City of Bloomington
Common Council

Legislative Packet

Wednesday, 13 December 2017

Special Session
(to be immediately followed by a)
Committee of the Whole

All background materials and legislation contained herein.

Office of the Common Council
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City of Bloomington Indiana

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To: **Council Members**
From: **Council Office**
Re: **Weekly Packet Memo**
Date: **December 8, 2017**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:

- **Notice of Cancellation** – The meeting of the Special Session to Review the Comprehensive Plan scheduled for Tuesday, December 12, 2017 at 6:30 pm has been cancelled.
- **Notice of Common Council Special Session** to be held on Wednesday, December 13, 2017 at 6:30 in the Council Chambers (immediately before the previously scheduled Committee of the Whole)

Legislation and Material for Introduction at the Special Session and Discussion at the Committee of the Whole on Wednesday, December 13th

- Ord 17-45 To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amending Chapter 20.03 "Overlay Districts" to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards
    - Memo to Council from Terri Porter, Director of Planning and Transportation (with Research Brief from Clarion and Associates appended)
    - Redline of Text Changes Proposed by the UDO
    - Downtown Overlay Map

Contact: Terri Porter at 812-349-3549, porteti@bloomington.in.gov

Legislation and Material under Second Readings and Resolutions at the Special Session on Wednesday, December 13th:

- **Res 17-42** To Approve an Amendment to the January 1, 2017 Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County for the Operation of the Monroe County Central Emergency Dispatch Center (Extending the Agreement from December 31, 2017 to February 28, 2018)
    - Memo to the Council from Philippa Guthrie, Corporation Counsel
    - Amendment to Article I (Purpose and duration of Agreement), Section 2 (Duration) of the Agreement

  Contact: Philippa Guthrie at 812-349-3426, guthriep@bloomington.in.gov

Memo

No Meeting on Tuesday

Two Meetings and Two Items for Next Wednesday, December 13th

Please note that the Council cancelled the Special Session scheduled for Tuesday night in regard to the Comprehensive Plan. However, it voted to hold a Special Session immediately before the Committee of the Whole next Wednesday night to take up other business. One ordinance will be introduced and one resolution will be ready for consideration under Second Readings and Resolutions at the Special Session. The Committee of the Whole immediately following the Special Session will offer an opportunity to discuss the ordinance introduced at the first meeting. All of the legislation and material are included in this packet.

Second Readings – Special Session

Res 17-42 is the one item under Second Readings and Resolutions at the Special Session next Wednesday night. It approves an amendment that extends the Interlocal Agreement (*Agreement)* between the City and Monroe County regarding the operation of Central Dispatch. As the Memo from Corporation Counsel Philippa Guthrie explains, the amendment extends the one-year *Agreement* from December 31, 2017 to February 28, 2018, in order to give the City and County time to work-out the details for a longer-term agreement.

For almost 20 years, the City and County have worked together to provide central dispatch services to the community. Over the years, the staff has grown, the

facilities have moved twice, and the revenues have become more secure. As expected, during that time, the governing *Agreement* has been amended to account these changes and how they affect the operation, management, and funding for Central Dispatch.

As noted in the Guthrie Memo, the most recent amendment to the *Agreement* was last January. At that time, in large part due to the new and now, primary funding source for Central Dispatch,[1] the parties wanted a year's worth of experience under the new revenue regime before considering a longer-term Agreement.[2]

With the year coming to a close, staff proposes what amounts to a two-month extension (which has already been approved by the County Commissioners). In order to formalize that extension, this resolution approves an amendment to the *Agreement* that deletes and adds text to Article I (Purpose and Duration of Agreement), Section 2 (Duration), as indicated below:

> This Agreement shall be in full force and effect as of the date of its execution and shall remain in full force and effect until ~~December 31, 2017~~ **February 28, 2018**.

Item for First Reading at the Special Session and Discussion at the Following Committee of the Whole

Ordinance 17-45 proposes a number of changes to six downtown overlays. These changes are intended to be a temporary fix to reduce the size and impact of by-right developments in the downtown. It is anticipated that a longer-term legislative approach to this issue will be addressed by the revision of the entire Unified Development Ordinance (UDO) in 2018. Until then, Ord 17-45 is a response to both current conditions and current sentiment. As discussed at the Council's Internal Work Session on 01 December, two recent development projects approved by the Plan Commission "by right," but substantially opposed by the public, have reinforced the need for changes to the UDO to better reflect the current circumstances and conditions of development in these overlay areas.

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[1] In 2016, the Monroe County Local Income Tax Council authorized the new Public Safety Answering Point (PSAP) Local Income Tax.

[2] For more information, please see the weekly Council Legislative Packet issued for the 11 January 2017 Regular Session for the Agreement, approving resolution (Res 17-01), memo and summary.

Schedule

Please note that this is a piece of swift-moving legislation. Unlike most other proposals for change to the UDO, the Plan Commission will not have heard, nor certified, this matter to the Council before the legislation is issued in the *Legislative Packet*. Instead, the Plan Commission is scheduled to hear this on Monday, 11 December and the Council is scheduled to introduce and discuss this on Wednesday, 13 December. For that reason, please be advised that if the Plan Commission makes any changes to this proposal at its meeting on Monday, the actual language certified to the Council for consideration on Wednesday, may be different. If so, staff will alert the Council of such revised language. This ordinance is scheduled for Second Reading on 20 December.

Scope

Ord 17-45's interim changes apply to six overlay districts: Courthouse Square Overlay (CSO), Downtown Core Overlay (DCO), University Village Overlay (UVO), Downtown Edges Overlay (DEO), Downtown Gateway Overlay (DGO), and Showers Technology Park Overlay (STPO). *See* attached map. In each of these six districts, the ordinance makes changes to the specific, by-right standards of each overlay and also makes a general change revising the factors the Plan Commission is to consider in reviewing projects that *deviate* from the overlay standards.

Specific By-Right Changes to Each Overlay District: Height, Density, and Modulation

The by right-changes made to each of these districts involve reducing the maximum permitted height, maximum permitted density (except in the Showers Technology Park Overlay), and modulation.

Height

Ord 17-45 reduces the maximum height in each overlay by 10 feet and reduces the minimum height in 2 areas as follows:

* *As made clear in the supporting Memo ("Memo") from Planning and Transportation Director Porter, the minimum height reductions were necessary to realize the maximum height reductions in these areas.*

	Minimum Height Reductions	Maximum Height Reductions
Courthouse Square Overlay:		From 40 feet to 30 feet
Downtown Core Overlay:		From 50 feet to 40 feet
University Village Overlay:		From 40 feet to 30 feet
University Village/Restaurant Row:	From 25 feet to 20 feet*	From 35 feet to 25 feet
Downtown Edges Overlay:	From 25 feet to 20 feet*	From 35 feet to 25 feet
Downtown Gateway Overlay:		From 40 feet to 30 feet
Showers Technology Park Overlay:		From 45 feet to 35 feet

Density

Ord 17-45 reduces the maximum density in each overlay.

	Maximum Density Reductions
Courthouse Square Overlay:	From 33 units/acre to 20 units/acre
Downtown Core Overlay:	From 60 units/acre to 30 units/acre
University Village Overlay:	From 33 units/acre to 20 units/acre
Downtown Edges Overlay:	From 20 units/acre to 15 units/acre
Downtown Gateway Overlay:	From 33 units/acre to 20 units/acre
Showers Technology Park Overlay:	*No change* – remains 15 units/acre

Façade Modulation

Ord 17-45 makes four changes to better modulate building facades. First, the legislation calls fo*r the establishment of minimum façade width intervals* in each overlay. As recounted in the Memo from Porter, currently the UDO establishes maximum façade width intervals, but no minimum *widths.* As a consequence, this

code oversight has resulted in long buildings in the overlays with very little façade variation. Proposed minimum façade width intervals are as follows:

	Façade Modulation *Minimum* Widths
Courthouse Square Overlay:	20 feet (For reference: Maximum width is 50 feet)
Downtown Core Overlay:	25 feet (For reference: Maximum width is 65 feet)
University Village Overlay:	20 feet (For reference: Maximum width is 50 feet)
Downtown Edges Overlay:	20 feet (For reference: Maximum width is 45 feet)
Downtown Gateway Overlay:	25 feet (For reference: Maximum width is 65 feet)
Showers Technology Park Overlay:	25 feet (For reference: Maximum width is 100 feet)

Secondly, the ordinance establishes a minimum façade modulation depth of 5 feet. Third, the requirement for façade depth would increase from 3% to 5% of the length of the building. Lastly, the legislation makes clear that the depth offset attaches not only to the length of the building, but also the height.

