

# City of Bloomington Common Council

## Legislative Packet

### Wednesday, 21 February 2018 Regular Session

For legislation and background material regarding Ordinance 18-02, Ordinance 18-03, please consult the [07 February 2018 Legislative Packet](#).

For Resolution 18-02, please consult the  
[14 February 2018 Legislative Packet](#).

All other material and legislation contained herein.

*For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

Office of the Common Council  
P.O. Box 100  
401 North Morton Street  
Bloomington, Indiana 47402  
812.349.3409

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
<http://www.bloomington.in.gov/council>



## **Packet Related Material**

### **Memo**

### **Agenda**

### **Notices:**

- **Town Hall Meeting** on New Critical Incident Response Team (CIRT) Vehicle in the Council Chambers on Tuesday, February 20, 2018 at 6:30 pm

### **Legislation for Consideration under Second Readings and Resolutions at the Regular Session on 21 February 2018**

- **Res 18-04** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2018
  - Memo to the Council from Doris Sims, Director of HAND;
  - Eligibility - Excerpt from CDBG Regulations;
  - Redevelopment Commission Res 18-07 and Exhibits A and B;
  - Summary of Recommendations with Descriptions of Social Services Programs and Physical Improvement Projects to be Funded this Year;
  - **Social Services:** Membership; Calendar; Funding Criteria and Ranking System; and, Allocation Work Sheet;
  - **Physical Improvements:** Membership; Calendar; Citations to Consolidated Plan; Allocation Work Sheet.

*Contact: Doris Sims at 812-349-3420, [simsd@bloomington.in.gov](mailto:simsd@bloomington.in.gov)*

*→ To be considered on 21 February 2018. Please consult this packet for the legislation and background material.*

- **Ord 18-02** An Ordinance Re-Establishing Cumulative Capital Development Fund Under IC 36-9-15.5

- Memo from Jeff Underwood, Controller

*Contact:*

*Jeff Underwood at 812-349-3412; [underwoj@bloomington.in.gov](mailto:underwoj@bloomington.in.gov)*

*Philippa Guthrie at 812-349-3426; [guthrip@bloomington.in.gov](mailto:guthrip@bloomington.in.gov)*

→ Introduced on 07 February 2018 and discussed on 14 February 2018

Please consult that [Legislative Packet](#) issued for the 07 February 2018 Regular Session for legislation and background material.

- **Ord 18-03** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Batman-Waldron House at 403 West Kirkwood Avenue (Nancy Garrett, Petitioner)

- Aerial Map;
- Memo to Council from Rachel Ellenson, Program Manager, Housing and Neighborhood Development Department;
- Application
- Staff Report to Council tying Designation to Criteria
- Map
- Photos of House Exterior and Grounds

*Contact:*

*Rachel Ellenson at 349-3401; [ellonsor@bloomington.in.gov](mailto:ellonsor@bloomington.in.gov)*

*Philippa Guthrie, at 349-3426; [guthriep@bloomington.in.gov](mailto:guthriep@bloomington.in.gov)*

→ Introduced on 07 February 2018 and discussed on 14 February 2018

Please consult that [Legislative Packet](#) issued for the 07 February 2018 Regular Session for legislation and background material.

- **Res 18-02** To Establish a Land Use Committee of the Common Council

- Memo to Council from Sponsor Councilmember Steve Volan
- Copy of BMC text re: Standing Committees
- Mock up possible Standing Committee Report Form.

*Contact: Steve Volan at 812.333.0900; [volans@bloomington.in.gov](mailto:volans@bloomington.in.gov)*

→ Discussed on 14 February 2018. Please consult [Legislative Packet](#) issued for that meeting for legislation and background material.

**Legislation to be Introduced under First Reading at the Regular Session on  
Wednesday, 21 February 2018**

*(with Legislation and Background Material Contained in this Packet)*

- **Ord 18-01** To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Sidewalk Requirements and Sidewalk Variances Set Forth in BMC 20.05.010, 20.05.051, 20.09.130, 2.09.135 & 20.11.020
  - Memo to the Council, Jacqueline Scanlan, Acting Development Services Manager
  - Map of City Streets – with color-coding of street classifications
  - City Sidewalk Inventory from 2015 (prepared by Planning and Transportation staff)
  - Excerpts from BMC Title 20 (Unified Development Ordinance) – Annotating Changes

*Contact:*

*Jackie Scanlan at 812-349-3423, scanlanj@bloomington.in.gov*

**Minutes**

- October 24, 2017 (Special Session)
- November 7, 2017 (Special Session)

**Memo**

**Town Hall Meeting Tuesday at 6:30 pm**

Council President Granger has asked that the Council Chambers be reserved at 6:30 pm on Tuesday evening for a Town Hall meeting on the new Critical Incident Response Team (CIRT) vehicle. Since a quorum of the Council may attend, a notice has been prepared and posted which recognizes that, although it is not a Special Session of the Council, it is a meeting of the Council where the public may attend, observe, and record what transpires. More about the meeting will be relayed once the details are known.

**Items for Consideration and Introduction at the Regular Session  
on Wednesday, February 21<sup>st</sup>**

There are four items ready for consideration under Second Readings and Resolutions and one item ready for introduction under First Readings next Wednesday night. As noted above, this packet and the packets issued for the Regular Session on 07



February 2018 and the Committee of the Whole on 14 February 2018, will need to be consulted for the various legislation and background material.

## **Resolutions and Second Readings**

### **Item One - Res 18-04 - CDBG Allocations for 2018**

The first of four items under Second Readings and Resolutions is **Res 18-04**. It approves the Mayor's recommendations for allocating Community Development Block Grant (CDBG) funds for 2018. The City receives CDBG funds from the U.S. Housing and Urban Development Department (HUD). As an "entitlement" city,<sup>1</sup> our portion is largely determined by several objective measures of community need including: level of poverty, age of housing stock, over-crowded housing and population growth. Funds may be used for social services, physical improvements, and administration.

#### **2018 CDBG Funds**

The City expects to receive \$700,000 in CDBG funding this year -- the same amount as in 2017. In 2017, the City received an additional \$69,074 than anticipated. As you are aware, in recent years anticipated funding for CDBG has declined. For example, in 2008 the City was eligible for \$842,024 in funds, approximately \$140,000 more than this year.

In addition to annual federal CDBG allocations, federal law provides that any program income generated from the use of CDBG funds may be used for social services and physical improvements. However, HAND Director, Doris Sims, does not plan on adding any program income to the 2018 allocation funds.

#### **Citizen Advisory Committees**

HUD administers CDBG funds and regulates their use. HUD guidelines require the City to develop a "Citizen Participation Plan." For decades, the City has used two Citizen Advisory Committees (CACs) to make recommendations regarding the allocation of these funds – one committee is dedicated to the review of applications for social services funding, the other is dedicated to reviewing applications for physical improvements.

Fourteen community members participated in this year's process. Seven served on the Physical Improvements CAC and seven served on the Social Services CAC.

---

<sup>1</sup> An entitlement city is a metropolitan city with a population in excess of 50,000.

The former has four mayoral appointments, one appointment from the Redevelopment Commission, and one appointment from the Council. The latter has four mayoral appointments and one appointment from each of the following: the Council, Redevelopment Commission, Commission on the Status of Children and Youth, and the local office 9<sup>th</sup> Congressional District. This year, Andy Ruff served as the Council appointment to the Physical Improvements CAC, while Susan Sandberg served as the Council appointment to the Social Services CAC.

Both CACs typically work from November through January. In the fall, they hold an organizational meeting, may make site visits, and then review the ranking system and funding criteria. In January, they hold public hearings (carried on CATS) to consider and make recommendations regarding the applications. In February, the Redevelopment Commission reviews the recommendations and forwards its decision to the Mayor, who then forwards them to the Council. The recommendations this year, as in past years, have come forward without change.

Agencies interested in applying for funds are on a schedule that begins in September, when the application and submission information become available. At that time, they have an opportunity to attend a general information meeting to ask questions about CDBG. Then, in October they must submit a letter of intent outlining their proposal and attend a mandatory training. Completed applications are due in early December.

### **Eligibility and Allocation**

HUD regulations require that we use at least 70% of these funds for the benefit of low to moderate income persons. The remaining funds may be used to prevent or eliminate blighted areas or to address community development needs arising from serious and immediate threats to the health or welfare of the community. Please note that currently all our funds are leveraged to address low- and moderate-income populations. Please also note that these funds may not be used for general governmental expenses or political activities. Nor may funds be used to purchase equipment, maintain property, or construct new permanent residential structures.

HUD regulations require that CDBG funds be allocated among three categories according to the following formula: no more than 15% may be allocated for social service programs; no more than 20% may be used for administrative costs; and, at least 65% must be used for physical improvements.

This year, the CDBG CAC allocated the maximum allowable in each category:

- Social Services                      \$105,000 (15%)
- Physical Improvements      \$455,000 (65%)
- Administration                      \$140,000 (20%)

**Social Services Funding**

Under local rules, agencies may apply for a maximum of \$25,000 per social services program. This year eight agencies sought \$195,000 and six agencies were recommended to use the \$105,000 which was available for allocation. The CAC’s recommended allocations are as follows<sup>2</sup>:

<u><b>Agency</b></u>	<u><b>Award (Request)</b></u>
<b>Emergency Needs</b>	
• Community Kitchen	\$24,000 (\$25,000)
• Mother Hubbard’s Cupboard	\$20,000 (\$25,000)
• Hoosier Hills Food Bank	\$19,000 (\$25,000)
• Middle Way House Emergency Services	\$10,000 (\$25,000)
<i>Subtotal:</i>	<i>\$73,000 (\$100,000)</i>
<b>Non-Emergency Programs</b>	
• Boys & Girls Clubs of Bloomington	\$22,000 (\$25,000)
• Monroe County United Ministries	\$10,000 (\$25,000)
• Big Brothers/Big Sisters	\$0 (\$25,000)
• South Central Indiana Housing Opportunities	\$0 (\$20,000)
<i>Subtotal</i>	<i>\$32,000 (\$95,000)</i>
<b>TOTAL</b>	<b>\$105,000 (\$195,000)</b>

---

<sup>2</sup> In a change made in 2013, the Social Services CAC ranked projects on a 100-point rather than a 50-point rating system. Key changes to the rating system at that time also included giving more weight to program need and eliminating a 5-point factor based upon the evaluator’s subjective judgment. In brief, the rating system was tied to how well the applicant:

- documented the need for the program in this community (35 points);
- demonstrated its ability to evaluate and document the effectiveness of the program (30 points);
- demonstrated that it primarily serves low-income individuals and residents of the City (20 points); and
- detailed the use of the funds and demonstrated that at least 50% of the funding came from other sources (15 points).

As in the past, the final decision was based solely on the ratings and without knowing the name of the agencies.

## Physical Improvements

HUD requires that funding for all projects and programs be tied to HAND's *Consolidated Plan* (linked). This year, \$455,000 was available for physical improvements. Two departments of the City (which is classified as the "recipient" of these funds), and five agencies<sup>3</sup> (which are classified as "sub-recipients" of these funds) sought a total of \$767,926 in funding. The CAC allocated a total of \$150,000 for housing assistance; \$71,000 for facility improvements; and \$234,000 for community-wide infrastructure programs. Two City departments were awarded \$234,000 or about half of the funds for public infrastructure projects. Note that the significant role of City departments is due, in large part, to the wide-reaching effect of these programs compared to the programs run by non-City agencies. Please also note that most cities, as the "recipient," keep and administer *all* of the physical improvement funds. The particular projects and allocations are set forth below:

### Agency

### Award (Request)

#### Housing Assistance

- Bloomington Housing Authority – Crestmont -- Interior Renovations \$150,000 (\$150,000)

*Subtotal* \$150,000 (\$150,000)

#### Facility Improvements

- Middle Way House – Improve computer and data storage area at 388 South Washington Street \$0 (\$19,000)
- Centerstone – Blair House Interior Rehabilitation \$40,000 (\$50,000)
- Boys and Girls Clubs- Soundproofing Gymnasium \$20,000 (\$37,000)
- LifeDesigns – facility rehabilitation at 2727 North Dunn and 1701 East Winslow Drive \$11,000 (\$11,926)

*Subtotal* \$71,000 (\$117,926)

---

<sup>3</sup> For the purposes of this summary the term "agency" includes the Bloomington Housing Authority and Monroe County Community School Corporation (MCCSC).

<b>Community-Wide Infrastructure Improvements</b>		
COB: Planning and Transportation- Adams-Kirkwood-3 <sup>rd</sup> Pedestrian Improvements	\$94,000	(\$300,000)
City of Bloomington Utilities- Broadview Sanitary Sewers	\$140,000	(\$200,000)
<i>Subtotal</i>	\$234,000	(\$500,000)
<b>TOTAL</b>	\$455,000	(\$767,926)

**In the event of a Funding Differential**

As noted in the opening paragraph, the funding figure is an estimate and HUD may send the City more or less than the expected amount of funds. For that reason, the recommendation and resolution direct the surplus or shortfall to be allocated in the following manner as recommended by the two Citizen Advisory Committees (CACs):

**Physical Improvements:** If the funds are greater than the \$455,000 expected for physical improvements then:

- The surplus will be equally dispersed between:
  - LifeDesigns, Centerstone and Boys and Girls Clubs until those activities have been fully funded.
- If additional CDBG funds remain after this disbursement then those funds will be equally split between:
  - The City of Bloomington's Planning and Transportation Department and City of Bloomington Utilities.

If funds are is less than expected, then:

- Each funded activity will be reduced by the same percentage.

**Social Services:** If the funds are greater than the \$ 105,000 expected for social services programs, then overage funds will be distributed as follows:

- If the overage is greater than or equal to \$9,000, then the overage funds will be distributed such that:
  - (1) The Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard will receive full funding for

their requested amount; and

- (2) The remaining funds will be divided equally among Hoosier Hills Food Bank, Monroe County United Ministries, and Middle Way House.
  
- If the overage is less than \$9,000 then the priority will be to fund, up to the maximum fund request for these agencies in the following order: Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard

If the funds are less than \$ 105,000 then the shortage will be distributed as follows:

- If the shortage is equal to or less than \$4,000 then
  - Equal amounts will be subtracted from Monroe County United Ministries and Middle Way House.
  
- If the shortage is greater than \$4,000 then:
  - \$2,000 will be subtracted from Monroe County United Ministries and Middle Way House; and
  - The remaining shortage amount will be equally subtracted from Hoosier Hills Food Bank, Mother Hubbard's Cupboard, Boys and Girls Clubs, and Community Kitchen.

### **First Reading**

#### **Item One – Ord 18-01 (Amending the Unified Development Ordinance) – Re: Sidewalk Requirements and Sidewalk Variances**

The one item for introduction under First Reading is **Ord 18-01**. It comes forward from Plan Commission action in January and would amend provisions in Title 20 (Unified Development Ordinance [UDO]) regarding the requirement for installing new sidewalks in certain residential areas and variances from those requirements. This summary draws, in part, upon the material (including the memo) from Jackie Scanlan, Acting Development Services Manager, and, in part, on other information in the Council Office.

In her memo, Scanlan notes that the installation of sidewalks are required for all new:

- Subdivisions;
- Commercial/Industrial development on vacant lots;
- Commercial/Industrial additions to existing development;
- Multi-Family additions to existing development;
- Residential development on vacant lots, both single-family; and multi-family; and
- Home occupations

She notes that the “sidewalk requirement is most necessary” for the first four categories on the above list along with multi-family development on vacant lots, where “no changes are proposed.”<sup>4</sup> However, for residential development on vacant lots (what she refers to as ‘infill single family construction on existing lots’) and for “home occupations” (businesses authorized to operate in residential uses), she argues the requirement is, at worst, onerous, and at best, unlikely to contribute to a network of pedestrian facilities.

Since 1972, the City has required the construction of a sidewalk adjacent to public streets in conjunction with the construction of a dwelling or building and provided for an appeal which lift the requirement entirely (sometimes called an “indeterminate variance” and sometimes called a “sidewalk variance) and a deferral of the requirement (a determinate variance). Those provisions first appeared in Title 12 (Streets)<sup>5</sup> and, in 2014, were relocated to Title 20 as part of a larger reorganization.<sup>6</sup>

Scanlan argues that these requirements “appear more applicable to a city that is primarily developing greenfield subdivisions” where the “pedestrian network [would] expand incrementally” under this kind of rule as the properties developed. However, at this point in our development, staff sees the requirement apply to a patchwork of “existing lots of record ... [some] with no connection to existing or proposed pedestrian infrastructure ... [and thereby] creat[ing] the ‘sidewalk to nowhere’ effect where a city block contains only one 50-60 foot long swath of sidewalk,”

---

<sup>4</sup> Please know that 20.07.040 (Pedestrian Network Standards) sets forth standards for pedestrian facilities for subdivisions.

<sup>5</sup> Ord 72-20

<sup>6</sup> Ord 14-11, §67.

## Response to Questions Raised at the Internal Work Session

She noted concerns from Cms. Chopra and Piedmont-Smith about excusing the requirement for properties “immediately” adjacent to pedestrian facilities and concerns from Council Office staff about sidewalk construction projects brought to the attention of the Council Sidewalk Committee. In response, she reviewed the 10 new single-family homes<sup>7</sup> permitted between May 2014 – April 2016 that were not part of a bonded subdivision (where the sidewalk requirement could be more easily enforced and lead to a more uniform result) and found that none were adjacent to pedestrian facilities or appeared on the Council Sidewalk Committee Priority Sheet. In regard to the Priority Sheet, she found that 22 of the 53 projects (41%) were on non-classified (neighborhood streets) where the sidewalk requirement would no longer apply. Of those 22 projects (including all of Bryan Park Neighborhood) “roughly 24 lots and 9 half-lots would be affected by the current proposal.”

She notes the slow pace of funding, where between 3 – 7 projects are funded per year, but does not address the high cost of sidewalk projects. These costs cover design, acquisition of right-of-way [both temporary and permanent – if necessary], construction of the sidewalk as well as construction of the associated stormwater facilities necessitated by the project) and can easily reach \$100,000s for a small block.

*Note: As Administrator for the Council Sidewalk Committee, I am concerned that, although the sidewalk requirement does not work well for the patchwork of vacant lots in largely built-out areas of the City, the requirement should not be eliminated without a careful exploration of how it could work better.*

### Changes

There are five main changes in this proposal which:

- Exempt all new single-family residences built on existing legal lots of record on neighborhood streets and any additions to existing residential structures from the site plan requirement to include the construction of sidewalks;
- Remove the requirement for the installation of pedestrian and bicycle facilities as part of an approval for a home occupation;

---

<sup>7</sup> Note this requirement also would apply to additions to residential structures and no data was provided in that regard.



- Import the provision on variances for sidewalk requirements into the provision on the variances from the development standards in general; and change the findings associated with the sidewalk variance to elaborate upon what constitutes “practical difficulties”;
- Require P&T staff to prepare and record a Zoning Commitment upon approval of the Determinant Sidewalk Variance alerting all that future installation may be required; and
- Add a definition for Determinant Sidewalk Variance

**1. Amend BMC 20.05.010 AT-01 (Alternative Transportation-General) to Exempt New Single-Family Residences Built on Existing Legal Lots of Record on Non-Classified Streets and Any Additions to Existing Residential Structures from the Sidewalk Construction Requirement as Part of the Site Plan Review**

BMC 20.05.010 (Alternative Transportation – General) is one of the development standards set forth in Chapter 20.05 of the UDO. As explained in the introduction (BMC 20.05.001), this chapter controls what development standards are required and when and where they apply:

After the effective date of this title, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with the development standards of this chapter, except as otherwise hereinafter provided.

The purpose of BMC 20.05.010 (Alternative Transportation – General) is:

To reduce traffic congestion in the city of Bloomington and improve the health, fitness and quality of life of Bloomington's residents by providing safe, convenient, and attractive alternative transportation paths, sidewalks, trails, and other facilities throughout the city.

In furtherance of this purpose, this section provides standards for paths (including sidepaths and connector paths), sidewalks, trails, bike lanes, and transit facilities (including shelters and bus turnout areas) and requires the inspection and acceptance of these facilities prior to the issuance of final certificate of occupancy. Please note that, according to this section, sidepaths, trails, and bike lanes (but not

sidewalks or something like sidewalk corridors) are identified in the [Bicycle and Pedestrian Transportation and Greenways System Plan](#).

This change would no longer require the following residential development to include any of these AT-01 requirements when submitting a site plan under BMC 20.09.120:

- New single family residences
  - On Existing Legal Lots of Record<sup>8</sup>
  - Along non-classified (i.e. neighborhood or local)<sup>9</sup> Streets; and
- Any additions to existing residential structures.

Enclosed with this summary are:

- Map of City Streets – color-coded for classification
- A 2015 Sidewalk Inventory prepared by Planning and Transportation including sidewalks, sidepaths, trails, connectors, and roadwalks.

## **2. Amend BMC 20.05.051 (Home Occupation – General - *Development Standards*) to Remove the Installation of Bicycle and Pedestrian Facilities from the Development Standards Associated with the Approval of Home Occupations**

BMC 20.05.051 addresses the development standards for Home Occupations<sup>10</sup> (which require a conditional use approval) and removes the requirement that approvals in residential and non-residential districts include the installation of bicycle (i.e. bike racks) and pedestrian facilities. According to the memo, the

---

<sup>8</sup> "Lot of record" means a lot which was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the office of the Monroe County recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the office of the Monroe County recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

<sup>9</sup> Street classifications are set forth in the [Master Thoroughfare Plan](#) and include: Neighborhood Streets, Secondary Collector, Primary Collector, Secondary Arterial, and Primary Arterial classifications. Non-classified streets are Neighborhood Streets.

<sup>10</sup> According to BMC 20.11.020 (Definitions) a "Home occupation" means an accessory use of a single-family or multifamily dwelling unit which complies with the requirements of the Unified Development Ordinance.

intent of this change is make this facilities an option for the petitioner in order “to retain the residential character of the property.”

### **3. Delete BMC 20.09.135 (Sidewalk and Determinant Sidewalk Variances) and Incorporate that Provision into BMC 20.09.130 (Development Standards Variance) with Some Changes**

Chapter 20.09 presents Processes, Permits, and Fees and the two sections changed by this ordinance address variances to development standards in general (BMC 20.09.130) and variances regarding sidewalks in particular (20.09.135). The change imports 20.09.135 (sidewalk variances) into 20.09.130 (development standards variances) and make some related changes. Please know that 20.09.135 includes the two types of sidewalk variances mentioned earlier in this summary – one that removes the requirement entirely (sidewalk variance) and another that merely defers the requirement (determinate sidewalk variance).

