		**Name:** Amber Gress	
Title: Financial Manager	**Date:** 4/12/17	**Title:** Executive Director	**Date:** 4.13.17

Print Reset

Remarks, to City Council, August 30, 2017
John Hamilton, 630pm

Affordable Housing is a central challenge to our community. It has been and will continue to be, for years. Most expensive rental and ownership market in state. Very high percentage of housing burdened people. You all know this.

Here tonight to support two efforts that in my view are PART of the appropriate response to this big big challenge.

First, on the agenda tonight, is an affordable housing project brought by Mecca Companies, on North Crescent Road. I'm not here to go through all the details of this project. You'll hear more of those soon enough. I'm here to express my support for the project as an important step forward in our effort to make our city a place where people from all walks of life can live, work, and raise a family.

This development will create 100 quality units of housing affordable to people at or below 60% of median income. One hundred units. Just as a reminder, our entire public housing authority owns about 250 units. This is one hundred more units. At a location close to 17th street and improving our compact form.

This development, in an unusual and I believe very valuable approach, includes about 40 units of market rate housing co-located with the affordable units. This development keeps those 100 units affordable for 30 years, and will keep at least 73 of them affordable for at least 99 years. The mixing of market and affordable units is a model of economic integration for our community.

This development is bringing millions of dollars of federal tax credits to our community, but also requires additional subsidy locally to make it work. Affordable housing is not magic or free; it takes subsidy. I encourage you to support the tax abatement that will allow this housing for one hundred households who otherwise couldn't afford to live in Bloomington. And we'll be looking at the combination of HOME and new housing development fund support to fill out the needs. The per unit subsidy, taking all these potential local supports together, is about $16,000 per unit, which is very appropriate and efficient.

No development is perfect or without challenges. This is a difficult site, with slopes and karst features. The project team has worked diligently and creatively to reduce building and parking footprints, protect trees and the environment, and respond to our suggestions and concerns. The Plan Commission supported the project, as did the Economic Development Commission. I encourage you to do the same. Affordable housing is critically important to our community, and these 100 units will change 100 households lives for the better, and strengthen our community. We need to walk the walk. Thanks for your consideration of and support for this important project.

Second is about an item on next week's agenda, but important to mention briefly today, as consideration continues. That is Accessory Dwelling Units, or ADUs. This has been a topic for decades in our city. This too is about affordable housing and our future.

ADUs, aka granny flats or in-law suites, are a common tool across the country, to help create sustainable, compact-form affordable units, and to help people stay in their own homes in the face of economic challenges. This approach is powerful and popular, and found in many, many cities across the country. Decatur GA, Portland, OR, Ann Arbor, Minneapolis, Austin, San Fran, more…

Our administration is asking for approval to implement a PILOT program of 30 of these ADUs, to see how it operates in our city. Who uses them. How much demand is there. Of course there are questions about ADUs, and there is some concern from some neighborhood voices. Concerns about student abuse. Concerns about changing the culture or look of neighborhoods. And others perhaps.

But I urge you that affordable housing is in a crisis. We have talked about this issue for decades, and we must move forward and at least try some things. Affordable housing isn't free. It takes creativity and commitment. ADUs are working around the country, and I strongly encourage that we at least give them a try here.

I want to say here that I'm not against an amendment to restrict ADU properties to 3 or 4 unrelated adults. That seems a reasonable way to assure we're serving the interests of affordable housing we're aiming for.

But as a pilot, we need to make it convenient for our pioneers in the community to try them out – to show us how it works. We're limiting to 30 in our community of 85,000 people. And ADUs cannot be concentrated in one block. And of course must be on an owner-occupied property. I strongly urge that we not require everyone interested in this to go to the board of zoning appeals for specific review. That can kill this pilot and adds regulatory layers and time and expense, and perhaps neighborhood strife, to what should be a short-term pilot effort.

This pilot will be instructive, so we can decide if and how to implement a wider, bigger program – please let's get it going, and we can then learn and discuss what worked well, and how to improve it if needed.

Last winter I was approached by a young woman moving here from upstate New York for a job. She lived in and owned a tiny home there, and wanted to bring it here, to put in the back yard of her father's home. He was supportive. We prohibit her from doing so. That is a shame. We want young, creative people, living lightly on the land, to be encouraged to come to our community. We want owner-occupiers willing to share their property with someone with less means, to increase compact development, to do just that.

Chuck Marohn, the visionary leader of Strong Towns, a leading progressive organization supporting sustainable, successful cities in local, incremental development, was in town recently. I asked him what he thought of ADUs and how cities like ours should think about them. He said, you should allow them everywhere, and encourage people to use them without barriers or excessive regulations. He believes they are part of how communities develop at scale – not just with big developments, but with

incremental progress.

So remember this is just a PILOT for 30 ADUs in our city. Thank you for your consideration and I hope support for this important step in improving access and affordability to people in our city.