Revision of Waiver Criteria

Each overlay outlines requirements that a petitioner may meet "by-right." Where those requirements are met, the petitioner may proceed based on satisfaction of those requirements. Where a petitioner proposes to deviate from those requirements, s/he may request a waiver.

At present, a waiver from the by-right development and architectural standards may be granted if the Plan Commission finds that: 1) the projects complies with all standards of site plan review;[3] 2) the project satisfies the design guidelines

[3] The guidance regarding review of Site Plans is as follows: (1) To promote well-planned and well-designed use of property; (2) To promote a high character of community development; (3) To review site plans relative to site layout, improvements and engineering in the interest of public health, safety, convenience and welfare; (4) To promote new development that has a positive impact on the community as a whole, does not negatively impact neighbors, protects sensitive natural resources, is well-designed to maximize efficient use of the land and surrounding transportation system, and provides for adequate stormwater management; (5) To review site plans to determine compliance with the standards of the Unified Development Ordinance; (6) To protect environmental quality; (7) To ensure that the statutory requirements established in the Indiana Code for development plan review and approval are met. BMC §20.09.120(a)

associated with the district; and, 3) buildings deviate in character from the architectural standards of the overlay, but add "innovation and unique design" to the built environment of the overlay. In deviating from the overlay requirements, the Plan Commission is also currently encouraged to consider the degree to which the site plan incorporates sustainable design features, such as vegetated roofs, energy efficiency, and resource conservation measures.

Ord 17-45 modifies the waiver considerations captured in the third part of the above-cited test, such that the criteria by which the Commission shall consider deviation from the by-right standards of each overlay is as follows:
1) Complies with all site plan review standards;
2) Satisfies the design guidelines of the overlay district; and

3) The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

Please see redline in the *Legislative Packet* for further detail on the deletions and replacements.

The *Memo* from Porter details the rationale for this ordinance change. Please consult pages 3-5 of her *Memo* for a detailed justification of the change. In short, Planning and Transportation points out that the *2002 Growth Policies Plan*, the *2005 Downtown Vision and Infill Strategy Plan*, and the current UDO were successful in stimulating Downtown development. Indeed, in the last ten years, approximately 1,000 housing units have been built in the Downtown. The GPP and the Downtown Plan helped drive this change:

- The *2002 GPP* encouraged increased densities in the Downtown (up to 100 units/acre) and increased heights with the condition that increased densities should be linked to design controls and character, human-scale development, and, conformance with historic patterns of building mass and scale. See, p. 29 of the 2002 GPP

- The *2005 Downtown Plan* called for greater housing balance in the Downtown and recounted the anticipated need for significantly greater numbers of non-student housing in the near- and long-terms. See, pp. 1-10 of 2005 Downtown Plan. In addition, the 2005 Downtown Plan calls for greater modulation.

Porter points out that while these guiding documents spurred growth and development of housing in the Downtown, the current community condition has changed since these policy documents were drafted. Indeed, "[c]urrent community sentiment is that the standards put in place with the UDO in 2007 are not enough to ensure appropriately sized, scaled, and compatible buildings." *Memo*, p. 4.

Not only do current conditions call into question whether recent development has overshot some of the key goals in the 2002 GPP and 2005 Downtown Plan, but these current conditions and the need for UDO changes based on these conditions are also captured in the policy pronouncements outlined in the burgeoning Comprehensive Plan, including:

- "Develop measures that limit the pace and extent of student housing in Downtown to steer market forces towards more non-student and affordable housing opportunities. (Downtown Chapter, program point," p. 56
- As density increases, a balance should be struck between student-centered housing and mixed-use amenities that support the entire Downtown. (paraphrased) (Downtown Chapter, p. 52)
- Student demand has made the Downtown homogeneous, has driven up rental prices, and priced non-students out of the Downtown market. This weakens community vibrancy and inclusion (paraphrased) (Downtown Chapter, p. 52)
- Citation to other goals, policies, and a program as cited on p. 5 of Porter's *Memo*.

Note that the Council has also weighed-in on these issues in the course of its review of the Comprehensive Plan. Specifically, the *Memo* cites the following Comprehensive Plan passages: "Attitudes of complacency and standardization can begin to erode Downtown's success and should be avoided." (p. 53) and "… Avoiding standardized templates or boilerplate proposals for new building projects recognizes the need for alternative compliance with the UDO and much clearer policy guidance for each character area… ." As a result of adoption of Amendment #1 to the Comprehensive Plan, the Council revised both of these

passages and their surrounding context, to call for clearer guidance on development in the Downtown:

> *~~Attitudes of complacency and standardization can begin to erode Downtown's success and should be avoided.~~ The 2005 Downtown Vision and Infill Strategy Plan, developed as a result of the 2002 Growth Policies Plan, established character areas and helped to better guide specific building design and architecture features. The character areas described in that plan became overlay districts in the Unified Development Ordinance (UDO), which created height, design, and bulk regulations for each character area. These regulations have helped to shape many of the newer developments in Downtown. However, details on building height, mass, design, and uses ~~are coming under scrutiny~~* ***need some revision*** *as Downtown continues to grow and evolve. ~~Avoiding standardized templates or boilerplate proposals for new building projects recognizes the need for alternative compliance with the UDO and much~~* ***There is a need for*** *clearer policy guidance for each character area. ~~Form-based codes and/or f~~* ***F****ine-tuning of design guidelines, building height, massing, and other site details, such as the ability for student-oriented housing to be adaptively reused for other market segments, are in order as Bloomington moves forward. The community also cannot lose sight of the need to better define its expectations for the Downtown public realm. After all, an active and lively public realm is what makes downtowns so ~~unique~~* ***special.*** *Guiding new developments in these areas will help Downtown maintain and strengthen its economic vitality and visual attractiveness as a great place to be.*

Importantly, Ord 17-45 justifies the UDO changes by pointing to the current intent of each overlay district to "[e]nsure that new development is compatible in mass and scale with historic structures in the downtown core character area." ("Whereas" clause #4).

Note further that the *Memo* from Porter is accompanied by an Issue Debrief ("Debrief") from Clarion Associates, the firm with which the Department is contracting to update the UDO. The Debrief is a review of the ways in which some college towns address challenges with student housing in their downtowns. The Debrief provides an overview of six college communities.[4] The Debrief concludes

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[4] One of these cited communities – Columbia, Missouri – is one of the 15 peer communities cited by the Bloomington Economic Development Commission (BEDC) in its Benchmarking Report. *See*, http://www.ibrc.indiana.edu/studies/BloomingtonBenchmarking2011.pdf

that, based on this review, "moratoria seem to be a common method for addressing student housing in the form of multi-family development." (p.8). However, as concluded in Porter's *Memo*, Ord 17-45 is not a moratorium.