The intent of the BMC 20.09.130 is to provide a means for excusing a petitioner from one or more of the development standards:

that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in practical difficulties, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

The grant of a variance may be done only after a hearing which may be conducted either by the Board of Zoning Appeals or by a Hearing Officer. The grant of variance has the effect of “authori[izing] the development and establish[ing] the terms of use” and is “also subject to site plan requirements, all necessary approvals, and other applicable requirements.” Note that these variances not apply to Chapter 20.06 (Subdivision Types) nor Chapter 20.07 (Design Standards).<sup>11</sup>

In order to grant any variance, there must be three findings of facts. These appear in both provisions of the current code and also appear in the proposed one consolidated provision. They address: injury to public health and safety; adverse effect on the use and value of adjacent property; and practical difficulties imposed

---

<sup>11</sup> See 20.07.140 PN-01 (Pedestrian network standards) for sidewalk-related design standards that apply to subdivisions.

upon, and peculiar to, the property that can be relieved by the grant - and read as follows:

- *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*
- *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and*
- *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

In addition, there are other findings of fact that, in essence, elaborate upon the “practical difficulties” that are the basis of the third finding (above). In the current code, two apply to the removal of the requirement for a sidewalk in its entirety. These findings address difficult topography and probable lack of pedestrian use, and read as follows:

- *That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or*
- *That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.*

Along with those two findings tied to removal of sidewalk requirement, the current code also includes three others that apply to the deferral of the requirement. They address: the absence of, and lack of need for, sidewalks; the presence of pedestrian facilities on the other side of the street; and, the value of deferring the installation until it can be done to uniform effect - and read as follows:

- *The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or*
- *The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or*
- *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*

The proposed changes combine all of the five findings under one section as findings to be made when considering the practical difficulties remedied by the deferral of sidewalks. It's my understanding that the first two findings, which previously applied to sidewalk variances, would, as a matter of practice, continue to be applied as an elaboration of the general "practical difficulty" finding.

**4. Add a Provision to the Consolidated BMC 20.09.130 (Development Standard Variances) that Requires a Zoning Committee upon Granting of a Determinate Sidewalk Variance**

This change adds a provision to BMC 20.09.130 that requires P&T staff to prepare and record a Zoning Commitment upon approval of the Determinant Sidewalk Variance which alerts all that future installation may be required in the future.

Please note that, as a result of the consolidation of BMC 20.09.130 and 20.09.135, the language regarding the Duration of sidewalk variances are the same as other development standard variances. Under the deleted provision, a determinate sidewalk variance continues in effect until the date the BZA or Hearing Officer sets for reconsideration and all such variances expire at that time unless extended. Upon expiration, the property owner must construct the sidewalk. Under the consolidated provision (20.09.130), development standard variances expire as specified at the time of approval. But, if not specified at that time, those variances expire three years after granted unless, a building permit has been obtained and construction has commenced (where construction was involved) or, in other cases, the certificate of occupancy has been issued or the use has commenced.

**5. Add a definition for Determinate Sidewalk Variance to BMC 20.11.020**

This changes the following definition to the Code:

Variance, Determinate Sidewalk: A temporary variance from sidewalk construction requirements that may be rescinded by the City at any time if there is a change to the characteristics or context that justified the variance related to the property or surroundings.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
6:30 P.M., WEDNESDAY, FEBRUARY 21, 2018  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** 24 October 2017 – Special Session  
07 November 2017 – Special Session

**IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public\***

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Resolution 18-04 - To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2018

Committee Recommendation: None – *Matter did not go to Committee of the Whole*

2. Ordinance 18-02 - An Ordinance Re-Establishing the Cumulative Capital Development Fund under IC 36-9-15.5

Committee Recommendation 9 – 0 - 0

3. Ordinance 18-03 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: The Batman-Waldron House at 403 West Kirkwood Avenue (Nancy Garrett, Petitioner)

Committee Recommendation 9 – 0 – 0

4. Resolution 18-02 – To Establish a Land Use Standing Committee of the Common Council

Committee Recommendation 5 – 1 – 2

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 18-01 - To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code – Re: Sidewalk Requirements and Sidewalk Variances Set Forth in BMC 20.05.010, 20.05.051, 20.09.130, 2.09.135 & 20.11.020

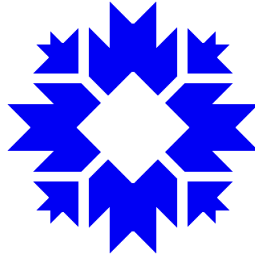
**VIII. ADDITIONAL PUBLIC COMMENT\*** (A maximum of twenty-five minutes is set aside for this section.)

**IX. COUNCIL SCHEDULE**

**X. ADJOURNMENT**

\* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment 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](mailto:council@bloomington.in.gov).



**City of Bloomington  
Office of the Common Council**

# **NOTICE OF MEETING**

Members of the Bloomington Common Council  
may attend and participate in a

**Town Hall Meeting on the New Critical Incident  
Response Team (CIRT) Vehicle**

**20 February 2018**

**6:30 pm**

**City Council Chambers, 401 N. Morton, Room 115**

As a quorum of the Council is expected to be present, this gathering will constitute a meeting of the Common Council under Indiana Open Door Law (I.C. § 5-14-1.5). For that reason, this statement provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.



**RESOLUTION 18-04**

**TO APPROVE RECOMMENDATIONS OF THE MAYOR FOR DISTRIBUTION OF  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2018**

WHEREAS, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the estimated amount of \$700,000 for Fiscal Year 2018 pursuant to the Housing and Community Development Act of 1974 as amended; and

WHEREAS, the national objectives of the Community Development Program are:

1. first and foremost, the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities principally for person of low and moderate income; and
2. the elimination of slums and blight, and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and
3. the elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities; and
4. the conversion and expansion of the nation's housing stock in order to provide a decent home and suitable living environment for all persons, but principally those of low and moderate income; and
5. the expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for development of viable urban communities; and
6. the integration of income groups throughout the community by spreading persons of lower income into more prosperous neighborhoods and drawing persons of higher income to declining or deteriorated neighborhoods; and
7. the alleviation of physical and economic distress through the stimulation of private investment and community revitalization; and

WHEREAS, federal guidelines set forth a formula for funding where no more than 15% of the total grant may be allocated for social services programs, no more than 20% of the total grant may be allocated for administering these funds, and at least 65% of the total grant must be allocated for physical improvements; and

WHEREAS, the allocation for administering the grant may be used for a broad range of direct and indirect costs which includes but is not limited to salaries, rent, and fuel; and

WHEREAS, a proposed statement of community development objectives and projected use of the funds has been advertised; and

WHEREAS, said statement and projected use of funds reflects programs recommended by the Mayor with input from the Citizen's Advisory Committees and the Redevelopment Commission and are consistent with local and national objectives of the Housing and Community Development Act of 1974, as amended;

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

SECTION 1. The following programs be approved as follows:

**COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2018  
SOCIAL SERVICE PROGRAMS FUNDING**

Boys and Girls Club	\$22,000
Hoosier Hills Food Bank	\$19,000
Middle Way House – Emergency Services	\$10,000
Mother Hubbard’s Cupboard	\$20,000
Community Kitchen	\$24,000
Monroe County United Ministries	\$10,000
<b>Total</b>	<b>\$105,000</b>

**COMMUNITY DEVELOPMENT PROGRAMS FISCAL YEAR 2018  
PHYSICAL IMPROVEMENT PROGRAMS FUNDING**

Bloomington Housing Authority	Crestmont Interior Renovations	\$150,000
Boys and Girls Club	Soundproofing Gymnasium	\$20,000
Life Designs	Facility Improvements at N. Dun Street and Winslow Drive Facilities	\$11,000
Centerstone	Blair House Interior Rehabilitation Facility Improvements on S. Washington Street	\$40,000
COB Utilities Department	Broadview Sanitary Sewers	\$140,000
COB Planning and Transportation Department	Adams-Kirkwood-3 <sup>rd</sup> St. Pedestrian Improvements	\$94,000
<b>Total</b>		<b>\$455,000</b>

**ADMINISTRATION**

Administration of Housing and Neighborhood Development Department	\$140,000
<b>Total</b>	<b>\$140,000</b>

**TOTAL ALLOCATION** **\$700,000**

SECTION 2. In the event the City of Bloomington receives more or less of the anticipated funding, that amount shall be distributed in the following manner:

Physical Improvements: If the City of Bloomington’s actual 2018 CDBG allocation for Physical Improvements exceeds \$455,000 then the remaining funds will be dispersed equally between LifeDesigns, Centerstone and Boys and Girls Clubs until those activities have been fully funded. If additional CDBG funds remain then those funds will be equally split between the City of Bloomington’s Planning and Transportation Department and City of Bloomington Utilities. If the City of Bloomington’s actual 2018 CDBG allocation for Physical Improvements is less than \$455,000 then each funded activity will be reduced by the same percentage.

Social Services: If the 2018 funding level is greater than 105,000 then overage funds will be distributed as follows:

- If the overage is greater than or equal to \$9,000, then the overage funds will be distributed such that (1) Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard will receive full funding for their requested amount, and (2) the remaining funds will be divided equally among Hoosier Hills Food Bank, Monroe County United Ministries, and Middle Way House.
- If the overage is less than \$9,000 then the priority will be to fund, up to the maximum fund request for these agencies in the following order: Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard

If the 2018 funding level is less than 105,000 then the shortage will be distributed as follows:

- If the shortage is equal to or less than \$4,000 then equal amounts will be subtracted from Monroe County United Ministries and Middle Way House.
- If the shortage is greater than \$4,000 then \$2,000 will be subtracted from Monroe County United Ministries and Middle Way House, and the remaining shortage amount will be equally subtracted from Hoosier Hills Food Bank, Mother Hubbard's Cupboard, Boys and Girls Clubs, and Community Kitchen.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
DOROTHY GRANGER, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

The City of Bloomington is eligible for a Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development estimated to be \$700,000. This resolution outlines program recommendations by the Mayor with input from the Citizen's Advisory Committee and the Redevelopment Commission. Pursuant to federal regulations, CDBG allocations are made across the following general program areas: Social Service Programs, Physical Improvements, and Administrative Services.

# Memo

**To:** Common Council  
**From:** Doris Sims, Housing and Neighborhood Development Director  
**Date:** February 13, 2018  
**Re:** 2018-2019 Community Development Block Grant Allocations



---

The Department of Housing and Urban Development (HUD) defines an entitlement community as one that is a metropolitan city with a population of at least 50,000. Bloomington meets that threshold and is therefore eligible for Community Development Block Grant (CDBG) funding. The annual funding is formula based and is based on several objective measures of community need; 1) poverty in the community, 2) housing overcrowding, 3) age of housing stock, and 4) population growth. These funds must be used to meet a National Objective. Those objectives are: 1) Benefit to low- and moderate-income persons; 2) Aid in the prevention or elimination of slums or blight; and 3) meet a need having a particular urgency (referred to as Urgent Need). Seventy percent (70%) of the funds MUST be used to benefit low- and moderate-income persons. Included in this packet are excerpts from the CDBG regulations on eligible and ineligible activities.

HUD requires each entitlement community to develop a citizen participation plan as part of its Consolidated Plan. This plan sets out procedures for public input into the allocation process. The City of Bloomington has an extremely open process for public input. The allocation recommendations are made by the Citizen Advisory Council (CAC) which is made up of citizens from various councils and commissions, as well as interested parties who apply for appointments. A membership list is included in this packet. The CAC is divided into two sub-committees, one to review physical improvement applications and one to review social service applications. Attached please find copies of the schedules. In addition to each sub-committee's public hearing, the Redevelopment Commission meeting is also open to public comment.

The activities that will receive funding are divided into 3 distinct categories: physical improvements, social services and administration. By law, no more than 15% of the total grant may be used for social services and no more than 20% may be used for administration. The other 65% is used for physical improvements. Additionally, the city can allocate any program income received. Program income is defined as gross income received by the grantee and its subrecipients directly generated from the use of CDBG funds. We did not have enough program income to allocate this fiscal year. Therefore, for fiscal year 2018-2019, the estimated allocations are as follows:

Expected Allocation	\$700,000
---------------------	-----------

Physical Improvements	\$455,000
Social Services	\$105,000
Administration	<u>\$140,000</u>
Total	\$700,000

I have included in this packet, a brief description of each program and recommended allocation amount. Also attached is Redevelopment Commission Resolution 18-07 in which they unanimously forwarded on the CAC and Mayor Hamilton's recommendations. Please note that at the time of the CAC recommendations and the passing of Resolution 18-07 the CDBG annual allocation amount is an estimation. This estimate is anticipating about a 10% cut in the city's 2017 allocation of \$769,074 Both the Redevelopment Commission and Common Council resolutions outline how funds should be allocated if more or less of the estimated amount is received. Common Council Resolution 18-04 will confirm the recommendations of the CAC, the Redevelopment Commission and the Mayor.

## CDBG ELIGIBLE AND INELIGIBLE PROJECTS

(Excerpts from the CDBG regulations)

### 570.201 – Basic Eligible Activities

- (a) Acquisition of real property.
- (b) Disposition of real property.
- (c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements.
- (d) Clearance activities.
- (e) Public services: Provision of public services (including labor, supplies, and materials) which are directed toward improving the community's public services and facilities; including, but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare, or recreational needs.
- (f) Interim assistance. Activities undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration. And activities to alleviate emergency conditions threatening the public health and safety.
- (n) Homeownership assistance. Acquisition, down payment and closing cost assistance to low- or moderate-income homebuyers.
- (o) Microenterprise Assistance.

### 570.202 – Eligible Rehabilitation and Preservation Activities

- (a) CDBG funds may be used to finance the rehabilitation of :
  - (1) Privately owned buildings and improvements for residential purposes;
  - (2) Low-income public housing and other publicly owned residential buildings and improvements; and
  - (3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvements to the exterior of the building and the correction of code violations.
  - (4) Nonprofit-owned nonresidential building and improvements not eligible under 570.201 (c).
- (b) Types of assistance. To assist various types of rehabilitation activities, and related cost for buildings and improvements described in paragraph (a) of this section.

- (c) Code enforcement.
- (d) Historic Preservation: CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned.
- (f) Lead-based paint hazard evaluation and reduction.

570.203 – Eligible Special Economic Development Activities

- (a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.

570.204 – Special Activities by Community-Based Development Organizations (CDBOs)

- (a) Eligible activities.
  - (1) Neighborhood revitalization projects.
  - (2) Community economic development projects.
  - (3) Energy conservation projects.

570.205 – Eligible Planning, Urban Environmental Design and Policy-Planning-Management-Capacity Building Activities

- (a) Costs of data-gathering, studies, analysis, and preparation of plans and identification of actions that will implement such plans.
- (b) Policy-planning-management-capacity building activities.

570.206 – Program Administration Costs

570.207 – Ineligible Activities

- (a) The following activities may not be assisted with CDBG funds:
  - (1) Buildings or portions thereof, used for the general conduct of government;
  - (2) General government expenses; and
  - (3) Political activities.
- (b) The following activities are generally ineligible for CDBG funds:
  - (1) Purchase of equipment;
  - (2) Operating and maintenance expenses; and
  - (3) Construction of new permanent residential structures.

**18-07  
RESOLUTION  
OF THE  
REDEVELOPMENT COMMISSION  
OF THE  
CITY OF BLOOMINGTON, INDIANA**

**WHEREAS**, the City of Bloomington, Indiana, is eligible for Community Development Block Grant (CDBG) funds in the approximate amount of \$700,000 of grant funds for Fiscal Year 2018, and

**WHEREAS**, 15% of the grant can be used for social services, 20% for administration and 65% for physical improvements which allocations are as follows:

\$455,000 for Physical Improvements  
\$105,000 for Social Services  
\$140,000 for the Administration of the program; and

**WHEREAS**, the advice and input of the community as to the allocation of the Community Development Block Grant funds has been solicited and received through the efforts of the Citizens' Advisory Committee; and

**WHEREAS**, the Citizens' Advisory Committee has also made recommendations on how to distribute any funds received that are over or less than the estimated amount since the final allocation amount as not been received; and

**WHEREAS**, the Redevelopment Commission has reviewed the recommendations of the Citizens' Advisory Committee for allocation of funds anticipated to be received;

**NOW, THEREFORE, BE IT RESOLVED BY THE BLOOMINGTON REDEVELOPMENT COMMISSION THAT:**

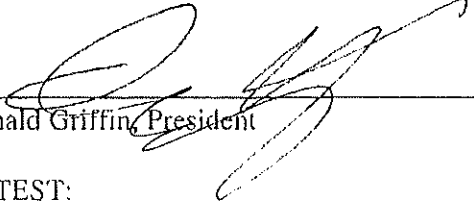
The Bloomington Redevelopment Commission hereby approves:

- 1) The Citizens' Advisory Committee's recommendations of the programs (attached hereto and made a part herein as Exhibit A and Exhibit B) that will best serve the local and national objectives of the program;



- 2) If the received allocation is more or less than expected, the adjustment will be made to all of the approved social service programs and the approved physical improvement programs in accordance with the recommendations of the Citizens' Advisory Committees as outlined in Exhibit A and Exhibit B.

**BLOOMINGTON REDEVELOPMENT COMMISSION**

  
\_\_\_\_\_  
Donald Griffin, President

ATTEST:

  
\_\_\_\_\_  
Mary Alice Rickert, Secretary

\_\_\_\_\_  
Date

2-5-18

**SOCIAL SERVICE RECOMMENDATIONS**

	<b><u>2018 Request</u></b>	<b><u>CAC</u> <u>Recommendations</u></b>
<b><u>EMERGENCY NEEDS</u></b>		
Community Kitchen	\$25,000.00	\$24,000.00
Mother Hubbard's Cupboard	\$25,000.00	\$20,000.00
Hoosier Hills Food Bank	\$25,000.00	\$19,000.00
Middle Way House Emergency Services	\$25,000.00	\$10,000.00
<b><i>SUBTOTAL</i></b>	<b>\$100,000.00</b>	<b>\$73,000.00</b>
<b><u>NON-EMERGENCY NEEDS</u></b>		
Boys & Girls Clubs of Bloomington	\$25,000.00	\$22,000.00
Monroe County United Ministries	\$25,000.00	\$10,000.00
Big Brothers/Big Sisters	\$25,000.00	\$0.00
South Central Indiana Housing Opportunities	\$20,000.00	\$0.00
<b><i>SUBTOTAL</i></b>	<b>\$95,000.00</b>	<b>\$32,000.00</b>
<b>TOTAL REQUESTED ALL FUNDED AGENCIES</b>	<b>\$195,00.00</b>	
<b>TOTAL AMOUNT OF FUNDS AVAILABLE</b>		<b>\$105,000.00</b>
<b>TOTAL AMOUNT ALLOCATED</b>		<b>\$105,000.00</b>

If the 2018 funding level is greater than 105,000 then overage funds will be distributed as follows:

- If the overage is greater than or equal to \$9,000, then the overage funds will be distributed such that (1) Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard will receive full funding for their requested amount, and (2) the remaining funds will be divided equally among Hoosier Hills Food Bank, Monroe County United Ministries, and Middle Way House.
- If the overage is less than \$9,000 then the priority will be to fund, up to the maximum fund request for these agencies in the following order: Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard

If the 2018 funding level is less than 105,000 then the shortage will be distributed as follows:

- If the shortage is equal to or less than \$4,000 then equal amounts will be subtracted from Monroe County United Ministries and Middle Way House.
- If the shortage is greater than \$4,000 then \$2,000 will be subtracted from Monroe County United Ministries and Middle Way House, and the remaining shortage amount will be equally subtracted from Hoosier Hills Food Bank, Mother Hubbard's Cupboard, Boys and Girls Clubs, and Community Kitchen.

**PHYSICAL IMPROVEMENT RECOMMENDATIONS**

	<b><u>2018 Request</u></b>	<b><u>CAC Recommendation</u></b>
<b><u>PUBLIC HOUSING IMPROVEMENTS</u></b>		
Bloomington Housing Authority – Crestmont Interior Rehabilitation	<u>\$150,000.00</u>	<u>\$150,000.00</u>
<b><i>SUBTOTAL</i></b>	<b>\$150,000.00</b>	<b>\$150,000.00</b>
<b><u>FACILITY IMPROVEMENTS</u></b>		
Middle Way House - Improve computer and data storage area at 338 South Washington Street	\$19,000.00	\$0.00
Centerstone – Blair House Interior Rehabilitation	\$50,000.00	\$40,000.00
Boys and Girls Clubs – Soundproofing Gymnasium	\$37,000.00	\$20,000.00
LifeDesigns – Facility Rehabilitation at 2727 N. Dunn Street and 1701 E. Winslow Drive	<u>\$11,926.00</u>	<u>\$11,000.00</u>
<b><i>SUBTOTAL</i></b>	<b>\$117,926.00</b>	<b>\$71,000.00</b>
<b><u>PUBLIC INFRASTRUCTURE PROJECTS</u></b>		
COB: Planning and Transportation – Adams-Kirkwood-3 <sup>rd</sup> Pedestrian Improvements	\$300,000.00	\$94,000.00
City of Bloomington Utilities – Broadview Sanitary Sewers	<u>\$200,000.00</u>	<u>\$140,000.00</u>
<b><i>SUBTOTAL</i></b>	<b>\$ 500,000.00</b>	<b>\$234,000.00</b>
<b>TOTAL REQUESTED /ALL FUNDED PROJECTS:</b>	<b>\$767,926.00</b>	<b>\$455,000.00</b>
<b>TOTAL AMOUNT ALLOCATED</b>		<b>\$455,000.00</b>

If the City of Bloomington's actual 2018 CDBG allocation for Physical Improvements exceeds \$455,000 then the remaining funds will be dispersed equally between LifeDesigns, Centerstone and Boys and Girls Clubs until those activities have been fully funded. If additional CDBG funds remain then those funds will be equally split between the City of Bloomington's Planning and Transportation Department and City of Bloomington Utilities. If the City of Bloomington's actual 2018 CDBG allocation for Physical Improvements is less than \$455,000 then each funded activity will be reduced by the same percentage.