***** Amendment Form *****

Ordinance # 17-29

Amendment # 02

Submitted By: Councilmembers Piedmont-Smith and Sturbaum

Date: 06 September 2017

Proposed Amendment:

1. <u>A "Whereas" clause shall be added, to be located third from the last clause, and shall read as follows</u>:

WHEREAS, the Council requests that the Housing and Neighborhood Development Department contact neighborhoods with covenants limiting or restricting ADUs to encourage those neighborhoods to revise their covenants to remove such prohibitions or restrictions.

2. <u>The penultimate "Whereas" clause shall be deleted and replaced with the following:</u>

WHEREAS, the Council requests that the Planning and Transportation Department report annually to the Council on the number and location of ADUs approved subsequent to the effective date of this ordinance. The report shall include an assessment of the impact of ADUs on neighborhoods.

3. <u>A new Section 1 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.030, entitled "Residential Estate (RE); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units *."

4. <u>A new Section 2 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.070, entitled "Residential Core (RC); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units *."

5. <u>A new Section 3 of Ord 17-29 shall be added and shall read as follows</u>:

Section 20.02.110, entitled "Residential Single-family (RS); Conditional Uses," shall be amended by adding the term "Accessory Dwelling Units*."

6. <u>The existing Section 1 of Ord 17-29 shall be deleted in its entirety and replaced with a new Section, entitled Section 4, which shall read as follows</u>:
A new section, Section 20.05.0333, entitled "CU-14 (Conditional Use - Accessory Dwelling Units)," shall be created, added to the Table of Contents, and shall read as follows:

20.05.0333 CU-14 (Conditional Use – Accessory Dwelling Units)

Purpose: This Accessory Dwelling Unit ("ADU") section is adopted to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the City's workforce, seniors, families with changing needs, and others for whom ADUs present an affordable housing option.

This conditional use section applies to the following zoning districts:

RC RE RS

(a) Applicability: This section applies to the construction, remodeling and continuing use of an ADU as part of a single family dwelling use.
(b) Maximum Number: Not more than one (1) ADU may be located on one (1) lot.
(c) Number of Residents: No more than one family, as defined in 20.11.020, shall reside on a lot. Provided, however, units lawfully in existence prior to the enactment of this ordinance where the number of residents located on one (1) lot lawfully exceed that provided by the definition of family in 20.11.020 shall be grandfathered.
(d) Existing Planned Unit Developments: For any Planned Unit Development that permits detached single family dwellings, and which was approved before the effective date of this section, ADUs shall be considered a conditional use subject to the requirements of this section.
(e) Minimum Lot Size: ADUs shall not be established on a lot that is less than the minimum lot size of the zoning district.
(f) Proximity: An ADU shall be located on a lot that is at least three hundred (300) feet from another ADU approved under this chapter. Distance shall be measured lot line to lot line. Provided, however, the Board of Zoning Appeals or Hearing Officer may approve an ADU located on a lot that is closer than three hundred (300) feet from another ADU where such proximity does not result in an undue concentration of ADUs leading to adverse impacts on a block or neighborhood.
(g) Site Plan: A single family dwelling unit that includes an ADU shall be treated as a single-family dwelling unit in entirety for purposes of site plan review.
(h) Utilities: All ADUs must be connected to the public water main and sanitary sewer, when adjacent to property, per City of Bloomington Utilities' Rules & Regulations or Construction Specifications. Where water or sanitary sewer mains are not adjacent to

property and the primary dwelling on the lot utilizes a septic system, the ADU may utilize the septic system per Monroe County Health Department Standards.

(i) Design Standards:

(1) Detached ADU: Detached ADUs shall meet the architectural and foundation requirements for a single family dwelling within the applicable zoning district as found in 20.05.016.

(2) Maximum square footage of habitable space:

(A) Attached ADU: Six hundred (600) square feet or no more than 35% of structure, whichever is less;

(B) Detached ADU: Four hundred forty (440) square feet.

(3) Maximum bedrooms: In no case shall an ADU include more than one (1) room that may be used as a bedroom.

(4) Minimum Setbacks:

(A) Attached ADUs: Per requirements for the primary structures of Chapter 20.02: Zoning Districts.

(B) Detached ADUs:

(i) Front Setbacks: Can be as close to the street as the primary dwelling.

(ii) Side Setbacks: Shall comply with the requirements for accessory structures of Chapter 20.02.

(iii) Rear Setbacks: The rear setbacks for ADUs shall be at least ten (10) feet from any property line. However, where an ADU is located on a lot that abuts an alley, the rear setback may be no less than five (5) feet.

(iv) Existing single-story detached accessory structures petitioned to be converted to ADUs shall be exempt from these setback requirements pursuant to Chapter 20.08.060.

(5) Maximum Height:

(A) Attached ADUs: Per requirements for the primary structures of Chapter 20.02: Zoning Districts.