Council Standard of Review

Council review of Ord 17-45 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

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;
(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)

Importantly, these are factors that a legislative body must *consider* when making a zone map change decisions. Nothing in statute requires that the Council find absolute conformity with each of the factors outlined above. Instead, the Council is to take into consideration the entire constellation of the criteria, balancing the statutory factors.[5]

Timeframes

Ord 17-45 is a text amendment to the UDO. The process for developing and reviewing 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. As mentioned previously, the Plan Commission is not scheduled to act on this until Monday, 11 December 2017; it is anticipated that the matter

[5] *Borsuk v. Town of St. John* directs that a municipality need not always comply with its comprehension plan's vision, nor necessarily have a compelling reason for departing from it; rather, a municipality must consider a number of factors when making zoning and planning determinations *Borsuk*, 820 N.E.2d 118 (2005)

will be certified to the Council very shortly thereafter, making the deadline for Council action around 12 March 2018. 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(s)**
  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. 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 SPECIAL SESSION
6:30 P.M., WEDNESDAY, DECEMBER 13, 2017
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

I. ROLL CALL

II. AGENDA SUMMATION

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

IV. LEGISLATION FOR SECOND READINGS AND RESOLUTIONS

1. Resolution 17-42 To Approve an Amendment to the January 1, 2017 Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County for the Operation of the Monroe County Central Emergency Dispatch Center (Extending the Agreement from December 31, 2017 to February 28, 2018)

Committee Recommendation: None

V. LEGISLATION FOR FIRST READING

1. Ordinance 17-45 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amending Chapter 20.03 "Overlay Districts" to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards

VI. COUNCIL SCHEDULE

VII. ADJOURNMENT *(to be immediately followed by a)*

COMMITTEE OF THE WHOLE

Chair: Jim Sims

1. Ordinance 17-45 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Amending Chapter 20.03 "Overlay Districts" to Provide Clear Guidance on Downtown Overlay Development and Architectural Standards

Asked to attend: Terri Porter, Director of Planning and Transportation
James Roach, Development Services Manager
Philippa Guthrie, Corporation Counsel
Anahit Behjou, Assistant City Attorney

** 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: December 08, 2017

City of Bloomington
Office of the Common Council

NOTICE OF CANCELLATION

The Common Council's Special Session for consideration of the Comprehensive Plan meeting scheduled for
Tuesday, 12 December 2017
has been cancelled.

The Council will still meet on
Wednesday, 13 December 2017 to conduct other business.

Posted and Distributed: Friday, 08 December 2017

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City of Bloomington
Office of the Common Council

NOTICE

THE COMMON COUNCIL WILL HOLD A

SPECIAL SESSION

WEDNESDAY, DECEMBER 13, 2017
6:30 p.m.
COUNCIL CHAMBERS
CITY HALL, 401 N. MORTON

THIS MEETING WILL BE IMMEDIATELY
FOLLOWED BY A
COMMITTEE OF THE WHOLE
PREVIOUSLY SCHEDULED FOR THIS EVENING.

Per Indiana Open Door Law (I.C. §5-14-1.5), this provides notice that these meetings will occur and are open for the public to attend, observe, and record what transpires.

Posted: Friday December 08, 2017

City of Bloomington
Office of the Common Council

To Council Members
From Council Office
Re Weekly Calendar – 11-15 December 2017

Monday, 11 December

12:00 pm Board of Public Works – Work Session, McCloskey

4:00 pm Plat Committee, Kelly
5:00 pm Utilities Service Board, 600 E. Miller Dr.
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Conference Room
5:30 pm Plan Commission, Chambers

Tuesday, 12 December

4:00 pm Board of Park Commissioners, Chambers
4:30 pm Commission on Aging, Hooker Conference Room
5:30 pm Board of Public Works, Chambers
6:00 pm Bloomington Commission on Sustainability, McCloskey
6:30 pm Sister Cities International, Kelly

Wednesday, 13 December

8:30 am Emergency Management Advisory Council, Chambers
12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly
4:30 pm Environmental Resources Advisory Council, Parks
4:30 pm Traffic Commission, Chambers
5:30 pm Commission on Hispanic and Latino Affairs, Kelly
5:30 pm Bloomington Arts Commission, McCloskey
5:30 pm Commission on the Status of Black Males, Hooker Conference Room
6:30 pm Common Council – Special Session followed by a Committee of the Whole, Chambers
6:30 pm Council on Neighborhood Associations, Hooker Conference Room

Thursday, 14 December

12:00 pm Housing Network, McCloskey
4:00 pm Solid Waste Management District, Judge Nat U. Hill, III Room, 301 N. College Ave.
5:00 pm Bloomington Historic Preservation Commission, McCloskey
7:00 pm Environmental Commission, McCloskey

Friday, 15 December

12:00 pm Domestic Violence Task Force, McCloskey
1:30 pm Metropolitan Planning Organization – Policy Committee, Chambers

*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 & Distributed: Friday, 08 December 2017

RESOLUTION 17-42

TO APPROVE AN AMENDMENT TO THE JANUARY 1, 2017 INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BLOOMINGTON AND MONROE COUNTY FOR THE OPERATION OF THE MONROE COUNTY CENTRAL EMERGENCY DISPATCH CENTER
(Extending the Agreement from December 31, 2017 to February 28, 2018)

WHEREAS, on January 18, 2017, the Common Council passed Resolution 17-01, which approved the current Interlocal Cooperation Agreement between the City of Bloomington and Monroe County for the Operation of the Monroe County Central Emergency Dispatch Center ("Agreement"); and

WHEREAS, the Agreement expires on December 31, 2017 and contains no provision for automatic extension; and

WHEREAS, the City and County are currently negotiating a new interlocal cooperation agreement to replace the expiring Agreement and need additional time to finalize their negotiations;

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

Section I. The Common Council of the City of Bloomington hereby approves Amendment #1 to the January 1, 2017 Interlocal Cooperation Agreement for the Operation of the Monroe County Central Emergency Dispatch Center.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana up 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.

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

_____
JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This Resolution authorizes execution of the First Amendment to the January 1, 2017 Interlocal Cooperation Agreement between the City of Bloomington and Monroe County for the Operation of the Monroe County Central Emergency Dispatch Center. The Amendment changes the termination date of the contract from December 31, 2017 to February 28, 2018 in order to give the City and the County more time complete negotiations on a new, comprehensive interlocal agreement.

CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM

TO: **Members of the Common Council of the City of Bloomington**

FROM: **Philippa Guthrie, Corporation Counsel**
Michael Rouker, City Attorney

CC: **Dan Sherman, Council Attorney**

RE: **Amendment to Dispatch Interlocal Agreement**

DATE: **December 5, 2017**

Since 1998, the City and Monroe County have cooperated to operate the Monroe County Central Emergency Dispatch Center, commonly known as "Dispatch" or "Central Dispatch." When Dispatch outgrew its previous location at the Bloomington Police Headquarters, the parties collaborated to design, construct, and equip the new Central Dispatch facility, which opened in July 2014.

The specifics of the City and Monroe County's cooperation have been outlined in an Interlocal Agreement. One of the key issues addressed in the Interlocal Agreement is how the City and Monroe County share in the costs of Dispatch. The Interlocal Agreement also addresses how Dispatch is staffed and how joint decisions are made.

Due to changes in funding as a result of the Monroe County Income Tax Council's adoption of a public safety Local Income Tax in 2016, the City and the Monroe County agreed that the Interlocal Agreement needed to be amended for 2017. The parties therefore drafted an amended agreement that documented the new source of LIT funding, and also incorporated other significant changes affecting staffing, management and budget processes. The 2017 Interlocal Agreement was approved by the Common Council, the Monroe County Commissioners, and the Monroe County Council for a term of one year so that the parties could evaluate how the new arrangement was working before committing to a longer term. The current Interlocal Agreement expires by its terms on December 31, 2017.

Attorneys for the City and County have been in discussions about revisions to the Interlocal Agreement for 2018. However, due to holiday schedules and other significant year end issues, there is not sufficient time to agree on proposed revisions and also obtain approval from both the Common Council and the required Monroe County officials before the Agreement expires on December 31st. Consequently, staff requests that the Common Council approve the First Amendment to the January 1, 2017 Interlocal Cooperation Agreement between the City of Bloomington and Monroe County for the Operation of the Monroe County Central Emergency

Dispatch Center. This Amendment simply extends the termination date of the contract from December 31, 2017 to February 28, 2018 in order to give the City and the County more time to complete negotiations on a new, comprehensive interlocal agreement. This amendment is being submitted to the Monroe County Commissioners and Council for their approval as well.

AMENDMENT #1 TO THE JANUARY 1, 2017 INTERLOCAL COOPERATION AGREEMENT FOR THE MONROE COUNTY CENTRAL EMERGENCY DISPATCH CENTER

Pursuant to Article VII, Section 1 of the January 1, 2017 Interlocal Cooperation Agreement for the Monroe County Central Emergency Dispatch Center ("Agreement") entitled "Amendment," the parties hereby amend the Agreement as follows:

> Article I, Section 2 of the Agreement, entitled "Duration," is deleted in its entirety and replaced as follows: "This Agreement shall be in full force and effect as of the date of its execution and shall remain in full force and effect until February 28, 2018."