# 1. 2018 CAC Recommendations

## *Social Service Funding*

<b>Program</b>	<b>Recommended Funding</b>
<b>1. Monroe County United Ministries</b> Monroe County United Ministries will provide affordable child care and basic needs assistance to low/moderate income families.	<b>\$10,000</b>
<b>2. Hoosier Hills Food Bank</b> Hoosier Hills Food Bank collects stores and distributes donated food to non-profit organizations with feeding programs who serve needy people.	<b>\$19,000</b>
<b>3. Middle Way House</b> Middle Way provides crisis intervention, advocacy, supportive services, and emergency shelter to abused women and their dependent children.	<b>\$10,000</b>
<b>4. Mother Hubbard's Cupboard</b> MHC is a community food pantry that provides wholesome, healthful food to people in need, as well as nutrition and gardening education.	<b>\$20,000</b>
<b>5. Community Kitchen of Monroe County</b> The Community Kitchen provides free hot meals, including carry-out meals, to needy Bloomington residents from their Rogers Street and West 11 <sup>th</sup> Street locations.	<b>\$24,000</b>
<b>6. Boys and Girls Clubs of Bloomington</b> Funds will be used to provide programming for youths at the Crestmont Boys and Girls Club location.	<b>\$22,000</b>
<b>Total</b>	<b>\$105,000</b>

*Physical Improvements*

<b>Project</b>	<b>Recommended Funding</b>
<b>1. Bloomington Housing Authority – Crestmont Interior Building Renovations</b> Funds will be used to renovate four, two or three bedroom units in one building in the Crestmont complex.	<b>\$150,000</b>
<b>2. Life Designs – Facility Rehabilitation</b> Funds will be used to rehab 2 group homes located at 2727 N. Dunn Street and 1701 E. Winslow Drive	<b>\$11,000</b>
<b>3. Centerstone Facility Rehabilitation</b> Funds will be used to rehab work at Blair House	<b>\$40,000</b>
<b>4. Boys and Girls Club</b> Funds will be used to soundproof the gymnasium at the Crestmont Boys and Girls Club	<b>\$20,000</b>
<b>5. City of Bloomington – Planning and Transportation</b> Funds will be used for pedestrian improvements at Adams-Kirkwood-3 <sup>rd</sup> intersections.	<b>\$94,000</b>
<b>6. City of Bloomington – Utilities Department</b> Funds will be used to provide sanitary sewers in an area of Broadview which currently do not have sewer.	<b>\$140,000</b>
<b>TOTAL</b>	<b>\$455,000</b>
<b><i>CDBG Administration</i></b>	<b>\$140,000</b>
<b>ESTIMATED 2018 TOTAL ALLOCATION</b>	<b>\$700,000</b>

**CDBG  
Social Services Citizen Advisory  
Committee**

**Supplemental Material**

Membership

Calendar

Application Scoring Criteria

Allocation Work Sheet

**Community Development Block Grant Citizen Advisory Committee  
Public Services Subcommittee  
Program Year 2018**

<b>Name</b>	<b>Subcommittee</b>	<b>Term Expires</b>
Chris Hazel United Way 441 S. College Avenue Bloomington, IN 47403 W:812-334-8370 x12 <a href="mailto:chris@monroeunitedway.org">chris@monroeunitedway.org</a>	Social Services (Mayor)	August 31, 2019
Sue Sgambelluri Redevelopment Commission 3909 N Whitewood Way Bloomington, IN 47404 C: 345-3215 <a href="mailto:ssgambel@indiana.edu">ssgambel@indiana.edu</a>	Social Services (RDV Commission)	Annual Appointment
Susan Sandberg Council Office C: 320-8552 <a href="mailto:sandbers@bloomington.in.gov">sandbers@bloomington.in.gov</a>	Social Services (Council Appointment)	Annual Appointment
Hal Turner 2220 E. Wembleton Ln, Bloomington, IN 47401 C: 812-606-9593 <a href="mailto:haltturner12@gmail.com">haltturner12@gmail.com</a>	Social Services (Mayor)	August 31, 2019
Georg'ann Cattelona 1016 E University Street Bloomington, IN 47401 <a href="mailto:georganncatte@gmail.com">georganncatte@gmail.com</a>	Social Services (Status of Children & Youth Commission)	Annual Appointment
Brittany Hartzler 1297 W Cobblefield Ct Bloomington, IN 47401 503-459-3963 <a href="mailto:iubritt@yahoo.com">iubritt@yahoo.com</a>	Social Services (Mayor)	August 31, 2019
Maryjane McNabb 1308 E. Elliston Drive Bloomington, IN 47401 812-325-5448 <a href="mailto:memcnabb@indiana.edu">memcnabb@indiana.edu</a>	Social Services (Mayor)	August 31, 2019

**Social Service  
Citizen Advisory Committee  
WORKING CALENDAR  
For  
CDBG Funding – Fiscal Year 2018**

**APPLICANT SCHEDULE**

<b>September 13 (Wednesday)</b>	CDBG Informational Meeting at 9:00 a.m. in the McCLOSKEY ROOM Application and submission information available to be picked up in HAND.
<b>October 13 (Friday)</b>	<i>Mandatory Letter of Intent</i> due in HAND by 4:00 p.m.
<b>Applicant Mandatory Training</b> (Applicants <i>must</i> attend <b>one</b> of these two meetings):	
<b>October 24 (Tuesday) OR</b>	9:00 A.M. (McCLOSKEY ROOM)
<b>October 26 (Thursday)</b>	5:00 P.M. (HOOKER ROOM)
<b>December 1 (Friday)</b>	<i>Completed Applications Due in HAND by 4:00 p.m.</i>
<b>January 11, 2018 (Thursday)</b>	<b>PUBLIC HEARING for Social Service Applications</b> (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance

**SOCIAL SERVICE CAC SUBCOMMITTEE SCHEDULE**

<b>November 30 (Thursday)</b>	CAC Organizational & Con Plan Meeting (McCLOSKEY @ 5:30 p.m.)
<b>December 14 (Thursday)</b>	Social Service Subcommittee Mandatory Meeting to review ranking system and pick up packets (HOOKER ROOM @ 5:30 p.m.)
<b>January 4, 2018 (Thursday)</b>	Pre Public Hearing Meeting (HOOKER ROOM @ 5:30 p.m.)
<b>January 11, 2018 (Thursday)</b>	<b>PUBLIC HEARING for Social Service Applications</b> (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance
<b>January 18, 2018 (Thursday)</b>	Scores due to Dan Niederman by 4:00 p.m. (niedermd@bloomington.in.gov)
<b>January 23, 2018 (Tuesday)</b>	Social Service Subcommittee meeting (HOOKER ROOM @ 5:30 p.m.)

**CDBG FUNDING SCHEDULE**

<b>February 5, 2018 (Monday)</b> (Tentative)	<b>PUBLIC HEARING</b> – CAC recommendations presented to Bloomington Redevelopment Commission (McCLOSKEY ROOM @ 5 p.m.)
<b>February 14, 2018</b> (Wednesday) (Tentative)	<b>PUBLIC HEARING</b> – City Council Discussion Meeting (date tentative)
<b>February 21, 2018</b> (Wednesday) (Tentative)	<b>PUBLIC HEARING</b> – City Council Final Action Meeting (date tentative)
<b>June, 2018</b> (Tentative)	<b>FUNDING AVAILABLE</b>

**Application Forms and Instructions available at:**  
<https://bloomington.in.gov/grants/community-development-block-grants/application-information>



## Social Service CDBG Application Scoring Criteria

Total number of points available is **100**.

- A. Question 3 – Program Need – **35** points total
  - Organization has documented need for program in the community.
  - Organization has described how the program fits within the need of the community.
  
- B. Question 4 – Evaluation Methodology/Outcome Measurement – **30** points total
  - Agency describes how it evaluates its program or has a measurement tool in place to evaluate program effectiveness.
  - Agency provides documentation of program effectiveness within the community using its evaluation or outcome measurement tool.
  
- C. Question 5 – Client Data – **20** points total
  - Agency serves large number/**percentage** of low income individuals (refer to Part I Question 1(b) and 2(b)).
  - A large percentage of their clients are city residents (check Part II, question 1 vs. Part II, question 1(a))
  
- D. Question 6 – Budget Information – **15** points total
  - All requested budget information was provided.
  - Budget information clearly shows how requested funds will be utilized for this program.
  - Budget shows that this program does not rely heavily on CDBG funds for the project (50% or more of funding comes from other sources).

**Program Year 2018**

CDBG Social Service Citizens Advisory Committee

<b>Agency</b>	<b>2018 Request</b>	<b>Total Points Out of 100</b>	<b>% Score</b>	<b>CAC Recommendation</b>	<b>RDC Recommendation</b>	<b>Mayor</b>	<b>City Council</b>	<b>FINAL</b>
Community Kitchen -- Free Meals program	\$ 25,000.00	96.67	96.67%	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00	\$ 24,000.00
Boys & Girls Club - Crestmont Club	\$ 25,000.00	95.00	95.00%	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00
Mother Hubbards Cupboard	\$ 25,000.00	93.83	93.83%	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Hoosier Hills Food Bank - Food Bank	\$ 25,000.00	91.33	91.33%	\$ 19,000.00	\$ 19,000.00	\$ 19,000.00	\$ 19,000.00	\$ 19,000.00
Monroe County United Ministries	\$ 25,000.00	86.83	86.83%	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Middle Way House - Domestic Violence	\$ 25,000.00	86.33	86.33%	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Big Brother Big Sister	\$ 25,000.00	82.50	82.50%	\$ -	\$ -	\$ -	\$ -	\$ -
South Central Ind Housing Opp	\$ 20,000.00	79.33	79.33%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$195,000.00</b>			<b>\$ 105,000.00</b>	<b>\$ 105,000.00</b>	<b>\$ 105,000.00</b>	<b>\$ 105,000.00</b>	<b>\$ 105,000.00</b>

If the 2018 funding level is greater than 105,000 then overage funds will be distributed as follows:

- If the overage is greater than or equal to \$9,000, then the overage funds will be distributed such that (1) Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard will receive full funding for their requested amount, and (2) the remaining funds will be divided equally among Hoosier Hills Food Bank, Monroe County United Ministries, and Middle Way House.
- If the overage is less than \$9,000 then the priority will be to fund, up to the maximum fund request for these agencies in the following order: Community Kitchen, Boys and Girls Club, and Mother Hubbard's Cupboard

If the 2018 funding level is less than \$105,000 then funds will be distributed as follows: If the shortage is equal to or less than \$4,000 then equal amounts will be subtracted from Monroe County United Ministries and Middle Way House. If the shortage is greater than \$4,000 then the Public Service CAC will reconvene to issue new allocations.

**CDBG**  
**Physical Improvements**  
**Citizen Advisory Committee**

**Supplemental Material**

Membership

Calendar

Citations to the Consolidated Plan used for  
Scoring Criteria

Allocation Work Sheet

**Community Development Block Grant  
 Citizen Advisory Committee  
 For Physical Improvements  
 Program Years 2018-2019  
 Updated August 1, 2017**

Name	Subcommittee	Term Expires
Rick Coppock 3800 S. Bainbridge Drive Bloomington, IN 47401 H: 334-2119 W: 332-8030 <a href="mailto:rcoppock@bynumfanyo.com">rcoppock@bynumfanyo.com</a>	Physical Improvements (Mayor)	August 31, 2019
Scott Robinson P.O. Box 100 Bloomington, IN 47402 W: 349-3423 <a href="mailto:robinsos@bloomington.in.gov">robinsos@bloomington.in.gov</a>	Physical Improvements (Mayor)	August 31, 2019
Julie Pemberton 1856 S. Covey Lane Bloomington, IN 47401 <a href="mailto:jujupem@gmail.com">jujupem@gmail.com</a>	Physical Improvements (Mayor)	August 31, 2019
Tim Mayer 1001 S. Jordan Ave Bloomington, IN 47401 <a href="mailto:timmayer3268@att.net">timmayer3268@att.net</a>	Physical Improvements (Mayor)	August 31, 2019
David Walter Bloomington Redevelopment Commission representative <a href="mailto:walter@indiana.edu">walter@indiana.edu</a>	Physical Improvements RDV Commission	August 31, 2018 Annual BRC appointment
Andy Ruff City Council P.O. Box 100 Bloomington, IN 47408 W: 349-3409 <a href="mailto:ruffa@bloomington.in.gov">ruffa@bloomington.in.gov</a>	Physical Improvements Council Appointment	August 31, 2018 Annual Council appointment
Matthew Hanaurer 151 E. 17 <sup>th</sup> St Bloomington, IN 47408 206-409-5700 <a href="mailto:mhanaurer@umail.in.edu">mhanaurer@umail.in.edu</a>	Physical Improvements, Community and Family Resource Commission member	August 31, 2018 Annual CFRC appointment

**Physical Improvement  
Citizen Advisory Committee  
WORKING CALENDAR  
For  
CDBG Funding – Fiscal Year 2018**

**APPLICANT SCHEDULE**

<b>September 13 (Wednesday)</b>	CDBG Informational Meeting at 9:00 a.m. in the McCLOSKEY ROOM Application and submission information available to be picked up in HAND.
<b>October 13 (Friday)</b>	<i>Mandatory Letter of Intent</i> due in HAND by 4:00 p.m.
<b>Applicant Mandatory Training</b> (Applicants <i>must</i> attend <b>one</b> of these two meetings):	
<b>October 24 (Tuesday) OR</b>	9:00 A.M. (McCLOSKEY ROOM) (subject to change)
<b>October 26 (Thursday)</b>	5:00 P.M. (HOOKER ROOM) (subject to change)
<b>December 1 (Friday)</b>	<i>Completed Applications Due in HAND by 4:00 p.m.</i>
<b>January 4, 2018 (Thursday)</b>	<b>PUBLIC HEARING for Physical Improvement Applications</b> (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance

**PHYSICAL IMPROVEMENT CAC SUBCOMMITTEE SCHEDULE**

<b>November 30 (Thursday)</b>	CAC Organizational & Con Plan Meeting (McCLOSKEY ROOM @ 5:30 p.m.)
<b>December 11 (Monday)</b>	Physical Improvement Subcommittee Mandatory Meeting to arrange site visits and pick up packets ( <b>KELLY ROOM @ 6:00 p.m.</b> )
<b>December 14, (Thursday)</b>	CAC members make site visits to proposed projects. Meet at City Hall's Atrium @ 10:00.
<b>January 4, 2018 (Thursday)</b>	<b>PUBLIC HEARING for Physical Improvement Applications</b> (COUNCIL CHAMBERS @ 5:30 p.m.) Mandatory Attendance
<b>January 8, 2018 (Monday)</b>	<b>Scores due to Bob Woolford 4:00 p.m.</b> (woolforr@bloomington.in.gov)
<b>January 11, 2018 (Thursday)</b>	Physical Improvement Subcommittee meeting ( <b>KELLY ROOM #155 @ 5:30 p.m.</b> )

**CDBG FUNDING SCHEDULE**

<b>February 5, 2018 (Monday)</b> (Tentative)	<b>PUBLIC HEARING</b> – CAC recommendations presented to Bloomington Redevelopment Commission (McCLOSKEY ROOM @ 5 p.m.)
<b>February 14, 2018</b> (Wednesday) (Tentative)	<b>PUBLIC HEARING</b> – City Council Discussion Meeting (date tentative)
<b>February 21, 2018</b> (Wednesday) (Tentative)	<b>PUBLIC HEARING</b> – City Council Final Action Meeting (date tentative)
<b>June, 2018</b> (Tentative)	<b>FUNDING AVAILABLE</b>

CONSOLIDATED PLAN REFERENCES  
FOR  
CDBG PHYSICAL IMPROVEMENT APPLICATIONS

CAC members should review the following sections of the Consolidated Plan for scoring the Physical Improvement applications.

- Antipoverty Strategy—pg. 55+
- Community Development Objectives—pg. 54 +
- Homeless Strategy —pg.68+
- Housing Market Analysis—pg. 30+
- Barriers to Affordable Housing (inc. infrastructure) —pg. 42+
- Lead Base Paint—pg. 39+
- Public Housing Strategy —pg. 36+
- Priority Housing Needs—pg. 25+
- Housing Needs —pg. 23+
- Specific Special Needs Objectives—pg. 80+

**PHYSICAL IMPROVEMENT FUNDING REQUESTS  
FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PY - 2018**

PROJECT	2017 Allocations	2018 Requests	CAC
<b>HOUSING ASSISTANCE</b>			
BHA -- Crestmont Interior Rehabilitation -- 1309-1313 W 13th St and 1033 & 1037 N. Summit St	146,000	150,000	150,000
LifeDesigns -- Facility Rehabilitation at 1701 E. Winslow Road	34,000	11,926	11,000
<b>Housing Assistance Subtotal:</b>		<b>161,926</b>	
<b>FACILITY IMPROVEMENTS</b>			
Middle Way House -- AC upgrade to cool telecom room and improve entrance sidewalk	15,000	19,000	0
Centerstone-Blair House Rehabilitation		50,000	40,000
Boys and Girls Clubs -- Soundproofing gymnasium		37,000	20,000
<b>Facility Improvements Subtotal:</b>		<b>106,000</b>	
<b>COMMUNITY-WIDE INFRASTRUCTURE PROJECTS</b>			
COB Planning and Transportation -- Adams-Kirkwood-3rd pedestrian improvements		300,000	94,000
CBU -- Broadview Sanitary Sewers		200,000	140,000
<b>Community-wide Infrastructure Projects Subtotal:</b>		<b>500,000</b>	
<b>TOTAL REQUESTED</b>		<b>767,926</b>	
<b>2018 CAC-PI RECOMMENDATIONS</b>			<b>455,000</b>
<p>If the City of Bloomington's CDBG funding for Physical Improvments exceeds \$455,000 then the remaining funds will be dispersed equally between LifeDesigns, Centerstone and Boys and Girls Clubs until those activities have been fully funded. If additional CDBG funds remain then those funds will be equally split between City of Bloomington's Planning and Transportation Department and City of Bloomington Utilities. If the City of Bloomington's actual 2018 CDBG allocation for Physical Improvements is less than \$455,000 then each funded activity will be reduced by the same percentage.</p>			

**ORDINANCE 18-01**

**TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)  
OF THE BLOOMINGTON MUNICIPAL CODE –**

**Re: Sidewalk Requirements and Sidewalk Variances Set Forth in  
BMC 20.05.010, 20.05.051, 20.09.130, 2.09.135 & 20.11.020**

- WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, “Zoning”, including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled “Subdivisions”, went into effect on February 12, 2007; and
- WHEREAS, the Unified Development Ordinance (“UDO”) regulates development and architectural standards within the City of Bloomington; and
- WHEREAS, the UDO contains regulations in which sidewalk construction is a mandatory part of an approval; and
- WHEREAS, the Planning and Transportation Department has found that the current regulations are not generating a meaningful contribution to the sidewalk network in the City; and
- WHEREAS, the Planning and Transportation Department has found that the current regulations are creating a hindrance to single-family infill development in existing residential neighborhoods; and
- WHEREAS, the Planning and Transportation Department has found that the current regulations related to Home Occupations are not rationally related to the intensity of the permit requests; and
- WHEREAS, the City of Bloomington (“City”) wished to balance the desires to expand safe pedestrian facilities with realistic development goals for its residents; and
- WHEREAS, the Planning and Transportation Department proposes to amend the regulations; and
- WHEREAS, the Plan Commission considered this case, ZO-47-17 on January 8, 2018 and made a positive recommendation in favor of the amendment to the UDO, as described herein.

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

SECTION 1. Section 20.05.010, entitled “AT-01 [Alternative Transportation; General],” shall be amended to add the following section below the *Purpose* section:

*The following Alternative Transportation standards apply to all site plans, as regulated by 20.09.120, with the exception of new single-family residences built on existing legal lots of record on non-classified (neighborhood) streets and additions to existing residential structures.*

SECTION 2. Section 20.05.051(c), entitled “HO-01 [Home Occupation, General],” shall be deleted and replaced with the following:

(c) Site Plan Review:

- (1) *Residential Districts:* An approved home occupation in a residential district shall be treated as a single family dwelling unit for purposes of Site Plan review.
- (2) *Nonresidential Districts:* A home occupation in a nonresidential district that meets all of the standards of *Section 20.05.051* shall be treated as a single-family dwelling unit for purposes of Site Plan review.



SECTION 3. Section 20.09.130, entitled “Development Standards Variance,” shall be deleted and replaced with the following:

**20.09.130 Development Standards Variance**

(a) Intent: The purpose of *Section 20.09.130; Development Standards Variance* is:

- (1) To outline the process by which petitions for variances from the development standards of the Unified Development Ordinance are considered;
- (2) To provide a mechanism to approve those petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in practical difficulties, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

(b) Applicability:

- (1) The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant variances from the development standards applicable to the zoning district in which the subject property is located.
- (2) *Effect of Approval of Variances from the Development Standards*: The grant of variances from the development standards authorizes the development and establishes the terms of use. Variances from development standards are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(c) Exceptions:

- (1) *Subdivision Control*: It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant Development Standards Variances of *Chapter 20.06: Subdivision Types* or *Chapter 20.07: Design Standards*.

(d) Application: Refer to application requirements found at *Section 20.09.030: Applications - General*.

(e) Findings of Fact: Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

(f) Determinate Sidewalk Variance Considerations: While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:

- (1) That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or
- (2) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or
- (3) The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or

- (4) The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or
- (5) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

(g) Commitment for Determinate Sidewalk Variance: Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a Zoning Commitment pursuant to *20.09.110 Commitments - Variance and Conditional Use* indicating that the determinate sidewalk variance was approved and that future installation of sidewalk may be required. The petitioner shall record the Zoning Commitment in the Monroe County Recorder's Office before a Certificate of Zoning Compliance is issued.

(h) Signature: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals or the Hearing Officer.

(i) Notification: The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or Hearing Officer.

(j) Duration:

- (1) Unless otherwise specified at the time of approval, any Development Standards Variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:
  - (A) In cases where new construction or modifications to an existing structure are required, three (3) years after the date that the Development Standards Variance was granted, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or
  - (B) In cases where new construction or modifications to an existing structure are not required, three (3) years after the date that the Development Standards Variance was granted, unless a Certificate of Occupancy has been obtained and the use commenced; or
  - (C) At the date of termination as established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from Subdivision 20.09.130(j)(1)(A) or Subdivision 20.09.130(j)(1)(B) above.
- (2) If an appeal by writ of certiorari is taken from an order granting a Development Standards Variance, the time during which such appeal is pending shall not be counted in determining whether the Development Standards Variance has expired under Subdivision 20.09.130(j)(1)(A), Subdivision 20.09.130(j)(1)(B), or Subdivision 20.09.130(j)(1)(C) above.