(B) Detached ADUs: Twenty-five (25) feet

(6) If located within an historic district, any exterior changes or new construction must be in compliance with the district's guidelines and any required Certificate of Appropriateness must be obtained pursuant to Section 8.08.020, prior to review by the Board of Zoning Appeals or Hearing Officer.

(j) Owner Occupancy: ADUs shall only be permitted on a property where either the primary dwelling unit or the ADU is owner occupied. For the purposes of this section, the owner is defined as the individual, family, or group who holds the property tax homestead deduction for the property in accordance with Indiana state law.

(1) The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this Section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will

occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Planning and Transportation Department.

(2) Any primary dwelling or ADU used as a rental unit shall register with the Department of Housing & Neighborhood Development (HAND) and receive appropriate certification prior to occupancy.

(k) Enforcement: Violations of the terms of this section shall result in revocation of the conditional use approval for the ADU as well as fines per Section 20.10.040.

(l) Commitments: Before obtaining a conditional use approval for an ADU, an applicant shall record a commitment, consistent with the standards of Section 20.09.110, stating the following:

(1) The ADU shall not be sold separately from the primary unit.

(2) The conditional use approval shall be in effect only so long as the primary dwelling unit, or the ADU, is occupied by the owner(s) of record as their primary residence. If at any time the conditional use approval is revoked or is no longer in effect, the ADU must be removed from the property. This can include, but is not limited to removal of any second kitchen on the lot, including all kitchen appliances and cabinets

7. <u>Section 5 shall be revised by removing the sentence referring to "Accessory Dwelling Units" in the proposed definition of "Family," and revising the text to make clear that "Family" is defined by the total number of people living in both a primary dwelling and an ADU, where an ADU exists</u>:

Family. "Family" means an individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, and any other dependent children of the household. In the RE, RS, and RC zoning districts, and in single-family residential portions of planned unit developments, "family" also includes a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit or a combination of a single family dwelling unit and accessory dwelling unit. In all other districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

8. <u>All subsequent sections of Ord 17-29 shall be re-numbered.</u>

Synopsis

This amendment makes a number of changes to Ord 17-29 in the interest of providing further protections for single-family zoning districts in which Accessory Dwelling Units (ADUs) may be located. First, the amendment shifts the allowance for ADUs from a "by-right" allowance capped at 30 ADUs, to a conditional use without a cap, where approval is granted by the Board of Zoning Appeals (BZA) or the Hearing Officer. The amendment shifts the allowable number of bedrooms from two to one and shifts the number of unrelated people constituting a family and allowed to live on a lot with an ADU from five to back to the currently-allowable limit of three. Additionally, the amendment provides that the rear setbacks for ADUs shall be at least ten feet from any property line, rather than five feet; however, where an ADU is located on a lot that abuts an alley, the rear setback may be no less than five feet. The amendment retains the general requirement that ADUs should be located on a lot that is at least 300 feet from another ADU, but provides that ADUs may be located closer where the BZA or Hearing Officer finds that such proximity does not result in an undue concentration of ADUs leading to adverse impacts on a block or neighborhood. Furthermore, the amendment requires the owner of property upon which an ADU is located to file an annual affidavit with the Planning and Transportation Department pledging agreement with the ADU requirements. Lastly, the amendment deletes a no-longer relevant "Whereas" clause referring to an ADU cap and adds two new clauses: one requesting that the HAND department reach out to neighborhoods with covenants limiting or restricting ADUs to encourage removal of such restrictions and a clause requesting that the Planning and Transportation Department report back to the Council annually on the number and location of ADUs approved and an assessment of the impact of ADUs on neighborhoods.

06/21/17 Committee Action: *none*
06/28/17 Regular Session Action: *none*
09/06/17 Regular Session Action: *pending*
(September 6, 2017)

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, August 30, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.	COMMON COUNCIL SPECIAL SESSION August 30, 2017
Roll Call: Sturbaum, Chopra, Granger, Sandberg, Volan, Piedmont-Smith, Sims, Rollo Absent: Ruff	ROLL CALL [6:30pm]
Council President Susan Sandberg gave a summary of the agenda.	AGENDA SUMMATION [6:31pm]
	LEGISLATION FOR FIRST READING
Councilmember Steve Volan moved and it was seconded that Ordinance 17-32 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.	Ordinance 17-31 – To Amend the Zoning Maps from Residential Single Family (RS) to Planned Unit Development (PUD) and Approve a District Ordinance and Preliminary Plan - Re: 1100 N. Crescent (Mecca Companies, Petitioner)
There were no changes to the Council schedule.	COUNCIL SCHEDULE [6:33pm]
The meeting was adjourned at 6:33pm.	ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2017.

APPROVE:

_____
Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:

_____
Nicole Bolden, CLERK
City of Bloomington

For Approval