WHEREFORE, the parties hereto have executed this Amendment as of the date first set forth.

COUNTY OF MONROE, INDIANA
BOARD OF COMMISSIONERS

_____
Julie Thomas, President

_____
Amanda Barge, Vice President

_____
Patrick Stoffers, Commissioner

ATTEST: (Dated: _____)

_____
Auditor, Monroe County, Indiana

CITY OF BLOOMINGTON

_____
John Hamilton, Mayor

CITY OF BLOOMINGTON COMMON COUNCIL

_____
Susan Sandberg, President

ATTEST:

_____
Nicole Bolden, Clerk
City of Bloomington

ORDINANCE 17-45
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE
Re: Amending Chapter 20.03 "Overlay Districts" To Provide Clear Guidance on Downtown Overlay Development and Architectural Standards

WHEREAS, on December 20, 2006, the Common Council passed Ordinance 06-24, which created the Unified Development Ordinance, Title 20 of the Bloomington Municipal Code ("UDO"); and

WHEREAS, the UDO regulates development and architectural standards within the City of Bloomington; and

WHEREAS, the UDO contains a number of overlay districts ("Overlay Districts") that prescribe additional development and architectural standards for the Commercial Downtown (CD) district: the Courthouse Square Overlay (CSO), the Downtown Core Overlay (DCO), the University Village Overlay (UVO), the Downtown Edges Overlay (DEO), the Downtown Gateway Overlay (DGO), and the Showers Technology Park Overlay (STPO); and

WHEREAS, an expressed intent of each of these downtown Overlay Districts is to "ensure that new development is compatible in mass and scale with historic structures in the [Overlay District] character area;" and

WHEREAS, the City of Bloomington wishes to amend the UDO to provide clearer guidance on the review, development, and architectural standards that align with this expressed intent; and

WHEREAS**,** on December 11, 2017, the Plan Commission considered ZO-42-17, and made a positive recommendation in favor of the amendments to the UDO described herein;

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

SECTION 1. Section 20.03.030 - Courthouse Square overlay (CSO) — Review standards shall be deleted and replaced with the following:

20.03.030 Courthouse square overlay (CSO)—Review standards.
Staff Review:
Staff shall approve any project that:

- Complies with all the standards of Section 20.03.050, Courthouse square overlay (CSO)—Development standards and Section 20.03.060, Courthouse square overlay (CSO)—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:

- Complies with all the standards of Section 20.03.050, Courthouse square overlay (CSO)—Development standards and Section 20.03.060, Courthouse square overlay (CSO)—Architectural standards; and complies with all review standards of Section 20.09.120, Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.050, Courthouse square overlay (CSO)—Development standards and Section 20.03.060, Courthouse square overlay (CSO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.070, Courthouse square overlay (CSO)—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 2. Subsections 20.03.050 (a) and 20.03.050 (b) of Courthouse square overlay (CSO)—Development standards, shall be deleted and replaced with the following:

(a) Density and Intensity Standards.
(1) Maximum residential density: twenty units per acre.
(A) Dwelling unit equivalents:
Five-bedroom unit = two units;
Four-bedroom unit = one and one-half units;
Three-bedroom unit = one unit;
Two-bedroom unit with less than nine hundred fifty square feet = 0.66 of a unit;
One-bedroom unit with less than seven hundred square feet = 0.25 of a unit;
Efficiency or studio unit with less than five hundred fifty square feet = 0.20 of a unit.
(2) Maximum impervious surface coverage: one hundred percent.

(b) Height Standards.
(1) Minimum structure height: twenty-five feet.
(2) Maximum structure height: thirty feet.

SECTION 3. Subpart (c)(1) of Section 20.03.060 - Courthouse square overlay (CSO)—Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form:

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.
   (A) Building facades with street frontage shall utilize a maximum facade width interval of fifty feet and a minimum façade width interval of twenty feet for a facade module.
   (B) The building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 4. 20.03.100 - Downtown core overlay (DCO)—Review standards shall be deleted and replaced with the following:

20.03.100 Downtown core overlay (DCO)—Review standards.
Staff Review:
Staff shall approve any project that:

- Complies with all the standards of Section 20.03.120, Downtown core overlay—Development standards and Section 20.03.130, Downtown core overlay—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:

- Complies with all the standards of Section 20.03.120, Downtown core overlay—Development standards and Section 20.03.130, Downtown core overlay—Architectural standards; and complies with all review standards of Section 20.09.120, Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.120, Downtown core overlay—Development standards and Section 20.03.130, Downtown core overlay—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.140, Downtown core overlay—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 5. Subsections 20.03.120(a) and 20.03.120(b) - Downtown core overlay (DCO)—Development standards shall be deleted and replaced with the following:

(a) Density and Intensity Standards.
(1) Maximum residential density: thirty units per acre.
(A) Dwelling unit equivalents:
Five-bedroom unit = two units;
Four-bedroom unit = one and one-half units;
Three-bedroom unit = one unit;
Two-bedroom unit with less than nine hundred fifty square feet = 0.66 of a unit;
One-bedroom unit with less than seven hundred square feet = 0.25 of a unit;
Efficiency or studio unit with less than five hundred fifty square feet = 0.20 of a unit.
(2) Maximum impervious surface coverage: one hundred percent.

(b) Height Standards.
(1) Minimum structure height: thirty-five feet
(2) Maximum structure height: forty feet

SECTION 6. Subpart (c)(1) of Section 20.03.130 - Downtown core overlay (DCO)—Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form.
(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.
(A) Building facades with street frontage shall utilize a maximum facade width interval of sixty-five feet and a minimum façade width interval of twenty-five feet for a facade module.
(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 7. 20.03.170 - University village overlay (UVO)—Review standards shall be deleted and replaced with the following:

20.03.170 University village overlay (UVO)—Review standards.
Staff Review:
Staff shall approve any project that:

- Complies with all the standards of Section 20.03.190, University village overlay (UVO)—Development standards and Section 20.03.200, University village overlay (UVO)—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:

- Complies with all the standards of Section 20.03.190, University village overlay (UVO)—Development standards and Section 20.03.200, University village overlay (UVO)—Architectural standards; and complies with all review standards of Section 20.09.120, Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.190, University village overlay (UVO)—Development standards and Section 20.03.200, University village overlay (UVO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.210, University village overlay (UVO)—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 8. Subsections 20.03.190(a) and 20.03.190(b) - University village overlay (UVO)—Development standards shall be deleted and replaced with the following:

(a) Density and Intensity Standards.
(1) Maximum residential density: twenty units per acre.
(A) Dwelling Unit equivalents:
Five-bedroom unit = two units;
Four-bedroom unit = one and one-half units;
Three-bedroom unit = one unit;
Two-bedroom unit with less than nine hundred fifty square feet = 0.66 of a unit;
One-bedroom unit with less than seven hundred square feet = 0.25 of a unit;
Efficiency or studio unit with less than five hundred fifty square feet = 0.20 of a unit.
(2) Maximum impervious surface coverage:
(A) General: eighty-five percent;
(B) Kirkwood Corridor: one hundred percent.

(b) Height Standards.
(1) General:
(A) Minimum structure height: twenty-five feet.
(B) Maximum structure height: thirty feet.
(2) Restaurant row:
(A) Minimum structure height: twenty feet.
(B) Maximum structure height: twenty-five feet.

SECTION 9. Subpart (c)(1) of Section 20.03.200 - University village overlay (UVO)—Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form.
(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades with street frontage shall utilize a maximum facade width interval of fifty feet and a minimum façade width interval of twenty feet for a facade module.
(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 10. 20.03.240 - Downtown edges overlay (DEO)—Review standards shall be deleted and replaced with the following:

20.03.240 Downtown edges overlay (DEO)—Review standards.
Staff Review:
Staff shall approve any project that:

- Complies with all the standards of Section 20.03.260, Downtown edges overlay (DEO)—Development standards and Section 20.03.270, Downtown edges overlay (DEO)—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:

- Complies with all the standards of Section 20.03.260, Downtown edges overlay (DEO)—Development standards and Section 20.03.270, Downtown edges overlay (DEO)—Architectural standards; and complies with all review standards of Section 20.09.120, Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.260, Downtown edges overlay (DEO)—Development standards and Section 20.03.270, Downtown edges overlay (DEO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.280, Downtown edges overlay (DEO)—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 11. Subsections 20.03.260(a) and 20.03.260(b) - Downtown edges overlay (DEO)—Development standards shall be deleted and replaced with the following:

(a) Density and Intensity Standards.
(1) Maximum residential density: fifteen units per acre.
(A) Dwelling unit equivalents:
Five-bedroom unit = two units;
Four-bedroom unit = one and one-half units;
Three-bedroom unit = one unit;
Two-bedroom unit with less than nine hundred fifty square feet = 0.66 of a unit;
One-bedroom unit with less than seven hundred square feet = 0.25 of a unit;
Efficiency or studio unit with less than five hundred fifty square feet = 0.20 of a unit.
(2) Maximum impervious surface coverage: seventy percent.