SECTION 4. Section 20.09.135, entitled "Sidewalk and Determinate Sidewalk Variances," shall be deleted.

SECTION 5. Section 20.11.020, entitled "Defined Words" shall be amended to include the following:

Variance, Determinate Sidewalk: A temporary variance from sidewalk construction requirements that may be rescinded by the City at any time if there is a change to the characteristics or context that justified the variance related to the property or surroundings.

SECTION 6. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 7. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and in accordance with I.C. §36-7-4-607.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
DOROTHY GRANGER, 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the Unified Development Ordinance, Title 20. These changes amend which projects require sidewalk construction and change the variance criteria used to evaluate sidewalk and determinate sidewalk variance petitions used by the Board of Zoning Appeals.

## Interdepartmental Memo

**To: Members of the Common Council**  
**From: Jackie Scanlan, AICP Senior Zoning Planner**  
**Subject: Ordinance # 18-01**  
**Date: February 13, 2018**

Attached is the staff memo and supporting documents which pertain to Plan Commission case #ZO-47-17, presented to the Common Council as Ordinance 18-01. The Plan Commission heard this petition at its January 8, 2018 hearing and voted 9-0 to send this petition to the Common Council with a positive recommendation. The memo below is the memo sent to Plan Commission, with the following changes: a typo in the proposed findings is corrected; the *Alternative Transportation Applicability* section discussed in the hearing is added; and the definition of Determinate Sidewalk Variance included in the hearing packet is added.

---

The Planning and Transportation Department proposes to amend the regulations related to requirements to construct new sidewalks, as well as the variance procedures related to sidewalk and determinate sidewalk variances.

Sidewalk installation is currently required for all new:

1. Subdivisions
2. Commercial/Industrial development on vacant lots
3. Commercial/Industrial additions to existing development
4. Residential development on vacant lots, both single-family and multifamily
5. Multi-Family additions to existing development
6. Home Occupations

The current regulations are sometimes onerous for single-family home construction on existing legal lots of record and the variance criteria appear to be more applicable to a city that is primarily developing greenfield subdivisions. In Bloomington, the sidewalk requirement is most necessary in new subdivisions, commercial development, and multifamily development, and no changes are proposed for those situations. Currently, infill single-family home construction on existing lots requires building sidewalks along any street frontage, even in areas where there are no existing sidewalks and no future sidewalk connection is planned or realistically anticipated. The intent of the regulation was to help the pedestrian network expand incrementally, but the reality of the application of the regulation is that owners of existing lots of record are required to build sidewalk even with no connection to existing or proposed pedestrian infrastructure. This creates the 'sidewalk to nowhere' effect where a city block contains only one 50-60 foot long swath of sidewalk.

The Department presented the amendment to the Bicycle and Pedestrian Safety Commission at its December meeting. A quorum was not present, but those in attendance were supportive of the amendment.

The proposal was discussed at the Council Work Session on January 26, 2018. Council members Chopra and Granger raised concerns about the implications on lots immediately adjacent to existing pedestrian facilities. Mr. Sherman raised concerns related to exempting properties in the

Council Sidewalk Committee's priority areas. Planning and Transportation staff offered to analyze existing data to attempt to ascertain the effects of the Department's proposal on the areas of concern. Of the 10 new single-family homes permitted between May 2014 and April 2016 (the last period for which this data was compiled) that were not part of a bonded subdivision, none were adjacent to existing facilities and none appear on the Council Sidewalk Committee's priority list. Mr. Sherman provided staff with the CSC's 2018 priority list, highlighting 22 projects on non-classified (neighborhood) streets. There are an additional 31 projects listed on classified streets. Of the 22 projects, including the entirety of the Bryan Park Neighborhood, a total of roughly 24 lots and 9 half-lots could be affected by the current proposal. Based on data available on the Council website, 11 projects were funded in 2016 (the last year for which data was listed), with the previous typical average being between 3 and 7 projects funded per year.

The changes proposed are described below.

1. The Department proposes to exempt '*new single-family residences built on existing legal lots of record on non-classified (neighborhood) streets and additions to existing single-family residential structures*' in a new *Applicability* section added to the *Alternative Transportation* section of the Unified Development Ordinance Chapter 5.

*The following Alternative Transportation standards apply to all site plans, as regulated by 20.09.120, with the exception of new single-family residences built on existing legal lots of record on non-classified (neighborhood) streets and additions to existing residential structures.*

2. The Department proposes to strike language from the *Home Occupation* section that currently requires that bicycle and pedestrian facilities be installed when a property has received a home occupation approval. This triggers sidewalk construction on single-family properties similar to the infill situation mentioned above. The intent of regulation related to Home Occupations is to retain the residential character of the property. While any property can install bicycle parking racks, the Department is comfortable making this optional, as opposed to mandatory.
3. The Unified Development Ordinance contains two sets of findings of fact applicable to sidewalks.

The first set is found in 20.09.135(c). The findings listed are the three findings listed for any development standards variance (findings (1) through (3)), plus two additional findings.

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*
- (2) *The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and*
- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*

- (4) *That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk as required by Section 20.05.010(b)(3); and*
- (5) *That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.*

This set of findings applies in situations where a development triggers sidewalk installation, and a property owner is requesting not to install sidewalk, at all. The Department proposes to strike 20.09.135(c) from the UDO, and to use the more general Development Standards variance findings (numbers (1) through (3) above) found in 20.09.130 instead. The Department believes that facts related to (4) and (5) can easily be included in (1) through (3) when applicable, and are not necessary to be stand-alone findings that must be met in each case.

The second set of findings related to sidewalks is found in 20.09.135(d). The findings are the three findings listed for any development standards variance (findings (1) through (3)), plus three additional findings.

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*
- (2) *The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and*
- (3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties; and*
- (4) *The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and*
- (5) *The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and*
- (6) *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*

This set of findings applies in situations where a development triggers sidewalk construction, and a property owner is requesting to forestall sidewalk installation until some future date. The Department proposes to strike 20.09.135(d) from the UDO, and to use the more general Development Standards variance findings (numbers (1) through (3) above) found in 20.09.130 instead. The Department proposes to add a new section to the UDO to provide guidance when considering practical difficulties for determinate sidewalk variance requests.

*While not to be included as separate findings of fact, items to consider when determining*

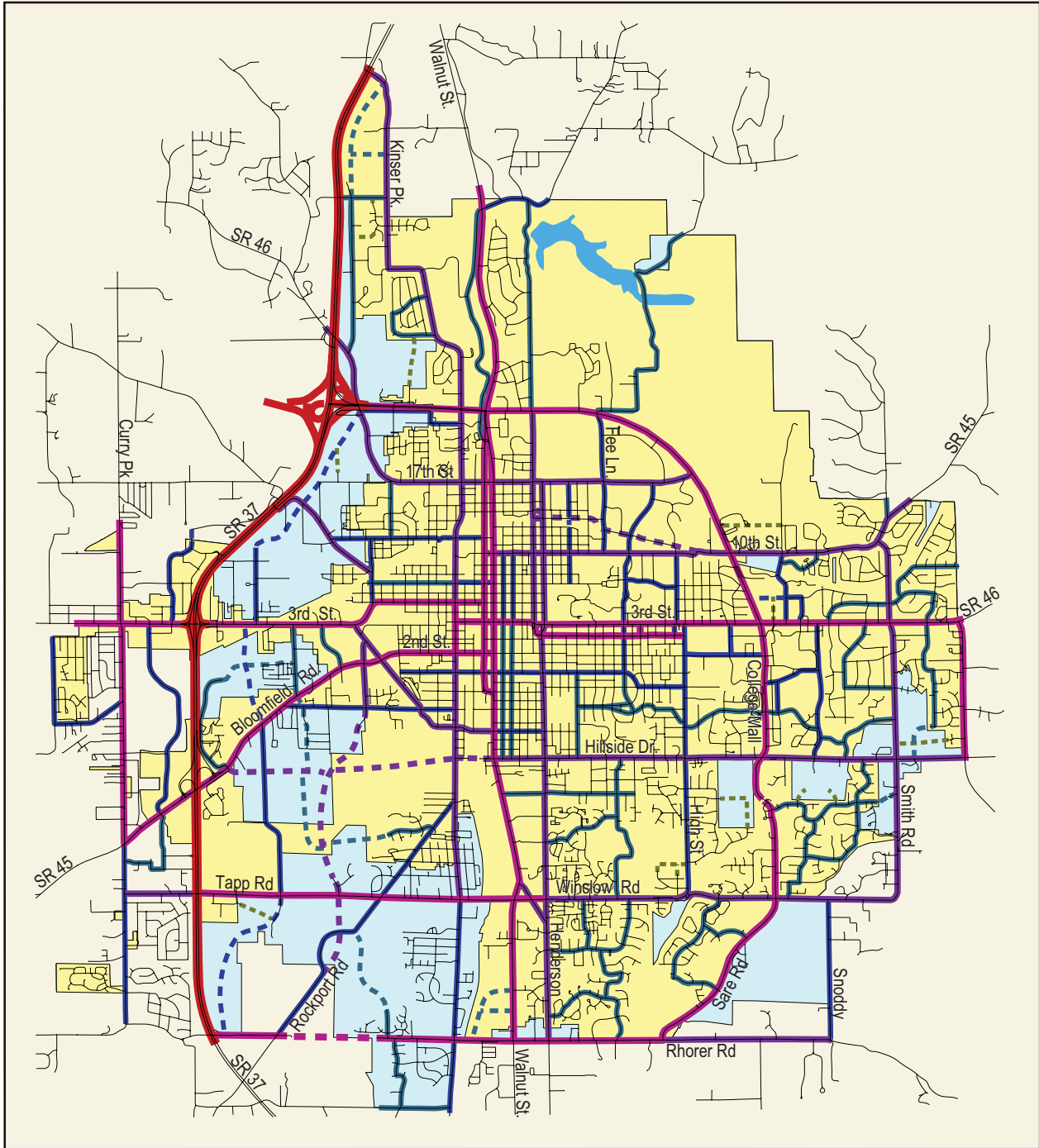
*the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:*

- (1) *That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or*
  - (2) *That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or*
  - (3) *The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or*
  - (4) *The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or*
  - (5) *Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.*
4. The Department proposes to add a *Commitment* section to the UDO, requiring that a Zoning Commitment be recorded in cases when a Determinate Sidewalk Variance is granted. Recording a Zoning Commitment will allow future owners to know that a variance was granted and sidewalk installation may be required at some time in the future.
5. The Department proposes to add a definition of *Determinate Sidewalk Variance*.

*Variance, Determinate Sidewalk: A temporary variance from sidewalk construction requirements that may be rescinded by the City at any time if there is a change to the characteristics or context that justified the variance related to the property or surroundings.*



# PART 5: Master Thoroughfare Plan

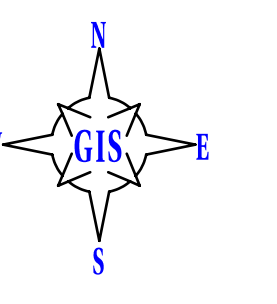
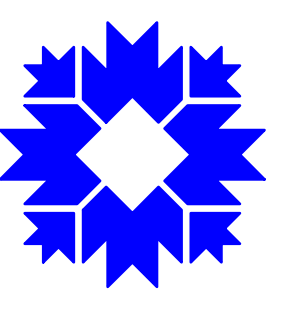


**MAP LEGEND**

Freeway/Expressway	Proposed Secondary Arterial
Primary Arterial	Proposed Primary Collector
Secondary Arterial	Proposed Secondary Collector
Primary Collector	Proposed Local Street
Secondary Collector	Municipal Boundary
Local Street	Additional Planning Jurisdiction
Proposed Primary Arterial	

**Master Thoroughfare Plan Map**  
Prepared by: Ground Rules, Inc





July 24, 2015

City of Bloomington, Indiana  
Geographic Information System

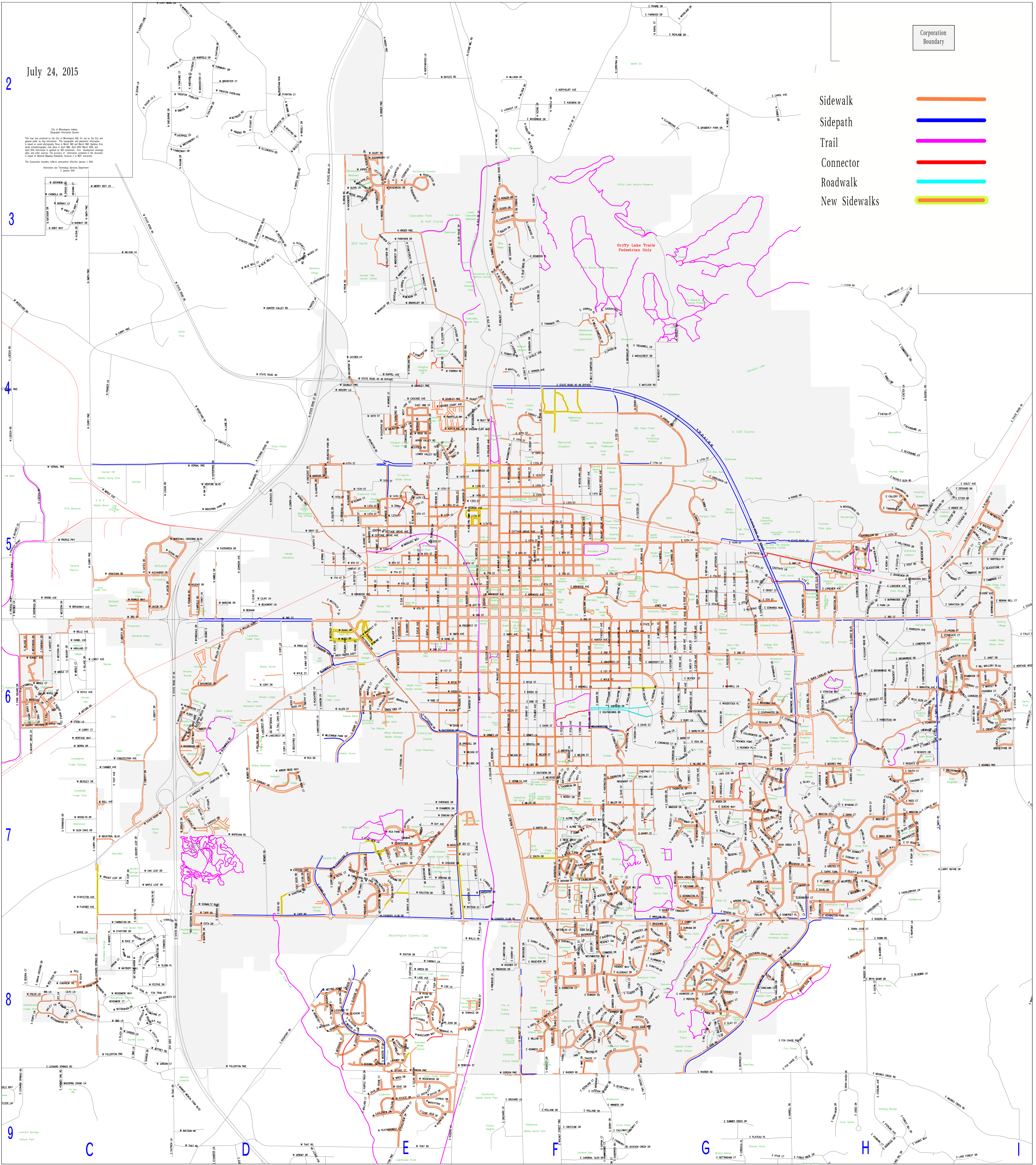
This map was prepared by the City of Bloomington GIS for use by the City of Bloomington and its departments. The copyright and database information is owned by the City of Bloomington. All other data, including but not limited to, street names, lot numbers, and other information is owned by its respective owner. The City of Bloomington is not responsible for any errors or omissions on this map. The City of Bloomington is not responsible for any damages or losses resulting from the use of this map.

The Corporation Boundary was updated on 01/20/15.

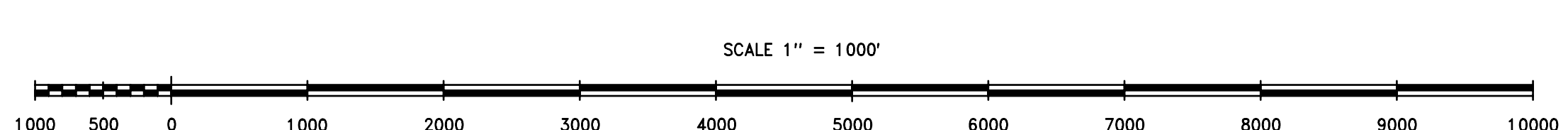
Information and Technology Services Department  
7 January 2015

Corporation Boundary

- Sidewalk
- Sidepath
- Trail
- Connector
- Roadwalk
- New Sidewalks



Bloomington Geographic Information System



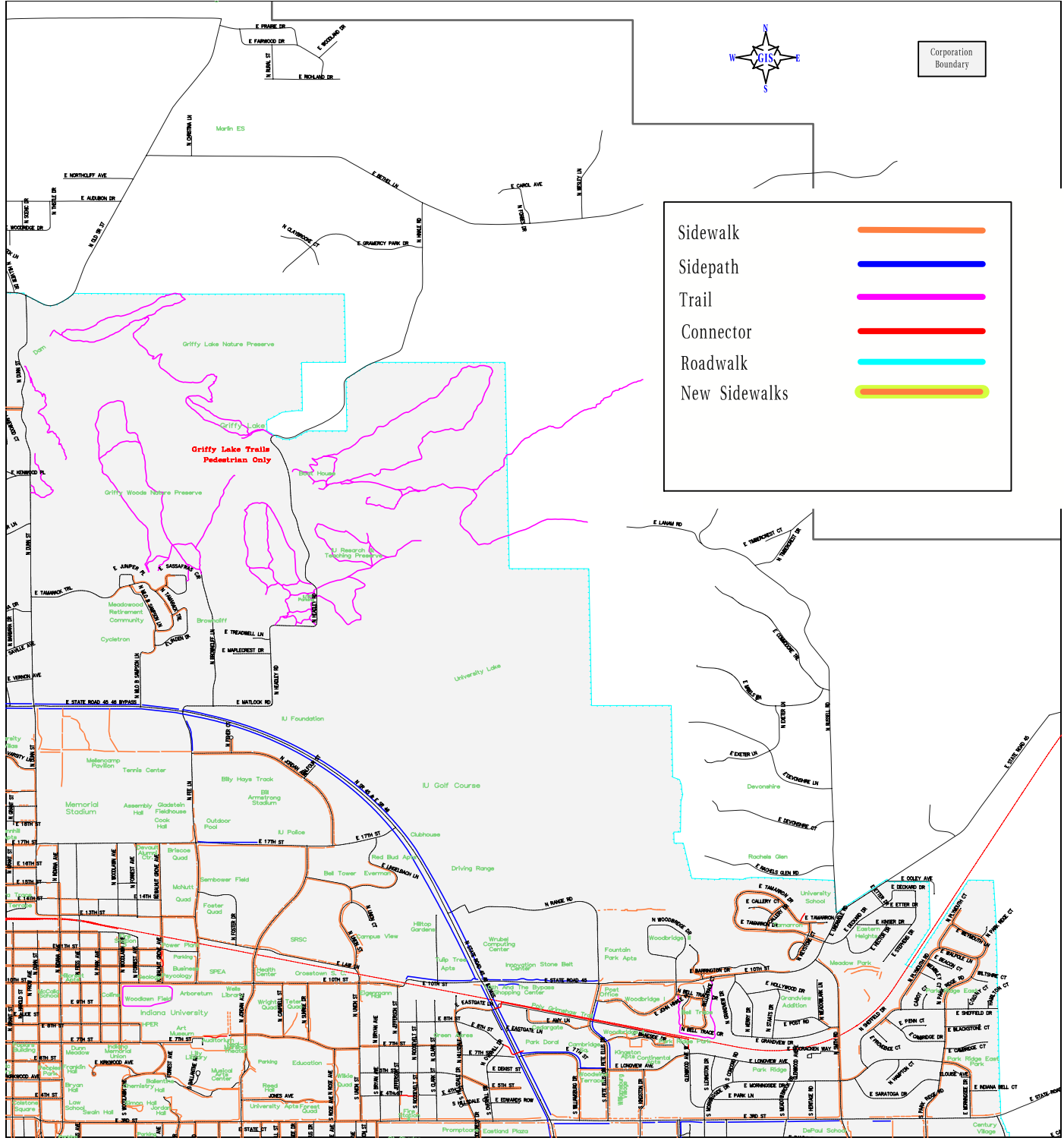
No part of this work may be reproduced for any purpose without written permission from the city of Bloomington





Corporation Boundary

Sidewalk	
Sidepath	
Trail	
Connector	
Roadwalk	
New Sidewalks	



**Griffy Lake Trails  
Pedestrian Only**

Griffy Woods Nature Preserve

Griffy Lake

Griffy Lake Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Lake

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

Griffy Woods Nature Preserve

University Lake

University Lake

University Lake

University Lake

University Lake

University Lake

University Lake

University Lake

University Lake

University Lake

IU Golf Course

IU Golf Course

IU Golf Course

IU Golf Course

IU Golf Course

IU Golf Course

IU Golf Course

IU Golf Course

Sidewalk

Sidepath

Trail

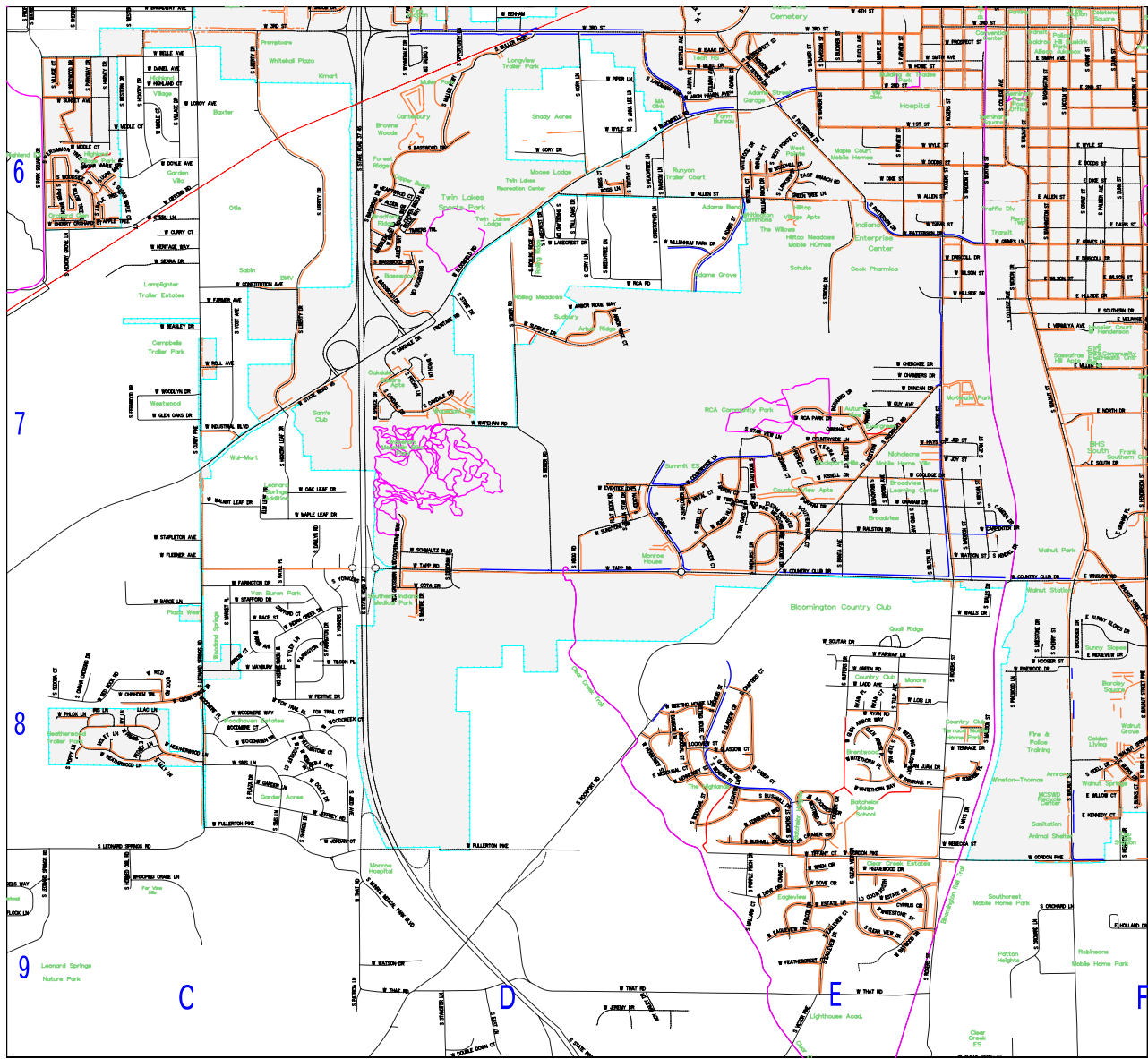
Connector

Roadwalk

New Sidewalks







Bloomington Geographic Information System



2

City of Bloomington, Indiana  
Geographic Information System

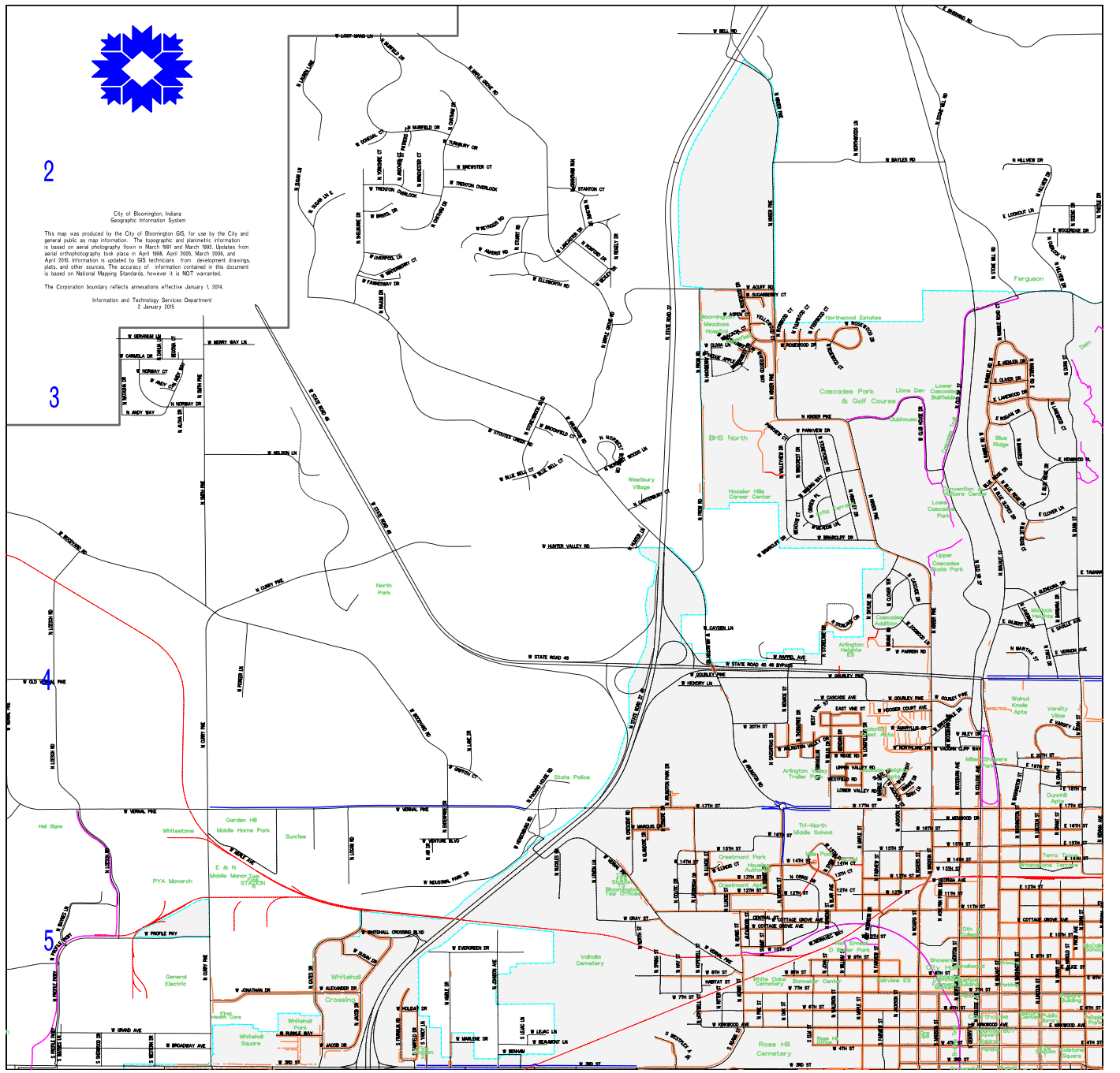
This map was produced by the City of Bloomington GIS, for use by the City and general public as map information. The topographic and planimetric information is based on aerial photography flown in March 1991 and March 1995. Updates from aerial orthorectification took place in April 1998, April 2002, March 2005, and April 2010. Information is updated by GIS technicians from development drawings, plans, 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, 2004.  
Information and Technology Services Department  
8 January 2015

3

4

5



**BMC Title 20 (Unified Development Ordinance)  
as Amended by Ord 18-01**

*Affected Provisions and Changes are Highlighted in Yellow, Strikeout, and Bold Text*

**Chapter 20.05 DEVELOPMENT STANDARDS <sup>11</sup>**

**Sections:**

[20.05.001 Introduction.](#)

[20.05.002 How to use this chapter.](#)

[20.05.003 Icon key.](#)

[20.05.004 AS-01 \(Accessory structures—General\).](#)

[20.05.005 AS-02 \(Accessory structures—Residential\).](#)

[20.05.006 AS-03 \(Accessory structures—Manufactured and mobile homes\).](#)

[20.05.007 AS-04 \(Accessory structures; multifamily and commercial\).](#)

[20.05.008 AS-05 \(Accessory structures—Industrial, institutional and quarry\).](#)

[20.05.009 AH-01 \(Affordable housing—General\).](#)

**[20.05.010 AT-01 \(Alternative transportation—General\).](#)**

[20.05.011 AT-02 \(Alternative transportation—Bicycle parking standards—General\).](#)

[20.05.012 AT-03 \(Alternative transportation—Bicycle parking standards—Exceptions\).](#)

[20.05.013 AT-04 \(Alternative transportation—Bicycle parking standards—Multifamily residential\).](#)

[20.05.014 AT-05 \(Alternative transportation—Bicycle parking standards—Nonresidential and mixed use\).](#)

[20.05.015 AG-01 \(Architectural standards—General\).](#)

[20.05.016 AG-02 \(Architectural standards—Residential\).](#)

[20.05.017 AG-03 \(Architectural standards—Manufactured and mobile homes\).](#)

[20.05.018 AG-04 \(Architectural standards—Commercial downtown\).](#)

[20.05.019 AG-05 \(Architectural standards—West Kirkwood Corridor\).](#)

[20.05.020 CF-01 \(Communication facility—General\).](#)

[20.05.021 CF-02 \(Communication facility—Residential\).](#)

[20.05.022 CF-03 \(Communication facility—Commercial downtown\).](#)

[20.05.023 CU-01 \(Conditional use—General standards\).](#)

[20.05.024 CU-02 \(Conditional use—Floodway and floodway fringe development\).](#)

[20.05.025 CU-03 \(Conditional use—Historic adaptive reuse\).](#)

[20.05.026 CU-04 \(Conditional use—Bed and breakfast establishments\).](#)

[20.05.027 CU-05 \(Conditional use—Communication facility\).](#)

[20.05.028 CU-06 \(Conditional use—Retail low intensity and restaurant limited service\).](#)

[20.05.029 CU-07 \(Conditional use—Adult day care center\).](#)

[20.05.030 CU-08 \(Conditional use—Child day care center\).](#)

[20.05.031 CU-09 \(Conditional use—Kennel\).](#)

[20.05.032 CU-10 \(Conditional use—Jail/prison/juvenile detention facility\).](#)



[20.05.033 CU-11 \(Conditional use—Quarry adaptive reuse\).](#)

[20.05.0331 CU-12 \(Conditional use—Business, standardized\).](#)

[20.05.034 DS-01 \(Drainage standards—General\).](#)

[20.05.035 ED-01 \(Entrance and drive standards—General\).](#)

[20.05.036 ED-02 \(Entrance and drive standards—Single-family\).](#)

[20.05.037 ED-03 \(Entrance and drive standards—Manufactured or mobile home park\).](#)

[20.05.038 EN-01 \(Environmental standards—General\).](#)

[20.05.039 EN-02 \(Environmental standards—Steep slopes\).](#)

[20.05.040 EN-03 \(Environmental standards—Siltation and erosion prevention\).](#)

[20.05.041 EN-04 \(Environmental standards—Riparian buffer\).](#)

[20.05.042 EN-05 \(Environmental standards—Karst Geology\).](#)

[20.05.043 EN-06 \(Environmental standards—Wetlands\).](#)

[20.05.044 EN-07 \(Environmental standards—Tree and forest preservation\).](#)

[20.05.045 EN-08 \(Environmental standards—Lake watershed areas\).](#)

[20.05.046 FW-01 \(Fence and wall standards—General\).](#)

[20.05.047 FW-02 \(Fence and wall standards—Prohibitions\).](#)

[20.05.048 FP-01 \(Floodplain standards—General\).](#)

[20.05.049 GD-01 \(Green development incentives—General\).](#)

[20.05.050 HT-01 \(Height standards—General\).](#)

[\*\*20.05.051 HO-01 \(Home occupation—General\).\*\*](#)

[20.05.052 LA-01 \(Landscaping standards—General\).](#)

[20.05.053 LA-02 \(Landscaping standards—General parking\).](#)

[20.05.054 LA-03 \(Landscaping standards—Multifamily residential\).](#)

[20.05.055 LA-04 \(Landscaping standards—Commercial downtown\).](#)

[20.05.056 LA-05 \(Landscaping standards—Nonresidential\).](#)

[20.05.057 LA-06 \(Landscaping standards; vacant lot landscaping\).](#)

[20.05.058 Exhibits LA-A: Permitted plant species by characteristics and location.](#)

[20.05.059 Exhibit LA-B: Invasive species, species with poor characteristics and noxious or detrimental plants.](#)

[20.05.060 LG-01 \(Lighting standards—General\).](#)

[20.05.061 LG-02 \(Lighting standards—Multifamily residential\).](#)

[20.05.062 LG-03 \(Lighting standards—Nonresidential\).](#)

[20.05.063 LD-01 \(Loading standards\).](#)

[20.05.064 MS-01 \(Municipal services—General\).](#)

[20.05.065 OT-01 \(Outdoor storage standards—Storage and parking of vehicles\).](#)

[20.05.066 OT-02 \(Outdoor storage standards—Miscellaneous\).](#)

[20.05.067 OT-03 \(Outdoor storage standards—Trash receptacles\).](#)

[20.05.068 OT-04 \(Outdoor storage standards—Outdoor merchandising\).](#)

[20.05.069 OT-05 \(Outdoor storage standards—Miscellaneous\).](#)

[20.05.070 PK-01 \(Parking standards—General\).](#)

[20.05.071 PK-02 \(Parking standards—Residential\).](#)

[20.05.072 PK-03 \(Parking standards—Core residential\).](#)

[20.05.073 PK-04 \(Parking standards—Manufactured/mobile home park residential\).](#)

[20.05.074 PK-05 \(Parking standards—Commercial downtown\).](#)

[20.05.075 Exhibit PK-A \(Maximum number of permitted parking spaces by land use.\)](#)

[20.05.076 PI-01 \(Public improvement standards—General\).](#)

[20.05.077 SB-01 \(Setback standards—General\).](#)

[20.05.078 SX-01 \(Sexually oriented businesses—General\).](#)

[20.05.079 SI-01 \(Sign standards—General\).](#)

[20.05.080 SI-02 \(Sign standards—Residential\).](#)

[20.05.081 SI-03 \(Sign standards—Nonresidential\).](#)

[20.05.082 SI-04 \(Sign standards—Commercial limited\).](#)

[20.05.083 SI-05 \(Sign standards—Commercial downtown\).](#)

[20.05.084 SC-01 \(Special conditions—Artist studio\).](#)

[20.05.085 SC-02 \(Special conditions—Auto body shop/vehicle repair\).](#)

[20.05.086 SC-03 \(Special conditions—Brewpub\).](#)

[20.05.087 SC-04 \(Special conditions—Car wash\).](#)

[20.05.088 SC-05 \(Special conditions—Community center\).](#)

[20.05.089 SC-06 \(Special conditions—Convenience store \(with gas or alternative fuels\)\).](#)

[20.05.090 SC-07 \(Special conditions—Crops and pasturage, and accessory chicken flocks\).](#)

[20.05.091 SC-08 \(Special conditions—Drive-through\).](#)

[20.05.092 SC-09 \(Special conditions—Dwelling, multifamily\).](#)

[20.05.093 SC-10 \(Special conditions—Dwelling, single-family attached\).](#)

[20.05.094 Special conditions—Community garden.](#)

[20.05.095 SC-11 \(Special conditions—Dwelling, single-family detached\).](#)

[20.05.096 SC-12 \(Special conditions—Dwelling, upper floor units\).](#)

[20.05.097 SC-13 \(Special conditions—Fitness center/gym and fitness/training studio\).](#)

[20.05.098 SC-14 \(Special conditions—Gas station\).](#)

[20.05.099 SC-15 \(Special conditions—Group care home\).](#)

[20.05.100 SC-16 \(Special conditions—Impound vehicle storage\).](#)

[20.05.101 SC-17 \(Special conditions—Limited service restaurant and low intensity retail\).](#)

[20.05.102 SC-18 \(Special conditions—Outdoor storage\).](#)

[20.05.103 SC-19 \(Special conditions—Recreation center\).](#)

[20.05.104 SC-20 \(Special conditions—Rooming house\).](#)

[20.05.105 SC-21 \(Special conditions—Testing lab\).](#)

[20.05.106 SC-22 \(Special conditions—Utility substation and transmission facility\).](#)

[20.05.107 TU-01 \(Temporary uses and structures—General\).](#)

[20.05.108 TU-02 \(Temporary uses and structures—Commercial, industrial, business park, and institutional\).](#)

[20.05.109 VC-01 \(Vision clearance—General\).](#)



**20.05.001 Introduction.**

After the effective date of this title, no building or structure or any portion thereof, or use of land, whether existing or hereafter established, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in compliance with the development standards of this chapter, except as otherwise hereinafter provided.

(Ord. 06-24 § 3 (part), 2006).

**20.05.002 How to use this chapter.**

This chapter contains development standards that are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

- (a) Refer to the two-page layouts in Chapter 20.02, Zoning Districts for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that zoning district.

(As an example, on page 530, the four-digit code "AT-01" can be found under the "Additional Development Standards that Apply" section in the residential estate (RE) zoning district. Therefore, the development standards in Section 20.05.010, AT-01 (Alternative transportation—General) (on page 530) applies to the residential estate (RE) zoning district).

- (b) Refer to the icons used at the top of each development standard section in this chapter. Each development standard section begins with a four-digit code and introductory sentence followed by square icons with zoning district abbreviations (e.g., "CD" for the commercial downtown zoning district or "RS" for the residential single-family zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

o o o o o

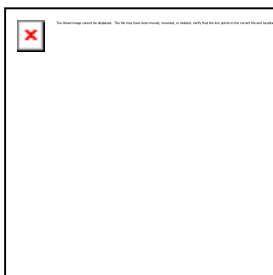
**Ord 18-01 – SECTION 1 (Adds Text)**

**20.05.010 AT-01 (Alternative transportation—General).**

Purpose. To reduce traffic congestion in the city of Bloomington and improve the health, fitness and quality of life of Bloomington's residents by providing safe, convenient, and attractive alternative transportation paths, sidewalks, trails, and other facilities throughout the city.

*The following Alternative Transportation standards apply to all site plans, as regulated by 20.09.120, with the exception of new single-family residences built on existing legal lots of record on non-classified (neighborhood) streets and additions to existing residential structures.*

This alternative transportation standards section applies to the following zoning districts:



- (a) Inspection and Acceptance. Prior to the issuance of a final certificate of occupancy, all alternative transportation facilities located within the adjoining public right-of-way or dedicated easements shall be inspected for compliance with city of Bloomington, Bloomington Public Transportation Corporation, and/or AASHTO standards.
- (b) Paths, Sidewalks and Trails.
  - (1) Construction Standards. All path, sidewalk, and trail improvements shall be constructed as per the city of Bloomington standards and/or AASHTO requirements.
  - (2) Additional Facility Amenities. The following amenities shall be required in accordance with the design standards identified in the bicycle and pedestrian transportation and greenways system plan:
    - (A) Informational signage;
    - (B) Pavement marking; and
    - (C) Safety bollards.
  - (3) Sidewalks. Sidewalks shall be provided as follows:
    - (A) Minimum Width. Five feet.
    - (B) Surface. Sidewalks shall be constructed of concrete.
    - (C) Location.
      - (i) External Sidewalks. Sidewalks shall be located one foot inside the public right-of-way or within a pedestrian easement along all abutting street frontages.
      - (ii) Internal Sidewalks. Sidewalks shall be provided that link abutting streets to facilities on the site, link separate facilities within the site to each other, and provide access to adjoining transit stops. Internal sidewalks shall not be required for single-family residential lots.
    - (D) Separation. Sidewalks shall have a minimum separation of five feet from the curb, or edge of pavement where no curb exists. In situations where the minimum separation cannot be achieved due to constraints such as limited public right-of-way, mature trees, or unsuitable topography, the sidewalk location may be designed to avoid the constraints, provided that a pedestrian easement is established for any locations where the sidewalk is not within the public right-of-way, and that the minimum five-foot separation is maintained.
      - (i) In situations where the sidewalk must be located within a pedestrian easement on private property, the portions of the sidewalk within the pedestrian easement shall not count toward the maximum impervious surface coverage for the property.
      - (ii) In situations where the city planning and transportation department has determined that a pedestrian easement is not feasible, the planning and transportation director may approve the following design options:
        - a. A five-foot wide sidewalk with reduced vegetated plot width.
        - b. A six-foot wide monolithic sidewalk and curb.
    - (E) Cross-Slopes. Sidewalks shall be constructed in such a manner to ensure that the cross-slopes over entrances and drives comply with ADA requirements.
  - (4) Sidepaths. Where sidepaths are identified on the bicycle and pedestrian transportation and greenways system plan, or as construction of new streets warrants the provision of sidepaths, such facilities shall be provided as follows:
    - (A) Minimum Width. Eight feet.
    - (B) Surface. Sidepaths shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the planning and transportation director in order to mitigate environmental impacts.
    - (C) Location. Sidepaths shall be constructed one foot inside the public right-of-way line.
  - (5) Bike Lanes. Where development projects include the construction of new public streets that are identified as having bike lanes in the bicycle and pedestrian transportation and greenways system plan, such facilities shall be provided as follows:
    - (A) Minimum Width. Five feet. Any adjacent curb and gutter shall not be included in the bike lane width measurement.
    - (B) Location. Striped bike lanes shall be located at the outer edge of the street, adjacent to the curb.