(b) Height Standards.
(1) Minimum structure height: twenty feet.
(2) Maximum structure height: twenty-five feet.

SECTION 12. Subpart (c)(1) of Section 20.03.270 - Downtown edges overlay (DEO)—Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form.
(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.
(A) Building facades along each street shall utilize a maximum facade width interval of forty-five feet and a minimum façade width interval of twenty feet for a facade module.
(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 13. 20.03.310 - Downtown gateway overlay (DGO) — Review Standards shall be deleted and replaced with the following:

20.03.310 Downtown gateway overlay (DGO)—Review standards.

Staff Review:
Staff shall approve any project that:
- Complies with all the standards of Section 20.03.330, Downtown gateway overlay (DGO)—Development standards and Section 20.03.340, Downtown gateway overlay (DGO)—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:
- Complies with all the standards of Section 20.03.330, Downtown gateway overlay (DGO)—Development standards and Section 20.03.340, Downtown gateway overlay (DGO)—Architectural standards; and complies with all review standards of Section 20.09.120, Downtown gateway overlay (DGO)—Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.330, Downtown gateway overlay (DGO)—Development standards and Section 20.03.340, Downtown gateway overlay (DGO)—Architectural standards if the commission finds that the project:
- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.350, Downtown gateway overlay (DGO)—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 14. Subsections 20.03.330(a) and 20.03.330(b) - Downtown gateway overlay (DGO)—Development standards shall be deleted and replaced with the following:

(a) Density and Intensity Standards.
(1) Maximum residential density: twenty units per acre.
(A) Dwelling unit equivalents:
Five-bedroom unit = two units;
Four-bedroom unit = one and one-half units;
Three-bedroom unit = one unit;
Two-bedroom unit with less than nine hundred fifty square feet = 0.66 of a unit;
One-bedroom unit with less than seven hundred square feet = 0.25 of a unit;
Efficiency or studio unit with less than five hundred fifty square feet = 0.20 of a unit.
(2) Maximum impervious surface coverage: seventy-five percent.

(b) Height Standards.
(1) Minimum structure height: twenty-five feet.
(2) Maximum structure height: thirty feet.

SECTION 15. Subpart (c)(1) of Section 20.03.340 - Downtown gateway overlay (DGO)—Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form.
(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.
(A) Building facades with street frontage shall utilize a maximum facade width interval of sixty-five feet and a minimum façade width interval of twenty-five feet for a facade module.
(B) Building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 16. 20.03.380 - Showers Technology Park overlay (STPO)—Review standards shall be deleted and replaced with the following:

20.03.380 Showers Technology Park overlay (STPO)—Review standards.
Staff Review:
Staff shall approve any project that:
- Complies with all the standards of Section 20.03.400, Showers technology park overlay (STPO)—Development standards and Section 20.03.410, Showers technology park overlay (STPO)—Architectural standards; and
- Complies with all review standards of Section 20.09.120, Site plan review.

Plan Commission Review:
The plan commission shall approve any project that:
- Complies with all the standards of Section 20.03.400, Showers technology park overlay (STPO)—Development standards and Section 20.03.410, Showers technology park overlay (STPO)—Architectural standards; and complies with all review standards of Section 20.09.120, Site plan review.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.400, Showers technology park overlay (STPO)—Development standards and Section 20.03.410, Showers technology park overlay (STPO)—Architectural standards if the commission finds that the project:
- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.420, Showers Technology Park overlay (STPO)—Design guidelines.
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

SECTION 17. Subsection 20.03.400(b) - Showers Technology Park overlay (STPO)— Development standards, Height standards shall be deleted and replaced with the following:

(b) Height Standards.
(1) Minimum structure height: twenty-five feet.
(2) Maximum structure height: thirty-five feet.

SECTION 18. Subpart (c)(1) of Section 20.03.410 - Showers Technology Park overlay (STPO)— Architectural standards shall be deleted and replaced with the following:

(c) Mass, Scale and Form.
(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.
(A) Building facades along each street and the B-line trail shall utilize a maximum facade width interval of one hundred feet and a minimum façade width interval of twenty-five feet for a facade module.
(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

SECTION 19. If any section, 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 20. 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, and after any required waiting and/or notice periods under Indiana law.

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 ordinance amends Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The proposed amendments decrease the densities and heights of, and set forth additional guidelines for, new construction in the downtown overlay districts. The policies of the 2002 Growth Policies Plan, the 2005 Downtown Vision and Infill Strategy Plan and the subsequent UDO were successful in spurring downtown development, and approximately 1,000 new downtown housing units have been built since 2007, with more under construction or recently approved. However, current community sentiment, as it will be embodied in the revised Comprehensive Plan presently under review, is that the existing UDO standards are not sufficient to preserve the integrity, uniqueness, and diversity of the overlay neighborhoods. The intent of these proposed amendments is to ensure that new development in the Overlay Districts is appropriately sized, scaled, and compatible with existing buildings so as to preserve and enhance the distinct character of the Overlay Districts until a broader revision of the UDO can be undertaken after adoption of the new Comprehensive Plan.

The ordinance amends Section 20.03.030 - Courthouse Square overlay (CSO) — Review standards, Sections 20.03.050 - Courthouse square overlay (CSO)—Development Standards, 20.03.060 - Courthouse square overlay (CSO)—Architectural standards, 20.03.100 - Downtown core overlay (DCO)—Review standards, 20.03.120 - Downtown core overlay (DCO)—Development standards, 20.03.130 - Downtown core overlay (DCO)—Architectural standards, 20.03.170 - University village overlay (UVO)—Review standards, 20.03.190 - University village overlay (UVO)—Development standards, 20.03.200 - University village overlay (UVO)—Architectural standards, 20.03.240 - Downtown edges overlay (DEO)—Review standards, 20.03.260 - Downtown edges overlay (DEO)—Development standards, 20.03.270 - Downtown edges overlay (DEO)—Architectural standards, 20.03.310 - Downtown gateway overlay (DGO) — Review Standards, 20.03.330 - Downtown gateway overlay (DGO)—Development standards, 20.03.340 - Downtown gateway overlay (DGO)—Architectural standards, 20.03.380 - Showers Technology Park overlay (STPO)—Review standards, 20.03.400 - Showers technology park overlay (STPO)—Development standards, and 20.03.410 - Showers technology park overlay (STPO)—Architectural standards.

Certification from Plan Commission

Forthcoming

Please note that the Plan Commission will act on this proposal on Monday, 11 December. For that reason, the ordinance certified by the Commission to the Council may be different from the proposed ordinance included herein.

20.03.030 - Courthouse square overlay (CSO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.050, Courthouse square overlay (CSO)—Development standards and Section 20.03.060, Courthouse square overlay (CSO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.070, Courthouse square overlay (CSO)—Design guidelines.
- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.050 - Courthouse square overlay (CSO)—Development standards.

(a) Density and Intensity Standards.

(1) Maximum residential density: ~~thirty-three~~ twenty units per acre.

20.03.050 - Courthouse square overlay (CSO)—Development standards.

(b) Height Standards.

(1) Minimum structure height: twenty-five feet.

(2) Maximum structure height: ~~forty~~ thirty feet.

20.03.060 - Courthouse square overlay (CSO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades with street frontage shall utilize a maximum facade width interval of fifty feet and a minimum façade width interval of twenty feet for a facade module.

(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module.