- (C) Substitution. Substitution of an eight-foot wide sidepath may be allowed per the planning and transportation director.
- (6) Multiuse Trails. Where multiuse trails are identified on the bicycle and pedestrian transportation and greenways system plan, such facilities shall be provided as follows:
  - (A) Minimum Width. Pavement width shall be a minimum of twelve feet, and the paved trail shall have two-foot wide crushed stone shoulders on both sides.
  - (B) Surface. Multiuse trails shall be paved with asphalt. Alternative surface materials, such as ADA-compliant permeable pavers, may be authorized by the planning and transportation director in order to mitigate environmental impacts.
  - (C) Dedication. All multiuse trails shall be dedicated to the city parks department within rights-of-way of fifty feet in width. Right-of-way width for multiuse trails may be reduced by the planning and transportation director upon approval by the director of parks and recreation.
- (7) Connector Paths. Where a development is adjacent to a public park, school, commercial area, or existing or proposed multiuse trail as identified in the bicycle and pedestrian transportation and greenways system plan, connector paths shall be provided as follows:
  - (A) The design of any required connector path that will connect to a public park or multiuse trail shall be subject to the approval of the city parks and recreation department. The parks and recreation department may waive the connector path requirement if it determines that the proposed connection to a public park or multiuse trail is not desirable or is redundant to existing facilities.
  - (B) Minimum Width. Eight feet.
  - (C) Surface. Connector paths shall be constructed of asphalt or concrete. Alternative surface materials may be authorized by the planning and transportation director in order to mitigate impacts to environmental constraints.
  - (D) Easement. Connector paths shall be contained within pedestrian easements of at least fifteen feet in width.
  - (E) Recording of Easements. Refer to Chapter 20.07, EA: Easement Standards.
  - (F) Undeveloped Properties. Where vacant or undeveloped properties are adjacent to a property under development, connector paths shall be stubbed to the property line to allow for future connection when adjacent properties are developed.
- (c) Transit Facility Standards.
  - (1) General Standards.
    - (A) For the purposes of this section, transit facilities shall include:
      - (i) Benches;
      - (ii) Shelters; or
      - (iii) Other similar transit stop amenities.
    - (B) Where a development is required to install one or more transit facilities, the type and location of such facilities shall be as determined by the Bloomington Public Transportation Corporation. Where such facilities are proposed within the public right-of-way, board of public works approval shall also be required.
    - (C) The Bloomington Public Transportation Corporation may waive a required transit facility if deemed unnecessary based on existing facilities.
  - (2) Existing Public Transportation Routes.
    - (A) Transit Facility. For any multifamily development of at least twenty dwelling units, or for any nonresidential development of at least twenty thousand square feet gross floor area, developed adjacent to one or more public transportation routes, a transit facility shall be constructed on all routes for which one or more of the following criteria are met:
      - (i) Usage. The proposed development is expected to generate public transit usage; or
      - (ii) Proximity. The nearest existing transit facility on the route is more than one-fifth of one mile (one thousand fifty-six feet) away from the closest primary building on the site, measured along rights-of-way; or
      - (iii) Route Overlap. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes.

- (B) Location. The transit facility shall occupy:
  - (i) A site within or adjacent to the right-of-way on which the public transportation route is established; or
  - (ii) Another site as approved by the public transportation authority. Such site shall be contained within a transit facility easement.
- (C) Pedestrian Accessibility. Transit facilities shall be connected to the public sidewalk system and ADA-accessible routes.

(3) Future Public Transportation Routes.

- (A) Transit Facility Easement. For any development where one or more public transportation routes are reasonably expected to exist on adjacent public streets in the future, and where the development is expected to generate public transit usage, transit facility easements shall be established on each future route if one or more of the following criteria exist:
  - (i) Route Overlap. The routes do not cross or overlap in a fashion that would allow the placement of a single transit facility to serve all routes; or
  - (ii) Insufficient Right-of-way. Insufficient right-of-way exists to reasonably allow a transit facility and/or transit service access.
- (B) Location. Transit facility easements shall occupy:
  - (i) A site adjacent to the right-of-way on which the public transportation route is established; or
  - (ii) Another site as approved by the public transportation authority.

(4) Transit Facilities and Easements.

- (A) Pedestrian Traffic. Public transit facilities shall be designed such that they will not interfere with the normal flow of pedestrian traffic on public or private sidewalks.
- (B) Construction Standards. Public transit facilities, shelters, and appurtenant amenities shall be built to meet the requirements of the Bloomington Public Transportation Corporation.
- (C) Setback Exemption. Public transit facilities, shelters, and appurtenant amenities shall be exempt from the setback standards of the zoning district.
- (D) Minimum Easement Depth. Ten feet.
- (E) Minimum Easement Width. Fifteen feet.
- (F) Recording of Easements. Refer to Chapter 20.07, EA: Easement Standards.

(5) Bus Turnout Areas.

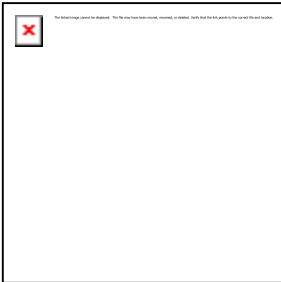
- (A) Bus Turnout. Bus turnout areas shall be constructed in conjunction with a given transit route if a transit stop is warranted, and the street on which the public transportation route is established is classified as a primary arterial on the master thoroughfare plan.
- (B) Dimensional Standards. Bus turnout areas shall be built to the dimensional requirements of the Bloomington Public Transportation Corporation.
- (C) Construction Standards. The engineering design of bus turnout areas shall be coordinated with the city planning and transportation department.

(Ord. 06-24 § 3 (part), 2006).

(Ord. No. 09-12, 9-16-2009; Ord. No. 14-12, §§ 5, 10, 15, 19, 7-9-2014)

**20.05.011 AT-02 (Alternative transportation—Bicycle parking standards—General).**

This alternative transportation standards section applies to the following zoning districts:



- (a) Rights-of-way. Bicycle parking spaces shall not be located fully or partially within a public right-of-way except upon approval from the board of public works.
- (b) Access. All required bicycle parking spaces shall be located such that a three-foot clear space is provided to all sides of a standard six-foot bicycle parked in each required space.
- (c) Pedestrian Obstruction. Bicycle parking facilities shall not cause any obstruction to pedestrian traffic.
- (d) Surface. Bicycle parking areas shall be placed on a paved surface composed of concrete, asphalt, brick pavers, or the like. Under no circumstances shall bark mulch, crushed stone, stone, rock, dirt, sand or grass be permitted as a surface for bicycle parking areas.
- (e) Type. A long-term Class I or short-term Class II bicycle security facility shall be utilized for all bicycle parking requirements.
- (f) Collocation. Bicycle parking facilities may be located in one nonrequired vehicular automobile parking space so long as it is not designated a handicap space and the location meets the other provisions of this section.

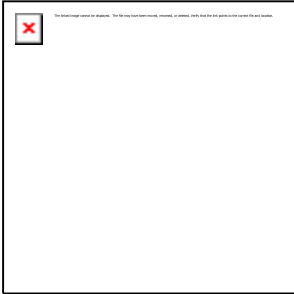
(Ord. 06-24 § 3 (part), 2006).

○ ○ ○ ○ ○

**Ord 18-01 – SECTION 2 (Deletes Text)**

**20.05.051 HO-01 (Home occupation—General).**

This home occupation standards section applies to the following zoning districts:



- (a) Certificate of Zoning Compliance. No person shall conduct a home occupation in a dwelling in any zoning district without having first received a certificate of zoning compliance. Such certificate of zoning compliance shall not be transferable to any other person, nor shall this certificate of zoning compliance be valid at any address or for any home occupation other than the one appearing on the certificate of zoning compliance.
- (b) Conditional Use Approval. In residential districts, a conditional use approval by the board of zoning appeals or the hearing officer shall be required for home occupations prior to the issuance of a certificate of zoning compliance.
- (c) Site Plan Review.
  - (1) Residential Districts. An approved home occupation in a residential district shall be treated as a single-family dwelling unit for purposes of site plan review. ~~Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with Sections 20.05.010, AT-01 (Alternative transportation—General) and 20.05.011 AT-02 (Alternative transportation—Bicycle parking standards—General) of this title.~~
  - (2) Nonresidential Districts. A home occupation in a nonresidential district that meets all of the standards of this section shall be treated as a single-family dwelling unit for purposes of site plan review. ~~Upon approval of a home occupation request, the petitioner shall be required to install bicycle and pedestrian facilities in compliance with Section 20.05.010 of this title. A home occupation that does not meet the standards of this section shall be treated as a commercial use and subject to site plan review.~~
- (d) Exceptions.
  - (1) Exempted Uses. The follow uses shall not be regulated as home occupations:
    - (A) Child care home, provided that the child care home is also the primary residence of the operator;
    - (B) Adult day care home;
    - (C) Group care home for developmentally disabled;
    - (D) Group care home for mentally ill;
    - (E) Group/residential care home.
  - (2) Other Exempted Home Occupations. Activities such as drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require a certificate of zoning compliance or conditional use approval, provided that the following regulations are met:
    - (A) No employees or customers visit the premises;
    - (B) No signs are displayed; and

(C) No deliveries other than those normally associated with residential uses are made to the site.

(e) Operations Standards.

- (1) Operator Residency Required. The operator of the home occupation shall reside in the dwelling unit.
- (2) Maximum Number of Nonresident Employees. Any home occupation shall be permitted a maximum of one employee who does not reside in the dwelling unit.
- (3) Maximum Floor Area. A maximum of fifteen percent of the total interior floor area of the dwelling unit shall be used in connection with the home occupation. However, no home occupation shall be limited to less than two hundred square feet, nor shall the area of a home occupation exceed five hundred square feet. If there is more than one home occupation being conducted within a dwelling unit, then all home occupations within the dwelling unit shall cumulatively use no more than fifteen percent or five hundred square feet of the dwelling unit, whichever is less. Area used for storage of materials or products used in the home occupation shall be included in this calculation.
- (4) Multiple Home Occupations. More than one home occupation may be permitted within an individual dwelling unit. Where multiple home occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all home occupation activities, not to each home occupation individually.
- (5) Residential Character. There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit within which the home occupation operates.
- (6) Location and Entrance. The home occupation shall be conducted entirely within the primary structure or attached garage. The use of an attached garage for a home occupation shall not interfere with the provision of any required off-street parking.
- (7) Outdoor Display and Storage. Outdoor display of goods, materials, supplies, or equipment shall be prohibited.
- (8) Sales. Direct sales and/or rentals of products shall be prohibited. Incidental sales of products related to the home occupation are permitted. Mail and/or telephone sales activities are permitted.
- (9) Off-street Parking and Loading. No additional driveway to serve the home occupation shall be permitted. No off-street parking or loading facilities, other than requirements of the applicable zoning district, shall be permitted.
- (10) Hours of Operation. Customer visitation in association with the home occupation shall be limited to between eight a.m. and eight p.m. The hours of operation of the home occupation shall not interfere with the use and enjoyment of adjacent residential properties.
- (11) Commercially Licensed Vehicles. No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any home occupation.
- (12) Deliveries. Deliveries to the property shall not be permitted, except those by typical residential delivery services.

(Ord. 06-24 § 3 (part), 2006).

(Ord. No. 16-01, § 1, 5-18-2016)

o o o o o

## **Chapter 20.09 PROCESSES, PERMITS AND FEES**

### **Sections:**

[20.09.010 Purpose.](#)

[20.09.020 Enforcement.](#)

[20.09.030 Applications—General.](#)

[20.09.040 Effect of permit or approval—Applicant to be bound by submissions.](#)

[20.09.050 Notice requirements.](#)

[20.09.060 Public hearing procedures.](#)

[20.09.070 Pre-application requirements.](#)

[20.09.080 Schedule of fees.](#)

[20.09.090 Commitments—Zoning map amendments and PUD district ordinances.](#)

[20.09.100 Commitments—Site plan.](#)

[20.09.110 Commitments—Variance and conditional use.](#)

[20.09.120 Site plan review.](#)

[20.09.130 Development standards variance.](#)

[20.09.135 Sidewalk and determinate sidewalk variances.](#)

[20.09.140 Use variance.](#)

[20.09.150 Conditional use.](#)

[20.09.160 Amendment to zoning map.](#)

[20.09.170 Subdivision control—General.](#)

[20.09.180 Subdivision control—Preliminary plat.](#)

[20.09.190 Subdivision control—Final plat.](#)

[20.09.200 Subdivision control—Plat vacation.](#)

[20.09.210 Subdivision control—Waivers and Modifications.](#)

[20.09.220 Certificate of zoning compliance.](#)

[20.09.230 Demolition and demolition delay.](#)

[20.09.240 Grading permit.](#)

[20.09.250 Certificate of occupancy.](#)

[20.09.260 Sign permit.](#)

[20.09.270 Temporary use permit.](#)

[20.09.280 Easements—General.](#)

[20.09.290 Easements—Modification.](#)

[20.09.300 Easements—Termination.](#)



[20.09.310 Easements—Vacation.](#)

[20.09.320 Surety standards—Performance surety.](#)

[20.09.330 Surety standards—Certificate of final acceptance.](#)

[20.09.340 Administrative interpretations.](#)

[20.09.350 Administrative appeals.](#)

[20.09.360 Amendments to ordinance text.](#)

**20.09.010 Purpose.**

This chapter identifies the types of permits, approvals, and processes which are required as part of this title. (Ord. 06-24 § 3 (part), 2006).

**20.09.020 Enforcement.**

Failure to comply with any provision of this chapter, including but not limited to failure to comply with the terms and conditions of any permit or other approval obtained hereunder, shall be a violation of the Unified Development Ordinance and shall be subject to the penalties and remedies in Chapter 20.10, Enforcement and Penalties. (Ord. 06-24 § 3 (part), 2006).

○ ○ ○ ○ ○

**20.09.100 Commitments—Site plan.**

- (a) Authority. The plan commission or staff, whichever is the approving authority, may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with approval of a site plan pursuant to Section 20.09.120, Site plan review.
- (b) Governing Provisions. The procedure, form, recording, effect, enforcement, and modification or termination of commitments under this section shall be the same as set forth in Section 20.09.090, Commitments—Zoning map amendments and PUD district ordinances, unless otherwise provided in the plan commission rules of procedure, except that Section 20.09.090(h), Automatic Termination of Commitments concerning automatic termination shall not apply. The plan commission in its rules of procedure may not delegate the authority to modify or terminate a commitment to another entity.

(Ord. 06-24 § 3 (part), 2006).

(Ord. No. 14-12, § 7, 7-9-2014)

**20.09.110 Commitments—Variance and conditional use.**

- (a) Authority. The board of zoning appeals, in connection with any variance or conditional use proposal, may allow or require the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel where the making of such commitment will further the goals of the Unified Development Ordinance or the growth policies plan. In any case where the hearing officer is authorized by the plan commission rules of procedure to hear and approve a variance or conditional use proposal, the hearing officer may also allow or require the owner to make a written commitment under this section, and shall have all powers and duties of the board of zoning appeals under this section except the power to approve modification or termination of a commitment.
- (b) Governing Provisions. The procedure, form, recording, effect, enforcement, and modification or termination of commitments under this section shall be the same as set forth in Section 20.09.090, Commitments—Zoning map amendments and PUD district ordinances, and the board of zoning appeals and hearing officer shall have all the powers given to the plan commission under Section 20.09.090, Commitments—Zoning map amendments and PUD district ordinances, provided that:
  - (1) The board of zoning appeals may by rule provide for different procedures, but may not delegate the authority to modify or terminate a commitment to another entity; and

- (2) Section 20.09.090(h), Automatic Termination of Commitments concerning automatic termination shall not apply to commitments governed by this section.
- (c) Special Rule for Hearing Officer. If the owner of a parcel of real estate fails to accept a condition imposed, or to make a commitment allowed or required, by the hearing officer, then the owner's petition shall be considered withdrawn or, if requested by the owner, shall be transferred to the board of zoning appeals.

(Ord. 06-24 § 3 (part), 2006).

### **20.09.120 Site plan review.**

- (a) Intent. The intent of site plan review shall be:
  - (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.
- (b) Applicability. Submission and approval of a site plan shall be required in all zoning districts established in Chapter 20.01, Ordinance Foundation of this title. Every application for a permit and/or certificate of zoning compliance for grading, establishment of a use or change in use, new construction, any building addition, or tree removal shall also be an application for site plan approval, except as provided otherwise herein.
- (c) Exceptions. The content and scope of review of a required site plan shall be limited as follows:
  - (1) Single-Family Residence. The site plan for a single-family residence on a lot of record, including the establishment therein of a home occupation, day care home, bed and breakfast, or any conditional use shall be limited to an accurately-scaled drawing showing existing and proposed lot lines, easements, improvements, setbacks, and any other information needed to demonstrate compliance with the provisions of this title. In the case of a site plan involving partial demolition governed by the demolition waiting period provisions of Section 20.09.230, Demolition and demolition delay, the application shall also include the information required by subsection (d)(6) below.
  - (2) Additions, Expansions or Changes in Use. The site plan for an addition, expansion, or change in use involving an existing building may be limited in scope to those requirements that are affected by the proposed development. The entire property may not need to be rendered on the site plan, except where necessary to demonstrate compliance with requirements.
- (d) Applications. Applications for site plans shall be accompanied by the following information:
  - (1) A scaled drawing using not less than a one inch equals fifty feet scale, or as considered appropriate by the staff, which shows major circulation; specific location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall also include:
    - (A) Boundary lines and acreage of each land use component;
    - (B) Existing easements, including location, width and purpose;
    - (C) Existing land-use on abutting properties;
    - (D) Other conditions on adjoining land: topography (two-foot contours) including any embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat;
    - (E) Existing streets on and adjacent to the tract, including street name, right-of-way width, sidewalks, curbs, gutters, and culverts;
    - (F) Any public improvements planned for future construction on or adjacent to the tract;

- (G) Existing utilities on the tract;
  - (H) Any land on the tract within the one-hundred-year floodplain;
  - (I) Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees ten inches or more in diameter, and other significant features;
  - (J) Map Data. Name of development, north point, scale and date of preparation.
  - (K) Model type and manufacturer of any bicycle racks to be installed.
- (2) Precise location of all proposed buildings to be constructed, and a designation of the specific use or range of uses for each building.
  - (3) Design and precise location of all proposed streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
  - (4) Location of all proposed utility lines and easements.
  - (5) A detailed landscape plan, including plant size and common and scientific name of species, installation specifications, identification of vegetation to be preserved and the site measures to accomplish preservation, and conservation easements where required.
  - (6) Illustrations of required architectural design elements such as building elevations, renderings, photographs and any other information deemed necessary by the staff to determine compliance with this title. Such illustrations shall clearly depict the massing, scale and architectural details of the proposed development.
    - (A) Commercial Downtown. In the case of a site plan involving new development in the commercial downtown (CD) zoning district, the petitioner shall submit a three-dimensional scale model that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development.
      - (i) The model may be a physical model or computer generated. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in three hundred sixty degrees.
      - (ii) Regardless of model format, the level of detail provided shall be sufficient to depict the proposed surface materials including color, detail, and massing of adjacent and significant neighborhood structures as advised by staff, for all proposed structures.
    - (B) Demolition Delay. In the case of a site plan involving partial demolition governed by the demolition waiting period provisions of Section 20.09.230, Demolition and demolition delay, the application shall include a photograph or an accurately-scaled drawing of each building elevation, both existing and proposed, that will be physically affected either by the proposed partial demolition or by any proposed construction, reconstruction or alteration associated therewith. Each such depiction shall clearly show or indicate all proposed changes in design or material that will be subject to public view. Each such depiction shall also identify with reasonable specificity the type, design and location relative to the elevation of all proposed building materials.
  - (7) Traffic studies as deemed necessary by the staff to determine the extent of public improvements required to accommodate traffic generated by the proposed development.
  - (8) Where such features are included in a development proposal, a detailed description of the sustainable development features that are incorporated into the proposed site plan, including any supplementary materials required to explain such features.
  - (9) Miscellaneous. The staff shall inform the applicant of any additional documents or data requirements after the pre-application conference. Such additional documents or data shall include but not be limited to those required by Chapter 20.05, EN (Environmental Standards), where applicable.
- (e) Site Plan Review Process.
- (1) Review of Applications. Upon receipt of a full and complete application for site plan review, including supportive documents and the appropriate fees, the staff shall review the application and supportive documents for technical conformity with the standards of the Unified Development Ordinance. Final review of the proposed site plan will be assigned to staff or the plan commission based on the following criteria:
    - (A) Plan Commission. The plan commission shall review the following site plans:
      - (i) Any site located within five hundred feet of the centerline of State Road 37;
      - (ii) Any downtown projects that require plan commission review as directed by Chapter 20.03, Overlay Districts;
      - (iii) Any multifamily development of one hundred dwelling units or more;

- (iv) Any nonresidential development of twenty-five thousand square feet gross floor area or more;
  - (v) Any site plan incorporating the construction of a new street as shown on the thoroughfare plan; and
  - (vi) Subject to the discretion of the planning and transportation director, any site plans containing more intense land uses adjacent to existing, less intense land uses.
- (B) Planning and Transportation Department. The staff shall review any site plans that do not meet the criteria provided in subsection (e)(1)(A) above.
- (2) Upon receiving a request for information or documentation, a recommendation for modifications from the staff or a denial by the staff, an applicant may request site plan review by the plan commission no later than five days after receipt by the applicant of the request from the staff for more information, documentation, changes, or notice of staff denial. Failure by an applicant to file such request in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for site plan approval.
  - (3) Any person, other than the applicant, aggrieved by a site plan decision by the staff may appeal the staff decision to the plan commission. Such appeal shall be filed in the planning and transportation department within five days of the staff's decision. The appeal shall specify the grounds for the appeal and must be filed in the form established by the plan commission rules of procedure. All appeals shall be accompanied by fees required by the plan commission rules of procedure.
  - (4) The plan commission decision shall be based on the evidence presented to the plan commission by the applicant, the staff, and other interested parties. The burden of proof shall be borne by the applicant.
  - (5) The plan commission shall act as promptly as practicable on any site plan review.
  - (6) The plan commission shall hold a public hearing in accordance with Section 20.09.060, Public hearing procedures and review the site plan according to the criteria established in subsection (e)(9) below.
  - (7) The plan commission may approve or disapprove a site plan or may approve with conditions which are reasonably necessary to satisfy the applicable development standards. The plan commission may also permit or require recordable commitments governing the use or development of property in accordance with the plan commission rules of procedure.
  - (8) Approval of a site plan shall be effective for a maximum period of one year unless, upon application by the developer, the approving authority grants an extension.
  - (9) The staff or plan commission, whichever is reviewing the site plan, shall make written findings concerning each decision to approve or disapprove a site plan.
    - (A) Findings of Fact. A site plan shall be approved by the staff or plan commission only upon making written findings that the site plan:
      - (i) Is consistent with the growth policies plan;
      - (ii) Satisfies the requirements of Chapter 20.02, Zoning Districts;
      - (iii) Satisfies the requirements of Chapter 20.05, Development Standards;
      - (iv) Satisfies the requirements of Chapter 20.07, Design Standards; and
      - (v) Satisfies any other applicable provisions of the Unified Development Ordinance.
    - (B) Signature. The planning and transportation director shall be responsible for signing the written findings.
    - (C) Disapproval Notification. The staff shall furnish the petitioner with a copy of the decision.

(Ord. 06-24 § 3 (part), 2006).