20.03.100 - Downtown core overlay (DCO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.120, Downtown core overlay—Development standards and Section 20.03.130, Downtown core overlay—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.140, Downtown core overlay—Design guidelines.
- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.120 - Downtown core overlay (DCO)—Development standards.

(a) Density and Intensity Standards.

(1) Maximum residential density: ~~sixty~~ thirty units per acre.

20.03.120 - Downtown core overlay (DCO)—Development standards.

(b) Height Standards.

(1) Minimum structure height: thirty-five feet

(2) Maximum structure height: ~~fifty~~ forty feet

20.03.130 - Downtown core overlay (DCO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades with street frontage shall utilize a maximum facade width interval of sixty-five feet and a minimum façade width interval of twenty-five feet for a facade module.

(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet,~~,~~ and the offset shall extend the length and height of its module.

20.03.170 - University village overlay (UVO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.190, University village overlay (UVO)—Development standards and Section 20.03.200, University village overlay (UVO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.210, University village overlay (UVO)—Design guidelines.

- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.190 - University village overlay (UVO)—Development standards.

(a) Density and Intensity Standards.

(1) Maximum residential density: ~~thirty-three~~ twenty units per acre.

20.03.190 - University village overlay (UVO)—Development standards.

(b) Height Standards.

(1) General:

(A) Minimum structure height: twenty-five feet.

(B) Maximum structure height: ~~forty~~ thirty feet.

(2) Restaurant row:

(A) Minimum structure height: ~~twenty-five~~ twenty feet.

(B) Maximum structure height: ~~thirty-five~~ twenty-five feet.

20.03.200 - University village overlay (UVO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades with street frontage shall utilize a maximum facade width interval of fifty feet and a minimum façade width interval of twenty feet for a facade module.

(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet,~~,~~ and the offset shall extend the length and height of its module.

20.03.240 - Downtown edges overlay (DEO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.260, Downtown edges overlay (DEO)—Development standards and Section 20.03.270, Downtown edges overlay (DEO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.280, Downtown edges overlay (DEO)—Design guidelines.
- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.260 - Downtown edges overlay (DEO)—Development standards.

(a) Density and Intensity Standards.

(1) Maximum residential density: ~~twenty~~ fifteen units per acre.

20.03.260 - Downtown edges overlay (DEO)—Development standards.

(b) Height Standards.

(1) Minimum structure height: ~~twenty-five~~ twenty feet.

(2) Maximum structure height: ~~thirty-five~~ twenty-five feet.

20.03.270 - Downtown edges overlay (DEO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades along each street shall utilize a maximum facade width interval of forty-five feet and a minimum façade width interval of twenty feet for a facade module.

(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet,~~,~~ and the offset shall extend the length and height of its module.

20.03.310 - Downtown gateway overlay (DGO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.330, Downtown gateway overlay (DGO)—Development standards and Section 20.03.340, Downtown gateway overlay (DGO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and

- Satisfies the design guidelines set forth in Section 20.03.350, Downtown gateway overlay (DGO)—Design guidelines.
- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.330 - Downtown gateway overlay (DGO)—Development standards.

(a) Density and Intensity Standards.

(1) Maximum residential density: ~~thirty-three~~ twenty units per acre.

20.03.330 - Downtown gateway overlay (DGO)—Development standards.

(b) Height Standards.

(1) Minimum structure height: twenty-five feet.

(2) Maximum structure height: ~~forty~~ thirty feet.

20.03.340 - Downtown gateway overlay (DGO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades with street frontage shall utilize a maximum facade width interval of sixty-five feet and a minimum façade width interval of twenty-five feet for a facade module.

(B) Building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet,~~,~~ and the offset shall extend the length and height of its module.

20.03.380 - Showers technology park overlay (STPO)—Review standards.

The plan commission may approve any project that does not comply with all the standards of Section 20.03.400, Showers technology park overlay (STPO)—Development standards and Section 20.03.410, Showers technology park overlay (STPO)—Architectural standards if the commission finds that the project:

- Complies with all review standards of Section 20.09.120, Site plan review, and
- Satisfies the design guidelines set forth in Section 20.03.420, Showers technology park overlay (STPO)—Design guidelines.
- ~~The plan commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area.~~
- ~~The plan commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures.~~
- The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge.

20.03.400 - Showers technology park overlay (STPO)—Development standards.

(b) Height Standards.

(1) Minimum structure height: twenty-five feet.

(2) Maximum structure height: ~~forty-five~~ thirty-five feet.

20.03.410 - Showers technology park overlay (STPO)—Architectural standards.

(c) Mass, Scale and Form.

(1) Building Facade Modulation. Facade modulation is required and shall be incorporated through recessing and through banding and/or articulation of exterior materials or change of materials by incorporating repeating patterns, textures and/or colors used on exterior facade materials.

(A) Building facades along each street and the B-line trail shall utilize a maximum facade width interval of one hundred feet and a minimum façade width interval of twenty-five feet for a facade module.

(B) The building facade module shall be offset by a minimum depth (projecting or recessing) of ~~three~~ five percent of the total facade length, at a minimum of five feet,~~,~~ and the offset shall extend the length and height of its module.

ZO-42-17 MEMO:

To: City of Bloomington Council

From: Terri Porter, Director

Date: December 8, 2017
Re: Unified Development Ordinance (UDO) amendments to the Commercial Downtown (CD) overlays (CSO, STPO, UVO, DGO, DCO, DEO) concerning maximum heights, maximum densities, modulation requirements, and review considerations.

This proposal is intended as an interim temporary change until comprehensive new regulations for the downtown can be written and adopted as part of the overall UDO update expected in 2018. The Planning and Transportation Department recommends the following changes to the Unified Development Ordinance (UDO). These changes are intended to reduce the size and impacts of by-right development within the six downtown overlays: Courthouse Square Overlay (CSO), Downtown Core Overlay (DCO), University Village Overlay (UVO), Downtown Edges Overlay (DEO), Downtown Gateway Overlay (DGO), and Showers Technology Park Overlay (STPO). These interim changes include:

1. Reduce the maximum permitted height in all overlays
2. Reduce the maximum permitted density in all overlays except the Showers Technology Park Overlay
3. Change modulation requirements to better define the massing of long buildings
4. Change review consideration for the Plan Commission to add language about housing issues for projects that don't meet overlay standards

Height Changes:

The maximum permitted height in all overlays is proposed to be reduced by 10 feet. The Downtown Core Overlay will remain as the tallest permitted district, however, it will be reduced from a maximum of 50 feet to a maximum of 40 feet. This height reduction will likely still permit a 3 story building, but not likely a 4 story building. Height and density reductions reflect intention to assure that proposed buildings help move toward the new UDO and draft Comp Plan during transition.

Overlay	Existing Height	Proposed Height
CSO	40 feet	30 feet
DCO	50 feet	40 feet
UVO	40 feet	30 feet
UVO (restaurant row)	35 feet	25 feet
DEO	35 feet	25 feet
DGO	40 feet	30 feet
STPO	45 feet	35 feet

In order to accomplish the reduction in the maximum height, the minimum heights in the DEO and the Restaurant Row portion of the UVO will need to be decreased from 25 feet to 20 feet.

Density Changes:

The maximum residential density of each overlay is proposed to be reduced. The largest reduction is proposed for the Downtown Core Overlay which will decrease from 60 units per acre to 30 units per acre. Despite this reduction, the DCO will remain the densest overlay, with twice the permitted density of other commercial districts, Commercial Arterial (CA), Commercial General (CG), Commercial Limited (CL) and the Residential High-Density (RH) district. One overlay (DEO) is proposed to be reduced to 15 units per acre, which would be the same as those previously mentioned districts (CA, CG, CL, RH).

Overlay	Existing Density	Proposed Density
CSO	33 u/a	20 u/a
DCO	60 u/a	30 u/a
UVO	33 u/a	20 u/a
DEO	20 u/a	15 u/a
DGO	33 u/a	20 u/a
STPO	15 u/a	15 u/a (no change)

Modulation Changes:

The current modulation requirements specify a maximum façade module width but not a minimum. This is a flaw in our UDO as petitioners have at times used this to their advantage and created 10 foot wide insets in buildings in order to meet the letter of the law. This approach has led to very long buildings with little real modulation or break up of the massing of the building. This proposal corrects this flaw by creating a minimum façade module width.