(Ord. No. 09-12, 9-16-2009; Ord. No. 13-02, §§ 7, 8, 1-16-2013; Ord. No. 14-12, §§ 3, 5, 7, 27, 7-9-2014)

**Ord 18-01 – SECTION 3 (Adds and Deletes Text – with Substantive [but not formatting<sup>1</sup>] changes Highlighted in Yellow)**

**20.09.130 Development Standards Variance**

(a) Intent: The purpose of *Section 20.09.130; Development Standards Variance* is:

- (1) To outline the process by which petitions for variances from the development standards of the Unified Development Ordinance are considered;
- (2) To provide a mechanism to approve those petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in practical difficulties, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done.

(b) Applicability:

- (1) The Board of Zoning Appeals or Hearing Officer, in accordance with the procedures and standards set out in *Chapter 20.09: Processes, Permits and Fees*, may grant variances from the development standards applicable to the zoning district in which the subject property is located.
- (2) *Effect of Approval of Variances from the Development Standards*: The grant of variances from the development standards authorizes the development and establishes the terms of use. Variances from development standards are also subject to Site Plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(c) Exceptions:

- (1) *Subdivision Control*: It is not within the jurisdiction of the Board of Zoning Appeals or Hearing Officer to grant Development Standards Variances of *Chapter 20.06: Subdivision Types* or *Chapter 20.07: Design Standards*.

(d) Application: Refer to application requirements found at *Section 20.09.030: Applications; General*.

(e) Findings of Fact: Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
- (2) The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

---

<sup>1</sup> Much more of this section was changed than is indicated in yellow. Those changes – indicated with red underline and blue strike-through - merely capitalized certain terms. Changes in lettering of latter parts to account for insertions are noted below (but not highlighted).

**(f) Determinate Sidewalk Variance Considerations: While not to be included as separate findings of fact, items to consider when determining the practical difficulties or peculiar conditions associated with a determinate sidewalk variance include, but are not limited to:**

- (1) That the topography of the lot or tract together with the topography of the adjacent lots or tract and the nature of the street right-of-way make it impractical for construction of a sidewalk; or**
- (2) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians; or**
- (3) The adjacent lot or tracts are at present developed without sidewalks and there is no reasonable expectation of additional sidewalk connections on the block in the near future; or**
- (4) The location of the lot or tract is such that a complete pedestrian network is present on the other of the street on the same block; or**
- (5) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.**

**(g) Commitment for Determinate Sidewalk Variance: Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a Zoning Commitment pursuant to 20.09.110 Commitments; Variance and Conditional Use indicating that the determinate sidewalk variance was approved and that future installation of sidewalk may be required. The petitioner shall record the Zoning Commitment in the Monroe County Recorder's Office before a Certificate of Zoning Compliance is issued.**

*(Subsequent parts have been re-lettered accordingly below)*

**(h) Signature**: The findings of fact shall be signed by the Chair of the Board of Zoning Appeals or the Hearing Officer.

**(i) Notification**: The staff shall furnish the petitioner with a copy of the decision of the Board of Zoning Appeals or Hearing Officer.

**(j) Duration**:

- (1)** Unless otherwise specified at the time of approval, any Development Standards Variance granted by the Board of Zoning Appeals or Hearing Officer shall expire:
  - (A)** (In cases where new construction or modifications to an existing structure are required, three (3) years after the date that the Development Standards Variance was granted, unless a Building Permit has been obtained and construction of the structure or structures has commenced; or
  - (B)** (In cases where new construction or modifications to an existing structure are not required, three (3) years after the date that the Development Standards Variance was granted, unless a Certificate of Occupancy has been obtained and the use commenced; or
  - (C)** (At the date of termination as established by the Board of Zoning Appeals or Hearing Officer as a condition or commitment if different from Subdivision 20.09.130(j)(1)(A) or Subdivision 20.09.130(j)(1)(B) above.
- 2)** If an appeal by writ of certiorari is taken from an order granting a Development Standards Variance, the time during which such appeal is pending shall not be counted in determining whether the Development Standards Variance has expired under Subdivision 20.09.130(j)(1)(A), Subdivision 20.09.130(j)(1)(B), or Subdivision 20.09.130(j)(1)(C) above.

**Ord 18-01 – SECTION 4 (Deleting Text)**

**20.09.135 — Sidewalk and determinate sidewalk variances.**

**(a) Intent.** The purpose of this section is:

- (1) To outline the process by which petitions for a sidewalk variance and a determinate sidewalk variance are considered;**
- (2) To provide a mechanism to approve these petitions that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of Section 20.05.010(b)(3) will result in practical difficulties, and so that the spirit of Section 20.05.010(b)(3) shall be observed and substantial justice done.**

**(b) Applicability.** The board of zoning appeals or hearing officer, in accordance with the procedures and standards set out in Chapter 20.09, Processes, Permits and Fees, may grant sidewalk variances and determinate sidewalk variances.

**(c) Findings of Fact for Sidewalk Variance.** Pursuant to IC 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and**
- (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and**
- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties; and**
- (4) That the topography of the lot or tract together with the topography of adjacent lots or tract and the nature of the street right-of-way make it impractical for the construction of a sidewalk as required by Section 20.05.010(b)(3); and**
- (5) That the pedestrian traffic reasonably to be anticipated over and along the street adjoining such lot or tract upon which the new construction is to be erected is not and will not be such as to require sidewalks to be provided for the safety of pedestrians.**

**(d) Findings of Fact for Determinate Sidewalk Variance.** Pursuant to IC 36-7-4-918.5, the board of zoning appeals or hearing officer may grant a determinate variance from Section 20.05.010(b)(3) of the Unified Development Ordinance if, after a public hearing, it makes findings of fact in writing, that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and**
- (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and**
- (3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties; and**
- (4) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; and**
- (5) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; and**
- (6) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.**

**(e) Notification.** The staff shall furnish the petitioner with a copy of the decision of the board of zoning appeals or hearing officer.

**(f) Duration.** Unless otherwise specified at the time of approval

- (1) In the event that the board of zoning appeals or hearing officer authorizes a determinate variance, such variance shall continue in effect until the date at which the board of zoning appeals or hearing officer shall set to reconsider variances granted under the authority of this section. All such variances which were granted by the board of zoning appeals or hearing officer shall expire at that time unless an extension is granted. Should no extension be applied for, or the board of zoning appeals or hearing officer denies such application for extension, the owner of the lot or tract shall be required to construct a sidewalk on the lot or tract at that time.**

~~(2) Any person who has been granted a determinate variance by the board of zoning appeals or hearing officer and subsequently transfers to another party any recordable interest in the lot or tract shall cause such conveyance to be made subject to the variance and cause the variance to be noted on the instrument of conveyance to be recorded.~~

~~(Ord. No. 14-12, § 16, 7-9-2014)~~

o o o o o

## **Chapter 20.11 DEFINITIONS**

### **Sections:**

[20.11.010 General.](#)

[20.11.020 Defined words.](#)

### **20.11.010 General.**

The definitions contained in this chapter shall be observed and applied in the interpretation of all chapters in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

(Ord. 06-24 § 3 (part), 2006).

### **20.11.020 Defined words.**

The following terms shall have the following meanings:

o o o o o

Lot, Zoning. "Zoning lot" means a single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

"Lot of record" means a lot which was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the office of the Monroe County recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the office of the Monroe County recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

### **Ord 18-01 – SECTION 5 (Adding Text)**

**Variance, Determinate Sidewalk: A temporary variance from sidewalk construction requirements that may be rescinded by the City at any time if there is a change to the characteristics or context that justified the variance related to the property or surroundings.**



In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, October 24, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
Tuesday, October 24, 2017

Clerk's Note: On August 29, 2017, the Common Council called to order a Special Session, which began the Council's consideration of Resolution 17-28 to be completed over a series of meetings. Please refer to the minutes from that meeting for a description of the procedure for consideration of the resolution and amendments thereto.

Resolution 17-28 – To Adopt the City's Comprehensive Plan

Roll Call: Sturbaum, Chopra, Sandberg, Volan, Piedmont-Smith, Sims, Rollo  
Members Absent: Ruff, Granger

ROLL CALL

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION

Councilmember Isabel Piedmont-Smith moved and it was seconded to approve the minutes of August 29, 2017. The motion was approved by voice vote.

APPROVAL OF MINUTES  
August 29, 2017 (Special Session)  
[6:32pm]

Scott Robinson, Planning Services Manager, introduced himself and provided a general overview of the structure and purpose of the Comprehensive Plan (Plan). He explained the structure of the Plan. He summarized the introduction and executive summary sections, briefly explaining what each section contained and what they attempted to accomplish. He asked if the Council had any questions about those sections.

Presentation, Discussion, and Public Comment on Introduction and Executive Summary

Piedmont-Smith asked for more information about a graph depicting population change in the city over time.

Council Questions:

Robinson explained how to read the graph in question.

Councilmember Steve Volan pointed out that the growth in enrollment at Indiana University made up a large portion of the overall population growth of the city.

Councilmember Chris Sturbaum asked for more information regarding the projection of 6,100 housing units that would need to be replaced between 2010 and 2030, listed on page 22 of the Plan.

Robinson pointed out that the data covered the metropolitan statistical area, not just the city. He also said the information was meant to be a projection. He did not read the passage as calling for 6,100 demolitions within the corporate boundaries.

Sturbaum said the passage concerned him due to other portions of the Plan that called for more density in neighborhoods to accommodate growing housing needs. He said the numbers used in the projection were inconsistent with his vision and understanding of Bloomington's future needs. He thought the passage called for demolitions and was not clear as to the geographic area. He asked whether the passage reflected the city's vision for Bloomington and, if not, asked why it was in the document.

Robinson said the passage was a projection on growth and the Plan later addressed how to manage that growth.

Sturbaum said it was a projection of how many units would need to be replaced.

Piedmont-Smith pointed out that units included apartments and not just single-family houses.

Sturbaum said the Plan did not call for replacing aging multi-family units.

Volan suggested Sturbaum's concerns could be addressed through an amendment.

Sturbaum asked why the data was in the document if the city did not intend to demolish 6,100 homes.

Robinson said the date was meant as an preliminary evaluation of where the city was and what could happen in the future.

Sturbaum asked if it was appropriate to leave the information in the Plan if it was confusing or misleading.

Robinson said it was simply a statement of the growth that could happen in the community. He said it was included as information for people to consider.

Councilmember Dave Rollo wondered if the data was based on historical figures.

Robinson said he did not know the methodology used by the consultant in generating the estimate. He reiterated the numbers were an estimate and might not be what actually occurred.

Rollo suggested that the Council might need more information about how that estimate was created.

Robinson said he could try to follow up with the consultant that had generated the data. He reiterated that the figures provided were for the metropolitan statistical area, which was much larger than the city limits. He also said the estimates were simply meant to provide background information and were meant to be considered as the city managed growth.

Sandberg pointed out that upcoming amendments might also be relevant to the discussion of housing needs and market analyses.

Sturbaum referred to other passages in the Plan that called for guiding future multi-family developments to areas appropriate for higher density. He thought the background information he had referred to would be used to justify higher densities in neighborhoods, which he considered inappropriate.

Robinson provided additional information on how the consultant estimated that 6,100 units would need to be replaced. He pointed out that the estimate was for a two-county area and included multi-family units.

Sturbaum said he viewed the Plan as a city plan, not a regional plan.

Robinson said some of the data was only available at the level of the metropolitan statistical area.

Sturbaum wondered if the data for the larger metropolitan statistical area would then be used to justify more density in the smaller city limits. He did not want the need for denser housing to be exaggerated.

Robinson said no.

Piedmont-Smith wanted to add chapter numbers to the table of contents and asked whether an amendment would be necessary to do so.

Robinson said staff could easily add chapter numbers, but thought the approval process might require an amendment.

Council Attorney Dan Sherman confirmed that such a change would need to be made through an amendment in writing.

Presentation, Discussion, and  
Public Comment on  
Introduction and Executive  
Summary  
(cont'd)

Volan said he too had concerns about the organization of the document. He suggested there could be an omnibus amendment to address any such concerns.

Presentation, Discussion, and Public Comment on Introduction and Executive Summary (*cont'd*)

Jan Sorby voiced her concern over the 6,100 estimate of number of buildings that would need to be replaced.

Public Comment:

John Kennedy spoke about the need for better estimates in the Plan.

Jon Lawrence expressed concern about using inaccurate estimates as justification for demolishing homes.

Jane Goodman said she was concerned with houses being replaced by multi-family developments and with the Comprehensive Plan process in general.

Glenda Murray said she was concerned with poor data that could be confusing or misleading.

Rachel Glago spoke about the inevitability of growth and the need for increased density.

Denise Valkyria said she was concerned with allowing multi-family units to be built in residential neighborhoods.

Volan responded to the concerns voiced about the number of housing units that would need to be replaced in the future. He provided context for the geographical area to which the 6,100 estimate applied. He pointed out that amendments could be introduced to address the passage in question.

Council Comment:

Sturbaum acknowledged growth was inevitable but said his concern was where that growth would occur. He saw a theme in the Plan of densifying single-family neighborhoods. He said he was trying to point out those statements throughout the plan and thought those statements should be removed if that was not the Council's vision for Bloomington's future.

Rollo said he shared the concern over the 6,100 estimate of units that would need to be replaced. He thought the estimate was ambiguous because there was no information about how it was created. He thought the figure should be taken out of the plan or more information should be included to justify the estimate.

Piedmont-Smith said she thought the Plan should be updated regularly. She thought the controversial paragraph with the 6,100 estimate could just be removed. She wanted to avoid any suggestion that the city wanted to demolish some of the more affordable housing that existed in the city.

Volan suggested that people were reading too much into the demographic data. He said that it was only a problem if the Council allowed such a statistic to set policy for the city. He pointed out that the concerns voiced were fixated on single-family neighborhoods but that half of city residents were students. He said that affordable student housing should be considered as well.

Sturbaum said he was surprised to hear that Volan was not more concerned with misleading information in the Plan. He thought the estimates applied to a larger area than the city and were therefore misleading.

Presentation, Discussion, and Public Comment on Introduction and Executive Summary (*cont'd*)

Sandberg said she believed a market analysis that looked at the city's housing stock was necessary and said it would be addressed in coming amendments.

Robinson explained that the chapter followed the same structure as other chapters. He said the chapter was based on the major objective of fortifying the community and economic vibrancy. He briefly described the chapter's narrative section and noted the goals contained within the chapter. He said there were 25 policies that followed from the goals, along with numerous programs, followed finally by outcomes and indicators meant to measure performance.

Presentation, Discussion, and Public Comment on Community Profile, Chapter 1: Community Services & Economy

Volan pointed out that Chapter 1, more than other chapters, dealt with issues other than the built environment. He asked what the purpose of the chapter was.

Council Questions:

Robinson said the chapter did address aspects of the built environment. He said Chapters 1 and 2 were largely in response to community feedback. He said some of those concerns did relate to the built environment.

Volan read previous comments made by the Mayor stating that the Plan was meant to deal with the built environment, not to be a master plan that dealt with every aspect of life in the city. He asked how that vision of the plan comported with the aspects of Chapter 1 that seemed to deal with things other than the built environment.

Robinson said that the information provided could be aspirational and could help avoid looking at issues in a vacuum. He said the chapter was meant to be a starting point to help guide policies and programs.

Sturbaum asked whether there should be some mention of homelessness or drug addiction issues in the chapter.

Robinson said the chapter did not necessarily deal with specific issues and was more general in nature. He said there was a balance in how much background information to include in the narrative portions of the chapters.

Rollo pointed out that the chapter had many references to growth. He asked whether there had been any discussion of what would be an optimum size for Bloomington.

Robinson said that the Plan was meant to be the beginning of a process that would continually look at how Bloomington was growing and how best to manage that growth.

Rollo said he was not looking for an answer in the Plan. He wondered if the question had ever been raised.

Robinson said it had not been raised in the way Rollo phrased it, but had been brought up in a more general discussion of how to deal with growth.

Terry Amsler spoke about the importance of public engagement.

Public Comment:

Lindsay Brown spoke about the speed of traffic in the Broadview neighborhood.

Sorby spoke about quality of life as an economic driver.

Presentation, Discussion, and Public Comment on Community Profile, Chapter 1: Community Services & Economy (*cont'd*)

Valkyria spoke about walkability and community health issues.

Rollo spoke about the need to consider Bloomington's constraints when addressing growth. He said growth was not the same thing as development and would not automatically lead to a better quality of life in the city. He suggested using metrics to measure quality of life.

Council Comment:

Volan said the Plan was not meant to be a master strategic plan for the whole city. He thought there were portions of the Plan that were not related to location or the built environment. He said he was unsure how to address the problem, but wanted to bring it up so people could think about it.

Rollo responded to Volan's concern by saying that economic, social, environmental and other considerations did impact how the built environment should develop and how people interacted with the built environment.

Volan reiterated his view that the Plan contained issues beyond the built environment. He also said that, despite Rollo's suggestion of an optimum size for Bloomington, growth was inevitable and the city had to plan for it.

Robinson pointed out that the enabling statute authorized the Plan to be comprehensive in nature.

Robinson explained that Chapter 2's major objective was to sustain and celebrate the arts and education of the community. He outlined the organization of the chapter, which followed the organization of other chapters.

Presentation, Discussion, and Public Comment on Chapter 2: Culture and Identity

Piedmont-Smith asked what urban centers and neighborhood villages were, as mentioned in Goal 2.1.

Council Questions:

Robinson said urban centers were locations with a lot of activity, such as downtown or other commercial nodes. He said neighborhood villages could be something like a neighborhood park or smaller commercial centers.

Piedmont-Smith asked if there were definitions for the terms in the Plan.

Robinson said no and explained how the terms were meant to be used.

Gabe Gloden spoke about the need for art in public spaces.

Public Comment:

Sorby spoke about the importance of public art.

Sandberg said the issues addressed by the chapter were important to the quality of life in the city and were what made Bloomington such an attractive place to live. She said she would support increasing funding for the Art Commission. She hoped to bring forward an amendment to encourage the city to make more of an investment in public facilities that hosted art in the city. She also thought there should be more included in the chapter about Bloomington's diverse residents.

Council Comment:

Chopra said she would support the amendment suggested by Sandberg and thought there should be increased support for public art.

Presentation, Discussion, and Public Comment on Chapter 2: Culture and Identity (*cont'd*)

Volan thought Chapter 2 did a better job of adhering to issues related to the built environment. He thought increasing funding for the arts was a good thing, but not something that should be addressed by a Plan meant to deal with the physical environment of the city.

Rollo said Chapter 2 did a good job of discussing the sorts of things that affected quality of life. He distinguished between growth for growth's sake, and meaningful investment and improvement in quality of life. He thought having a quality-of-life indicator might help direct meaningful development.

Piedmont-Smith provided a reminder that the city contributed \$50,000 each year to the Buskirk-Chumley Theater. She agreed that there could be stronger language in the chapter to support the arts. She suggested a few areas that could be strengthened.

Volan clarified his earlier comment by adding that he thought growth was inevitable and that the Plan should focus on guiding that growth to appropriate locations.

Robinson explained what was contained in the appendix.

Presentation, Discussion, and Public Comment on Appendix

Piedmont-Smith asked whether there would need to be amendments to the appendices to incorporate changes made by other amendments.

Council Questions:

Robinson said staff would incorporate any changes to the appendices.

Volan moved and it was seconded to adopt amendments (60, 61, 63, 64, 69) listed under the consent agenda.

CONSENT AGENDA:

The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 0 (Chopra out of the room).

Vote on Consent Agenda Items [8:20pm]

It was moved and seconded to adopt Amendment 49.

Amendment 49

Sturbaum described the amendment and explained it was intended to address comments in the Plan that seemed to support densifying single-family neighborhoods.

Sandberg asked if staff had any thoughts on the amendment.

Council Questions:

Robinson said that the amendment confused density with certain rental requirements prohibiting more than three unrelated adults. He also pointed out that the passage in question was meant to apply to all neighborhoods, both existing and new.

Sorby, Sandi Clothier, Lawrence, Kennedy, and Goodman spoke in support of the amendment.

Public Comment:

Rachel Glago spoke against the amendment.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 49.

Amendment 01 to Amendment 49

Volan said he supported the change to Amendment 49.

Council Comment:

Chopra asked where underutilized housing types should be located.

Piedmont-Smith said they could be located along corridors going into and out of downtown.

Sturbaum listed additional locations where he thought such housing was appropriate.

Chopra said she did not understand why people who wanted different housing types should be excluded from single-family neighborhoods.

Piedmont-Smith said many of the core single-family neighborhoods were affordable. She thought allowing more multi-family developments in the single-family neighborhoods would allow developers to buy land and build student-oriented developments that would not be affordable. She did not view the amendment as excluding people from the neighborhoods. She thought anyone wanting to live in the neighborhoods would have a better chance of finding something affordable in the existing neighborhoods.

Volan asked what people meant when they referred to neighborhoods. He wondered where the borders of such areas were located.

Sturbaum said edges of neighborhoods could be addressed in different ways, like allowing conditional uses.

Chopra asked if the amendment was calling for diversity in pocketed areas.

Piedmont-Smith said no, and pointed out that many of the neighborhoods under discussion were already diverse.

Sturbaum said that neighborhoods like Broadview had natural-occurring affordable housing and were also the neighborhoods least able to protect themselves.

Chopra asked which neighborhoods were included when the term neighborhoods was used.

Piedmont-Smith said the text of the amendment applied to single-family neighborhoods.

The motion to adopt Amendment 01 to Amendment 49 received a roll call vote of Ayes: 6, Nays: 1 (Chopra), Abstain: 0.

Vote on Amendment 01 to Amendment 49 [9:02pm]

Rollo moved and it was seconded to adopt Amendment 02 to Amendment 49.

Amendment 02 to Amendment 49

Sorby asked for the amendment to be read.

Public Comment:

Volan read the amendment.

Chopra asked why new diverse housing types had to be relegated to arterials and vacant commercial spaces. She said that felt exclusionary rather than encouraging diversity.

Council Comment:

Sturbaum said there would be unwanted consequences if single-family zoning were eliminated to allow diverse housing types in single-family neighborhoods.

Rollo said that the change he was proposing to the amendment simply eliminated the directive to guide diverse housing types into neighborhoods. He thought such housing could be appropriate in many different locations, but thought it should not be directed only into neighborhoods.

Amendment 02 to Amendment 49  
(cont'd)

Volan pointed out there was a logic to the policy as originally written, but he was agnostic about Rollo's suggested change.

The motion to adopt Amendment 01 to Amendment 49 received a roll call vote of Ayes: 5, Nays: 1 (Chopra), Abstain: 1 (Volan).

Vote on Amendment 02 to Amendment 49 [9:12pm]

Lawrence said the amended Amendment 49 encouraged diverse housing in the entire city, not just neighborhoods.