Overlay	Existing Maximum Width	Proposed Minimum Width
CSO	50 feet	20 feet
DCO	65 feet	25 feet
UVO	50 feet	20 feet
DEO	45 feet	20 feet
DGO	65 feet	25 feet
STPO	100 feet	25 feet

In addition, a minimum façade modulation depth of five (5) feet will be added and the façade depth requirement would increase from 3% of the length of the building along the street to 5%. Finally, the overlays will specifically state that the modules must extend the full height of the building. These changes will create more noticeable modulation of buildings.

Review Consideration Changes:

This proposal includes reworking of the review consideration in the overlays for projects that don't meet the overlay standards. The UDO currently contains review considerations about green buildings and innovative and unique designs. This proposal adds language about housing diversity and simplifies the language of the other considerations.

- Existing environmental statement: "The Plan Commission is encouraged to consider the degree to which the site plan incorporates sustainable development design features such as vegetated roofs, energy efficiency, and resource conservation measures."
- Existing design statement: "The Plan Commission is encouraged to consider building designs which may deviate in character from the architectural standards of this section but add innovation and unique design to the built environment of this overlay area."
- **New review consideration:** "The Plan Commission is encouraged to consider projects that include a high degree of best practice sustainable development design features, that are unique designs which are not incompatible with their surroundings, and that contribute to the diversification of downtown housing and/or contribute to addressing the community's affordable housing challenge." *(this statement would replace the existing UDO language listed above)*

Rationale for Proposed Ordinance

While the *2002 Growth Policies Plan* encouraged increasing densities near downtown and supported densities of 100 units per acre in the downtown (Compact Urban Form Policy 2: Increase residential Densities in the Urbanized Area) and also increased heights (page 29), it did so with the caveat that increased densities should be linked to design controls and compatibility (Conserve Community Character Policy 2: Improve Downtown Vitality), human scale development, and conformance with historic patterns of building mass and scale (page 29). The *2005 Downtown Vision and Infill Strategy Plan* made many recommendations for downtown development style and intensity, including:

- "In demographic terms, the downtown is in need of balance. While housing has been built for students, relatively little housing has been targeted to the potentially large market of the future for empty nester and senior households that also enjoy the lifestyle available by living downtown. In other markets, "empty-nesters" provide strong support for urban housing close to amenities. Where such products are available, the urban market captures between 4% and 8% of the demographic. Based on trends in Bloomington and Monroe County, a combination of growth and existing pent-up demand for quality housing could produce demand for approximately 700 units of non-student housing in the downtown in the short-term (five years). In long range planning (beyond five years to the 2040 horizon of the projections from StatsIndiana), the downtown goal for vitality should be to accommodate somewhere in the range of 2,000 new non-student housing units for empty nesters, seniors and small households in the 25 to 44 year age range, while continuing to retain existing units

for students and current residents. The goal is thus to add to the mix to provide balance, to reinforce a mix of housing for all income groups and ages, not to remove housing opportunities." (page 1-10)

- **Design guideline 3.7** A larger building should be divided into "modules" that are similar in scale to buildings seen historically.
    - If a larger building is divided into "modules," they should be expressed three-dimensionally throughout the entire building.
    - A typical building module in Bloomington is 65 feet wide. This should be reflected in the facade design of larger buildings.
- **Design Guideline 3.9** Maintain the perceived building scale of two to four stories in height.

The policies of the GPP, Downtown Plan and subsequent UDO were successful in spurring downtown development. Approximately 1000 new downtown housing units have been built since 2007, and more are under construction or recently approved. However, the majority of these developments have been tailored to Indiana University undergraduate housing. Current community sentiment is that the standards put in place with the UDO in 2007 are not enough to ensure appropriately sized, scaled, and compatible buildings. Specifically, the not yet adopted 2017 Comprehensive Plan encourages the City to "develop measures that limit the pace and extent of student housing in Downtown to steer market forces towards more non-student and affordable housing opportunities." The Department views this proposed interim ordinance as an initial step toward that goal. In addition the 2017 Plan makes several other statements concerning these issues.

> "Density is of principle importance to Downtown Bloomington's sense of place. As density continues to increase, however, a balance needs to be struck between student-centric development and mixed-use Downtown amenities that support the entire community." (page 52)
>
> "Almost all of (downtown's) residential growth has been targeted to Indiana University's off-campus student housing demand, a result that has triggered concerns that Downtown's socioeconomic makeup has become too homogenous. This high rate of student demand has driven up rental prices per square foot, and it appears to have priced many non-student households out of the Downtown market. The inadvertent centralization of student housing around Downtown could weaken the community's strong and inclusive atmosphere to all age groups." (page 52)
>
> "Attitudes of complacency and standardization can begin to erode Downtown's success and should be avoided." (page 53)
>
> "(UDO) regulations have helped to shape many of the newer developments in Downtown. However, details on building height, mass, design, and uses are coming under scrutiny as Downtown continues to grow and evolve. Avoiding standardized templates or boilerplate proposals for new building projects recognizes the need for alternative compliance with the UDO and much clearer policy guidance for each character area. Form-based codes and/or fine-tuning of design guidelines, building height, massing, and other site details, such as the ability for student-oriented housing to be adaptively reused for other market segments, are in order as Bloomington moves forward. The community also cannot lose sight of the need to better define its expectations for the Downtown public realm. After all, an active and lively

public realm is what makes downtowns so unique. Guiding new developments in these areas will help Downtown maintain and strengthen its economic vitality and visual attractiveness as a great place to be." (Page 53)

- **Goal 4.1** Ensure that the Downtown retains its historic character and main street feel, encouraging redevelopment that complements and does not detract from its character.
    - **Policy 4.1.2:** Recognize the significance of both traditional and innovative, high-quality architecture in supporting community character and urban design.
- **Goal 4.4** Encourage a range of diverse housing types downtown, with an emphasis on affordable and workforce housing.
    - **Policy 4.4.3:** Work with developers early in the development process to encourage building and marketing housing to appeal to non-student residents such as young professionals, families, and the elderly.
    - **Policy 4.4.4:** Until such time as a reasonable balance of different housing types is achieved in the Downtown and nearby areas, strongly discourage new student-oriented housing developments in these areas.
- **Program:** Develop strategies to stabilize and diversify the downtown residential population by identifying and encouraging missing housing forms in the downtown area (such as row houses, condominiums, and live/work space).

Conclusion:
This proposal is not a moratorium. It will still allow for smaller scale projects by-right. These amendments continue to allow the Plan Commission to approve projects outside by-right standards of the overlays through already established mechanisms in the UDO. This proposal should be considered a temporary change in order to ensure that downtown multifamily housing development is consistent with the direction of the soon to be adopted Comprehensive Plan and UDO update. The update of the UDO, as has been the case with writing the new Comprehensive Plan, will be a very public and transparent process and public input will guide the future criteria of the Downtown Overlay areas.

National Examples from Similar Communities

Included in this Memorandum is a "research issue debrief" which was requested by the Planning and Transportation Department from Clarion Associates. The Department is finalizing a contract with Clarion Associates to update the UDO. These examples from other university communities informs this Memorandum on how student housing impacts have been addressed in other parts of the country.

CLARION

Research Issue Debrief

Task: Over the past few years, several of our clients have had challenges with student housing being constructed at a scale that changes the character and feel of their downtowns. In response, some cities have considered moratoria on new downtown multi-family residential developments. This Debrief reviews some of the approaches that medium-sized cities have used to address this issue.

Solutions in Other Communities::

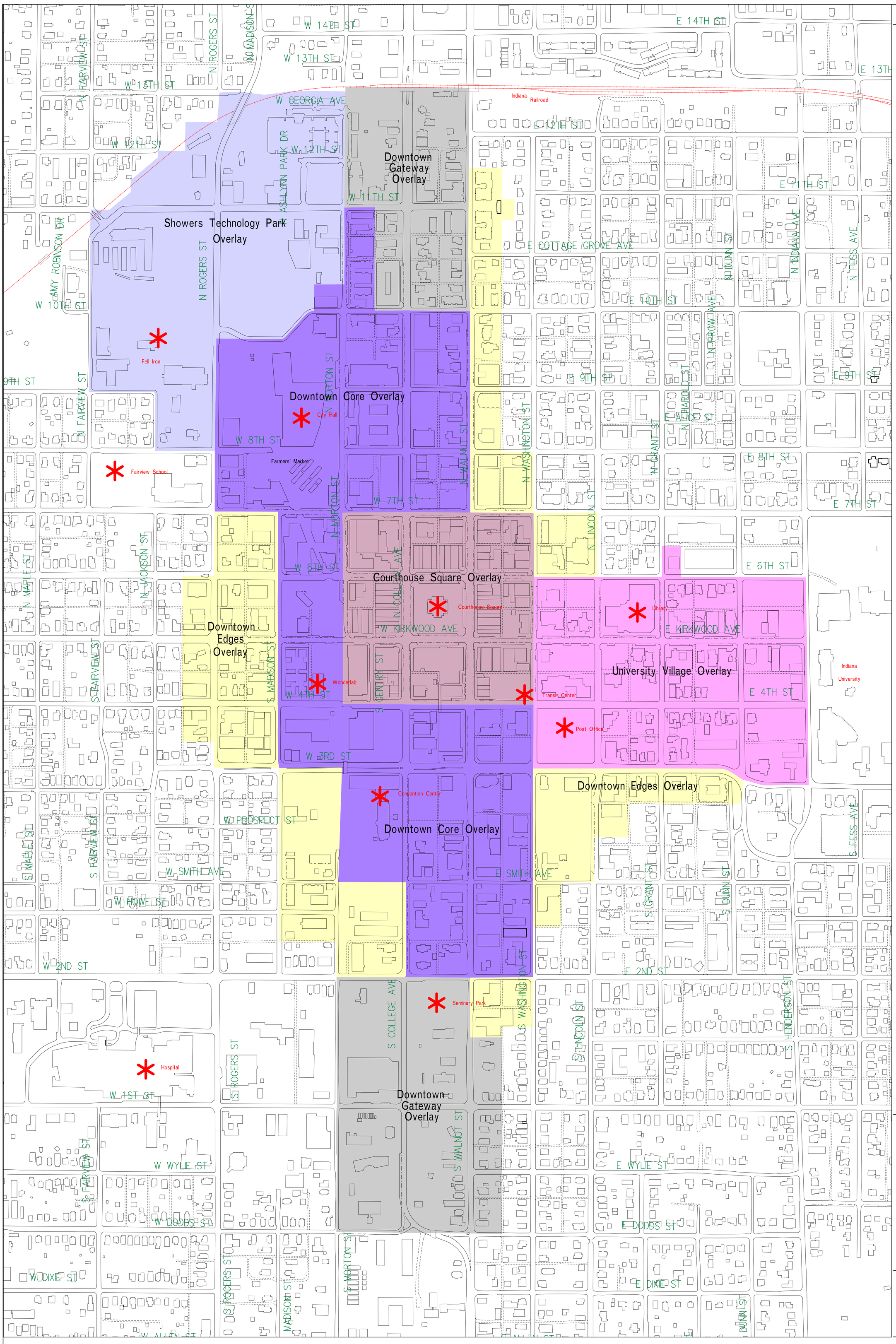
- University of Connecticut in Mansfield, Connecticut: Mansfield instated a nine month moratorium on multi-family development while making updates to their multi-family housing regulations to align with town's plan of conservation and development. http://dailycampus.com/stories/2016/9/9/apartment-development-moratorium-could-be-turning-point-for-off-campus-housing
- Michigan State University in East Lansing Michigan: First placed a moratorium on multi-family developments over 4 units. Then passed an ordinance that limits multi-family units to 4 bedrooms. http://statenews.com/article/2016/02/ordinance-may-limit-student-options
- University of New Hampshire in Durham, New Hampshire: Durham Planning Board is weighing a proposal that would prohibit multi-unit residential housing for non-related individuals in the central business district. The board proposal would continue to allow downtown multi-unit housing for households. http://www.nhbr.com/February-3-2017/Durham-weighs-limits-on-downtown-student-housing/
- Texas State University in San Marcos, Texas: Council considered a moratorium on new multi-family development, but instead is looking at ways to incentivize developers to redevelop older multi-family buildings in poor condition. They are considering forgiving property taxes on redevelopments. http://smmercury.com/2012/02/23/council-declines-apartment-moratorium-in-favor-of-redevelopment/
- **Clarion Example:** University of Missouri in Columbia, MO: Ordinance states,
  "If more than over fifty (50) percent of the dwelling units in the structure have four (4) or more bedrooms, the following additional standards shall apply:
  (i) In the R-MF and M-N, and M-DT districts, no principal structure may contain more than two hundred (200) bedrooms in any one structure;

(ii) Each principal structure must include at least one (1) operable entry/exit door for each one hundred (100) linear feet of each street frontage, or part thereof;"

- **Clarion Example:** University of South Carolina in Columbia, SC: In another Clarion example (yet to be adopted), Columbia South Carolina specifies some student housing types as private dormitories. A private dorm is:
  "A building not owned or operated by a college or university that contains bedrooms for students attending a college or university. Each bedroom shall have an individual private bathroom with a bath or shower. Bedrooms may be arranged around a common area with a kitchen which is shared by students renting the bedrooms, or along a hall which provides access to a common kitchen space. Bedrooms shall be rented to the student on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, parking areas, and similar facilities."
  The regulations for private dormitory uses include:
  (a) Not be located within 600 feet of:
  (a) A RSF-1, RSF-2, RSF-3, RD, RD-MV, MU-L, RM-M, or MUM district; or
  (b) A Planned Development district where the majority of the dwelling units are detached single- or two-family dwellings.
  (b) Have a maximum density of 150 bedrooms per acre; however the Board of Zoning Appeals may grant a Special Exception Permit in accordance with Sec. Sec. 17-2.5(e), Special Exception Permit, to exceed this density. The Board of Zoning Appeals shall not grant such a Special Exception Permit if the application does not include an operation and management plan that describes, at a minimum, the following:
  (a) Uses and activities that will occur in conjunction with the dormitory use;
  (b) Hours and operation of non-residential services;
  (c) Security plan including provisions for common and parking areas;
  (d) Noise control;
  (e) Provisions for transportation including location for loading/unloading of shuttles or buses, if applicable;
  (f) Location of entrances and exits;
  (g) Location and management of parking for residents and visitors;
  (h) Location of amenities and their relationship and compatibility with adjacent uses.
  (c) There shall not be more than one person occupying a bedroom;
  (d) A minimum of 0.25 parking spaces per bedroom shall be

provided. A minimum of 75 percent of required bicycle parking in all districts shall be located in an enclosed and secured area.
(e) Sidewalks that are a minimum of five feet in width shall be provided along all streets;
(f) An on-site manager shall be on the premises 24 hours a day, seven days a week.
(g) Comply with any designated historic or design overlay district design guidelines.
(h) A private dormitory within the AC-D or MC district shall not have more than 60 percent of the total number of dwelling units designed for occupancy by more than three unrelated adults.

Conclusions: Moratoria seem to be a common method for addressing student housing in the form of multi-family development. It appears some communities are trying non-moratoria solutions, such as San Marcos incentivizing redevelopment and Durham's proposed limit on housing for unrelated individuals.



Legend

- Courthouse Square Overlay District
- Downtown Core Overlay District
- University Village Overlay District
- Downtown Gateway Overlay District
- Showers Technology Park Overlay District
- Downtown Edges Overlay District
- Reference Sites

TdtcaDP
Jun 2, 2017
stierm

City of Bloomington
ITS Department
Geographic Information System

Scale: 1" =250'

250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500

City of Bloomington, Indiana
Geographic Information System

This map was produced by the City of Bloomington GIS, for use by the City and general public as map information. The topographic and planimetric information is based on aerial photography flown in March 1991 and March 1992. Updates from aerial orthophotography took place in April 1998, April 2005, March 2006, and April 2010. Information is updated by GIS technicians from development drawings, plats, and other sources. The accuracy of information contained in this document is based on National Mapping Standards, however it is NOT warranted.

The Corporation boundary reflects annexations effective January 1, 2017.

Information and Technology Services Department
2 January 2017

UDO Downtown Overlay Districts

Effective February 12, 2007