Public Comment:

Sorby spoke about locations where diverse housing options could be located.

Clothier spoke about affordable housing.

Goodman spoke about existing diversity in neighborhoods.

Chopra clarified that she did not intend to imply that single-family zoning should be eliminated.

Council Comment:

Volan said he was frustrated with some of the points made and concerns raised about the number of housing units that would need to be replaced in the future. He also said he was still unclear on whether people considered arterial roads part of neighborhoods. He raised concerns with the rhetoric surrounding the issue.

The motion to adopt Amendment 49 as amended received a roll call vote of Ayes: 6, Nays: 1 (Chopra), Abstain: 0.

Vote on Amendment 49 as amended [9:26pm]

Volan moved and it was seconded to adopt Amendment 50.

Amendment 50

Piedmont-Smith explained how the amendment would change the text of Goal 5.4 of the Plan.

Lawrence and Clothier spoke in support of the amendment.

Public Comment:

The motion to adopt Amendment 50 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 50 [9:30pm]

Volan moved and it was seconded to adopt Amendment 51.

Amendment 51

Sandberg explained the additions made by the amendment.

Robinson suggested that future updates might encompass the entire Plan, not simply individual chapters. He also clarified the title of Chapter 5.

Volan asked whether the amendment could call for future updates to Chapter 5 of the Plan rather than a separate Housing Strategy document.

Council Questions:

Sandberg said the amendment had been inspired by work done by the Affordable Living Committee. She invited Deborah Myerson to speak about the issue.



Myerson spoke about the work of the Affordable Living Committee and the need for a Housing Strategy.

Amendment 51 (cont'd)

Volan asked whether the Housing Strategy would be more appropriately named a Housing Strategic Plan.

Myerson said there were different names that could be used, but it referred to something more detailed than what was included in the Comprehensive Plan.

Myerson spoke in favor of the amendment.

Public Comment:

Volan moved and it was seconded to adopt Amendment 01 to Amendment 51.

Amendment 01 to Amendment 51

Volan suggested that a separate Housing Strategy was not needed, and that Chapter 5 of the Plan could effectively serve the same purpose.

Myerson explained why a separate Housing Strategy was appropriate.

Volan withdrew Amendment 01 to Amendment 51.

Volan suggested Housing Strategy might need to be defined in the glossary.

Council Comment:

The motion to adopt Amendment 51 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 51 [9:40pm]

Volan moved and it was seconded to adopt Amendment 52.

Amendment 52

Sandberg described the amendment.

Robinson said that staff had some concerns about the need to create another commission and the resources required to manage it.

Sandberg said that the request for the commission was coming from the Affordable Living Committee and would help continue the work started by that committee.

Chopra asked whether the commission seats would be filled exclusively by members of the public.

Sandberg said that the amendment did not include that level of detail.

Council Questions:

Sturbaum suggested that the amendment should only call for a housing commission without also including language about some other appointed citizen advisory body.

Volan thought that the original language of the amendment was appropriate for the Plan.

Sandberg said she wanted a Housing Commission that would help continue the work that was started by the Affordable Living Committee.

Sturbaum moved and it was seconded to adopt Amendment 01 to Amendment 52.

Amendment 01 to Amendment 52

The motion to adopt Amendment 01 to Amendment 52 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 52 [9:47pm]

Volan said that the administration was hesitant to add additional commissions without also reviewing and overhauling Title 2 of the city's municipal code.

Amendment 52 as amended  
(cont'd)  
Council Comment:

Sandberg said she was not proposing the commission lightly. She thought the work done by the Affordable Living Committee was important and should be continued.

The motion to adopt Amendment 52 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 52 as amended [9:49pm]

Volan moved and it was seconded to adopt Amendment 56.

Amendment 56

Sturbaum described the amendment and explained that the Council Sidewalk Committee was well-positioned to identify and prioritize sidewalk improvement projects as called for by the Plan.

Volan asked how much more funding would be appropriate.

Council Questions:

Sturbaum said it would be a balance between need and ability, but thought that because the Plan was a guiding document, it was appropriate to call for a general increase in funding.

Piedmont-Smith thought that calling for increased funding was too specific for the purposes of the Plan. She suggested changing the amendment.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 56.

Amendment 01 to Amendment 56

Robinson echoed Piedmont-Smith's concerns with the original language of the amendment. He also pointed out that the city implemented street and sidewalk improvements through other means than just the Council Sidewalk Committee. He supported Piedmont-Smith's suggested change.

Lawrence, Clothier, and Sorby spoke in favor of increased sidewalk funding.

Public Comment:

Volan thought both the original amendment and the change proposed by Piedmont-Smith were pointless and said he disagreed with staff's desire to keep the Plan general, rather than specific.

Council Comment:

Sturbaum said he preferred the amendment as originally proposed because the Council Sidewalk Committee heard directly from constituents and was well-positioned to address problems.

Chopra said she would support Piedmont-Smith's suggested change because she thought the call for increased funding was inappropriate for the Plan.

The motion to adopt Amendment 01 to Amendment 56 received a roll call vote of Ayes: 6, Nays: 1 (Volan), Abstain: 0.

Vote on Amendment 01 to Amendment 56 [10:00pm]

The motion to adopt Amendment 56 as amended received a roll call vote of Ayes: 6, Nays: 1 (Volan), Abstain: 0.

Vote on Amendment 56 as amended [10:01pm]

Volan moved and it was seconded to adopt Amendment 57.

Amendment 57

Sandberg described the amendment.

The motion to adopt Amendment 57 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 57 [10:02pm]

Volan moved and it was seconded to adopt Amendment 59.

Amendment 59

Rollo described the changes made by the amendment. He said that the Plan had no mention of climate change, so the amendment was intended to address that.

Piedmont-Smith echoed Rollo's comments. She said that many of the amendments already approved as part of the consent agenda also addressed the issue of climate change and efforts the city could make to address climate change.

Nick Kappas, Clothier, and Sorby spoke in favor of the amendment.

Public Comment:

Sandberg pointed out that the process of approving the Plan was a long one and said that the Council would be discussing extending deliberations even further.

Council Comment:

Volan said that the Imagine Bloomington process started in 2011. He said the process had been a transparent and public process. He praised both the amendment and the original text in the Plan for emphasizing that the city should be more serious about protecting the natural environment.

Chopra thanked the sponsors of the amendment.

The motion to adopt Amendment 59 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 59 [10:16pm]

Volan moved and it was seconded to adopt Amendment 65.

Amendment 65

Rollo described the amendment.

Volan asked Rollo what he thought about removing the bullet-point in question all together.

Council Questions:

Rollo said he supported Amendment 65 as originally proposed.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 65.

Amendment 01 to Amendment 65

Piedmont-Smith said the amendment seemed meaningless, as the Plan could call for improving many aspects of the city.

Rollo suggested that the original amendment could be adopted and the topic could be revisited later.

Kappas spoke in favor of Amendment 01 to Amendment 65, but hoped that the topic would be addressed further by a future amendment.

Public Comment:

Volan said he agreed with Rollo that the original amendment could serve as a place-holder for the topic.

Amendment 01 to Amendment 65  
(cont'd)  
Council Comment:

Sandberg agreed that the original amendment could serve as a place-holder. She believed that there should be an examination of the new sanitation system and how it was working.

Piedmont-Smith pointed out that Amendment 66 also addressed sanitation.

The motion to adopt Amendment 01 to Amendment 65 received a roll call vote of Ayes: 2 (Sims, Piedmont-Smith), Nays: 5, Abstain: 0. FAILED.

Vote on Amendment 01 to Amendment 65 [10:23pm]

The motion to adopt Amendment 65 received a roll call vote of Ayes: 6, Nays: 1 (Piedmont-Smith), Abstain: 0.

Vote on Amendment 65 [10:24pm]

Volan moved and it was seconded to adopt Amendment 66.

Amendment 66

Piedmont-Smith described the amendment.

Sturbaum asked if Piedmont-Smith was proposing to bring back trash stickers.

Council Questions:

Piedmont-Smith said the amendment did not specify how a pay-as-you-throw system would be implemented, but she felt there should be some correlation between how much people threw away and how much they paid for trash service.

Volan suggested that a rebate system might be the most practical way of implementing such a system.

Rollo thought there was already a pay-as-you-throw system in place, because different-sized bins were charged differently.

Volan said that was not a true pay-as-you-throw system, because the customer would still be charged even if the bin was not set out on the curb.

Sturbaum moved and it was seconded to adopt Amendment 01 to Amendment 66.

Amendment 01 to Amendment 66

Chopra said the amendment as originally proposed was the better option if the Council wanted a pay-as-you-throw system.

Rollo said he preferred the language suggested by Sturbaum, as there was too much ambiguity as to how such a system would be implemented.

Lawrence said he supported a pay-as-you-throw system.

Public Comment:

Kennedy spoke against Amendment 01 to Amendment 66.

Volan said he did not support Amendment 01 to Amendment 66. He thought calling for the development of a pay-as-you-throw system was appropriate, because many of the concerns with such a system had already been addressed.

Council Comment:

Rollo asked whether the Public Works Department had committed to a pay-as-you-throw system within a certain timeframe.

Robinson thought that the department was still evaluating how the new sanitation system was working.

Rollo asked why the Plan should call for developing a pay-as-you-throw system when the city just moved from such a system to its current system.

Amendment 01 to Amendment 66  
(cont'd)

Volan provided additional details about the financing of the sanitation system. He doubted whether the city would ever revert to a system that did not pay for itself.

Chopra said she would support Amendment 66 as originally proposed by Piedmont-Smith.

Sturbaum thought that the issue was sufficiently complicated that the Plan should not dictate to the department what sort of system to implement before the department finished studying the existing system that had just been put in place.

Volan reiterated his support for Amendment 66 as originally proposed.

Rollo said he did not know if a pay-as-you-throw system would be feasible given the new changes to the sanitation system, so he supported Amendment 01 to Amendment 66.

The motion to adopt Amendment 01 to Amendment 66 received a roll call vote of Ayes: 3 (Sturbaum, Sandberg, Rollo), Nays: 4, Abstain: 0. FAILED.

Vote on Amendment 01 to  
Amendment 66 [10:41pm]

The motion to adopt Amendment 66 received a roll call vote of Ayes: 5, Nays: 2 (Sturbaum, Sims), Abstain: 0.

Vote on Amendment 66 [10:41pm]

Volan moved and it was seconded to introduce Amendment 67. The motion received a roll call vote of Ayes: 0, Nays: 7, Abstain: 0.

Amendment 67

Volan moved and it was seconded to extend deliberations of Resolution 17-28 as follows:

COUNCIL SCHEDULE

I move that the Council amend its schedule for review of Res 17-28 (Proposing Adoption of the Comprehensive Plan) as set forth below.

On the following dates, the Council will take the following actions:

- Tuesday, November 7, 2017 – the Council will meet and cover the same topics as previously scheduled for the date, but in a different order. At this meeting, the Council will:
  - Begin with an overall review of the Comprehensive Plan as amended (which will include an opportunity for staff and the public to comment on the progress of the deliberations and the proposed changes to the Plan);
  - Consider any amendments carried over from the previous meeting; and lastly,
  - Consider amendments to the parts of the Comprehensive Plan presented and discussed at the October 24, 2017 meeting (Introduction and Executive Summary; Community Profile; Chapter 1 Community Services & Economy; Chapter 2: Culture & Identity; and Appendix);

COUNCIL SCHEDULE (cont'd)

- Tuesday, November 28<sup>th</sup> at Noon (*not November 14<sup>th</sup>*) – Council members may file further amendments by this date and time. These amendments pertain to the review of the Comprehensive Plan as a whole on November 7<sup>th</sup> and will be released by the Council Office on Friday, December 1<sup>st</sup>;
- Tuesday, December 5<sup>th</sup> at 6:30 pm – the Council will hold another meeting of the Special Session to consider amendments released the previous Friday;
- Tuesday, December 12<sup>th</sup> at 7:00 pm – if needed, the Council has scheduled a back-up meeting of the Special Session on this date and time to conclude consideration of those amendments and forward the legislation to the first regular meeting of the new year);
- Friday, December 15<sup>th</sup> – the Council Office will release a compilation of amendments – including those adopted, rejected, and withdrawn;
- Tuesday, January 2<sup>nd</sup> at Noon – Council members may file final amendments which will be released by the Council Office on Friday, January 5<sup>th</sup>;
- Wednesday, January 10<sup>th</sup> at 6:30 pm – the Council will hold its first regular meeting of the new year. After preliminary matters are concluded, the Council will:
  - introduce the Comprehensive Plan under a new resolution number,
  - ratify previous actions and amendments,
  - consider additional and perhaps reconsider past amendments, and,
  - consider a motion to adopt Res 17-28 as amended.
- Wednesday, January 17<sup>th</sup> at 6:30 pm – the Council may use this Regular Session (if needed) to finish consideration of the amendments and consider motion to adopt the Plan as amended by the Council.

The Council and staff had an extended discussion on its schedule of deliberations for Resolution 17-28.

Kennedy spoke about the need for additional information about the Plan.

Public Comment:

Sorby spoke in favor of extending deliberations.

The Council and staff had continued discussion on its schedule of deliberations.

The motion received a roll call vote of Ayes: 6, Nays: 0, Abstain: 1 (Chopra).

Vote on Motion to Extend  
Deliberations of Resolution 17-28  
[11:10pm]

The meeting went into recess at 11:10pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, November 07, 2017 at 6:30pm with Council President Susan Sandberg presiding over a Special Session of the Common Council.

COMMON COUNCIL  
SPECIAL SESSION  
November 07, 2017

Clerk's Note: On August 29, 2017, the Common Council called to order a Special Session, which began the Council's consideration of Resolution 17-28 to be completed over a series of meetings. At its meeting on October 24, 2017, the Council adopted a motion to extend its deliberations of Resolution 17-28. Please refer to the minutes from those meeting for a description of the procedure for consideration of the resolution and amendments thereto.

Resolution 17-28 – To Adopt the City's Comprehensive Plan

Roll Call: Sturbaum (arrived at 6:31pm), Ruff (arrived at 6:32pm), Sandberg, Volan, Piedmont-Smith, Rollo  
Members Absent: Chopra, Sims

ROLL CALL

Council President Susan Sandberg gave a summary of the agenda.

AGENDA SUMMATION

Terri Porter, Planning and Transportation Department Director, introduced herself and said she and her staff were available to answer any questions or offer insight about any portion of the Comprehensive Plan (Plan) the Council wished to discuss.

REVIEW OF THE COMPREHENSIVE PLAN AS AMENDED – DISCUSSION AND PUBLIC COMMENT ON THE COMPREHENSIVE PLAN AS AMENDED – IN ANTICIPATION OF SUBMISSION OF SECOND-ROUND AMENDMENTS

Councilmember Chris Sturbaum asked why the Plan called for both protecting single-family neighborhoods while also calling for increased density in such neighborhoods, which Sturbaum saw as a direct contradiction.

Council Questions:

Porter said that was not the intent of the Plan and pointed to a passage on page 52 that warned against gentrification, which would replace older, affordable housing options with new, high-priced options.

Sturbaum asked whether there would be any objection to removing statements from the Plan which seemed to contradict that passage.

Porter said statements should be read in the context of the entire Plan, so picking one statement out of the Plan which contradicted another statement might not be helpful. She thought it was important to be mindful of consistency throughout the Plan.

Sturbaum thought that contradictory statements in the Plan should be corrected or removed. He was encouraged to hear that the intent of the Plan was not to harm single-family neighborhoods.

Porter said Sturbaum had encouraged division between the public and the city by implying that the city and its departments did not have the public's best interests in mind when crafting the Plan.

Sturbaum said he would love to be wrong about portions of the Plan he read as harmful toward single-family neighborhoods. He thought that if the Plan said something the city did not intend, it should be removed.

Porter said that the Plan was simply a planning document, and she had never seen a community fret so much about similar plans. She said that the Council had a representative on the Plan Commission during its consideration of the Plan. She said the Plan could also be revisited and was never intended to include everything a community might face. She said it was meant to provide guidance when the city updated its unified development ordinance (UDO).



Volan asked Porter how she felt about also revisiting the UDO after it was updated.

Porter said she supported revisiting the UDO, even annually, to see if adjustments should be made.

Volan pointed out that nothing was preventing councilmembers from proposing changes to the UDO, but he envisioned a more systematic revisiting of the UDO.

Porter agreed there had not been a systematic approach in the past. She said the intent was to revisit the UDO regularly and the Plan every five years.

Jane Goodman spoke about the need for public awareness of the approval process for the Plan.

Adam Scouten spoke about gentrification and the Bloomington Technology Park.

Jan Sorby spoke about the need for public awareness.

Jon Lawrence spoke about the need to extend the Plan review process.

Sandberg explained the process the Council had followed to review and amend the Plan. She noted the process was not complete yet. She said the Council and the public would be able to see the document in its entirety after amendments had been incorporated before a final vote.

Volan elaborated on the process the Council would follow as it continued its review of the Plan.

Granger pointed out that the review process had begun years earlier, and she thought it was the Council's job to carefully examine the details of the document. She said many of the amendments brought forward by councilmembers had been submitted at the request of members of the public.

Piedmont-Smith clarified the dates when the amended Plan would be made public and the dates the Council could vote to approve the Plan.

Sandberg reiterated the importance of having the amendment Plan available for review before the Council approved it.

Rollo suggested that the Council needed more time to review the Plan.

Sandberg said that the Council schedule was on the agenda for the end of the meeting.

Volan spoke further about the Council's schedule for reviewing the Plan.

Piedmont-Smith and Volan briefly described each amendment listed under the consent agenda.

Volan moved and it was seconded to adopt amendments (70, 71, 72, 73, 74, 75, 77, 78, 79, 80, and 82) listed under the consent agenda.

The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

REVIEW OF THE COMPREHENSIVE PLAN AS AMENDED – DISCUSSION AND PUBLIC COMMENT ON THE COMPREHENSIVE PLAN AS AMENDED – IN ANTICIPATION OF SUBMISSION OF SECOND-ROUND AMENDMENTS (*cont'd*)

Public Comment:

Council Comment:

CONSENT AGENDA:

Vote on Consent Agenda Items [7:15pm]

Volan moved and it was seconded to adopt Amendment 67.

Amendment 67

Volan described the amendment and explained that it called for re-establishing one or more recycling drop-off facilities within city limits.

Piedmont-Smith moved and it was seconded to adopt Amendment 01 to Amendment 67.

Amendment 01 to Amendment 67

The motion to adopt Amendment 01 to Amendment 67 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 01 to Amendment 67 [7:21pm]

Piedmont-Smith thanked Volan for bringing the amendment forward, especially in light of the city's inability to require that recycling be made available in apartment buildings.

Council Comment:

Volan said he appreciated the support. He thought it was a practical idea because it took up underutilized parking. He urged people with surplus parking to consider allowing such a facility to be placed on their property.

The motion to adopt Amendment 67 as amended received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 67 as amended [7:25pm]

Volan moved and it was seconded to adopt Amendment 68.

Amendment 68

Rollo described the amendment and explained that it added a program under "Air Quality and Emissions."

The motion to adopt Amendment 68 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 68 [7:28pm]

Volan moved and it was seconded to adopt Amendment 76.

Amendment 76

Sturbaum explained that the amendment primarily eliminated a paragraph containing data for the Bloomington Metropolitan Statistical Area (MSA), not for the City of Bloomington only.

Piedmont-Smith reiterated the reasons for the amendment.

Porter said she was reticent to remove data from the Plan. She thought clarifying it was more appropriate. She also said that the paragraph in question called for the replacement of housing units rather than the demolition of units. She said those two terms were not the same, and that the information was accurate for the MSA.

Volan asked whether it would clarify the paragraph to mention that Bloomington made up half the population of the MSA.

Council Questions:

Porter thought that would help clarify the paragraph. She said it was important data to include because it reflected both the demand for housing and the age of the housing stock.

Rollo asked whether the term replaced included the possibility of demolition.

Porter said there was no demolition theme in the Plan. She did not agree that replacement implied demolition.

Rollo wondered how many structures had been demolished since 2010.

Porter said there was data on remodels that might be helpful.

Sturbaum thought the paragraph implied that older housing would be replaced with new housing. He asked Porter if that was the case.

Amendment 76 (cont'd)

Porter thought that the estimate of 6,100 housing units needing to be replaced included units that could be renovated, remodeled or replaced with a new unit. She also pointed out that the estimate was for housing units, which included multi-unit dwellings.

Sorby read the definition of replace.

Public Comment:

Lawrence and Sandi Clothier spoke about the need for clear language in the Plan.

Bill Bouse spoke about the definition of replace.

Rachel Glago spoke in favor of keeping the language in the Plan broad.

Goodman spoke in favor of the amendment.

Volan said that the Plan could have included more detail that would have provided more context for the data included. He said that the City was half the population of the MSA, so thought the estimates of needed housing units could be adjusted accordingly. He thought the paragraph could be clarified rather than eliminated.

Council Comment:

Sturbaum thought there was an assumption in the original language that old things should be replaced. He thought that did not represent Bloomington's approach to housing, as it was not sustainable or affordable. He thought the paragraph should be removed.

Piedmont-Smith clarified that the population of Bloomington was more than half of the population of the MSA. She thought the paragraph was polarizing and should be removed.

Volan reiterated that the paragraph could be clarified rather than deleted.

Sandberg agreed that the paragraph could be fixed rather than eliminated completely. She spoke about the need for affordable housing in the community and thought the city would have to address that need.

Sturbaum thought the paragraph was inconsistent with the vision of Bloomington's future and should be removed.

The motion to adopt Amendment 76 received a roll call vote of Ayes: 5, Nays: 2 (Volan, Sandberg), Abstain: 0.

Vote on Amendment 76 [7:57pm]

Volan moved and it was seconded to adopt Amendment 83.

Amendment 83

Sandberg explained that the amendment added a new policy under Goal 2.3.

Sorby spoke about questions she had regarding Chapter 2.

Public Comment:

The motion to adopt Amendment 83 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Vote on Amendment 83 [8:01pm]

The Council and Dan Sherman, Council Attorney, spoke about the Council schedule.

COUNCIL SCHEDULE

The meeting went into recess at 8:05 pm.

RECESS

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVE:

ATTEST:

\_\_\_\_\_  
Dorothy Granger, PRESIDENT  
Bloomington Common Council

\_\_\_\_\_  
Nicole Bolden, CLERK  
City of Bloomington

For Approval