

CITY OF BLOOMINGTON



PLAN COMMISSION

**August 26, 2019 @ 5:30 p.m.
COUNCIL CHAMBERS #115
CITY HALL**

**CITY OF BLOOMINGTON
PLAN COMMISSION – Special Hearing
August 26, 2019 at 5:30 p.m.**

❖City Council Chambers – Room #115

ROLL CALL

MINUTES TO BE APPROVED: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

- **Special meetings for the Adoption Draft of the Unified Development Ordinance (UDO)**
 - 8/26/19 – Council Chambers – City Hall, 5:30 PM
 - 8/29/19 – Council Chambers – City Hall, 5:30 PM
 - 9/5/19 – Council Chambers – City Hall, 6:00 PM
 - Additional meetings may be added by the Plan Commission
- Order of business for ZO-30-19
 - Message from the Plan Commission Chair
 - Staff Report
 - Plan Commission Comments
 - Public Comment Period (with time limitations)
 - Plan Commission Resolutions

PETITIONS:

ZO-30-19

City of Bloomington

Adoption Draft Unified Development Ordinance

The City of Bloomington Plan Commission (“PC”) will consider the adoption of a proposed zoning ordinance (“Proposal”) and repealing the previous Unified Development Ordinance (“UDO”). The Proposal applies to all areas within the corporate boundaries. The Proposal is for replacement of the UDO with a new version based on guidance from the 2018 Comprehensive Plan. Penalty and forfeiture provisions in the current UDO remain the same in the Proposal. Written objections to the proposal that are filed with the secretary of the PC before the hearing will be considered and oral comments concerning the proposal will be heard. The hearing may be continued from time to time as may be found necessary.

Case Manager: Scott Robinson

****Next Meeting August 29, 2019**

Last Updated: 8/23/2019

**Auxiliary aids for people with disabilities are available upon request with adequate notice.
Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.**

**BLOOMINGTON PLAN COMMISSION
STAFF REPORT**

**CASE #: ZO-30-19
DATE: August 26, 2019**

PETITIONER: City of Bloomington, Planning & Transportation Department
401 N. Morton Street, Bloomington

CONSULTANTS: Clarion Associates
1600 Stout Street, Ste. 1700, Denver, CO

McBrideDaleClarion
5721 Dragon Way, Ste. 300, Cincinnati, OH

REQUEST: The City is requesting to replace the 2007 Unified Development Ordinance with an updated Unified Development Ordinance (UDO).

BACKGROUND and PROCESS: The City of Bloomington adopted the 2018 Comprehensive Plan in March of 2018. This replaced the 2002 Growth Policies Plan. The next step is to update and replace the UDO. This is important to better align policies and ensure consistency with land use guidance provided in the 2018 Comprehensive Plan. The practice of updating comprehensive plans and then zoning ordinances is widely accepted and used throughout American communities; some dating back to the early 1900s when zoning was first being used to promote the health, safety, and welfare of communities. Historically, Bloomington has also updated its zoning ordinance after updates to the Comprehensive Plan.

In February 2018, Clarion Associates and McBrideDaleClarion, hired by the City to facilitate the project, kicked off the UDO update. The first public meeting outlined the purpose and general approach to evaluating, reviewing, and updating the UDO. The approach broke the update process into the following steps:

- UDO Assessment (April 30 - May 1, 2018): identify recommended development regulations that need to be added, deleted, or revised to better align the UDO with the Comprehensive Plan objectives;
- Zone Districts and Permitted Uses (July 16 - 17, 2018): propose zone district and use (permitted/conditional/accessory/temporary) changes with each change footnoted;
- Dimensional and Development Standards (September 11 - 12, 2018): propose changes to dimensional standards (height, size, setbacks, and location of primary and accessory structures) and development layout and quality standards (access/ connectivity, parking, lighting, landscaping/buffering, signage, and maintenance standards);
- Procedures and Administration (November 27 - 28, 2018): propose changes to review and adoption procedures and criteria for both new development and redevelopment projects;
- Consolidated UDO Draft (March 19-20, 2019): propose changes and integrate prior steps into a Consolidated Draft for review; and
- Adoption Draft (August 5) – provide a final draft to be considered for adoption and replacement of the 2007 UDO.

Each step was comprised of multiple meetings with stakeholders, an Advisory Committee, elected officials, board and commission members, and residents from the general public. All meetings within each step were conducted using the same information and process. A project website also mirrored each step to provide consistency and help ensure information was readily available throughout the process. Residents could provide input at any of the 35 public meetings and/or through the website regardless of whether they were able to personally attend a meeting or not. The culmination of these steps together resulted in an Adoption Draft that was posted on August 5, 2019. Copies were also made available at the Planning and Transportation Department and Monroe County Public Library.

The next step is to start the adoption process for the Adoption Draft. The first of three scheduled Plan Commission meetings is on August 26, 2019. After the Plan Commission review, the Adoption Draft and any amendments recommended by the Plan Commission will then be considered by the Common Council. The City, per Plan Commission rules and IC 36-7-4-604, is required to notice the public hearing for the UDO update. Postcards providing notice were mailed to all City of Bloomington property owners beginning on July 31, 2019. A notice was also published in the Herald Times on August 15, 2019. Public comments on the Adoption Draft have been received and posted weekly since August 5th. All comments received prior to 4 pm EDT, August 26, 2019 will be posted on the project website and can be accessed at: <https://bloomington.in.gov/planning/udo/update>.

Residents are encouraged to attend the Plan Commission public hearings for another opportunity to provide feedback. The Plan Commission may introduce changes (amendments) to the Adoption Draft before they make a final recommendation.

REPORT: A handout is included (also posted on the project website link above) that outlines key changes being proposed with this Adoption Draft. Please review the handout for key changes.

The Consolidated Draft has all proposed changes clearly detailed with footnotes from prior steps of the UDO update process. The Adoption Draft is the version incorporating any of those changes that staff is proposing for consideration. The large majority of these changes are not identified in the handout as key changes. Furthermore, all footnotes and overview narratives from the Consolidated Draft have been removed from the Adoption Draft. This background information is not included for consideration as the Adoption Draft is the actual ordinance being proposed for approval. The handout identifies key changes proposed and should be used to guide review of the Adoption Draft and focus discussion around key changes.

Clarion Associates and McBrideDaleClarion have used this methodology successfully throughout many zoning ordinance updates across the country. This methodology has been consistent in our process since the kick off meeting in February 2018. In June of 2019, The Advisory Committee found this process thorough and recommended that an Adoption Draft be prepared and considered for adoption.

CRITERIA AND FINDINGS: Indiana State Code (IC 36-7-4- 600 series - <http://iga.in.gov/legislative/laws/2019/ic/titles/036#36-7-4-600>) provides the rules and standards that the Plan Commission and Common Council must follow for adopting a zoning ordinance/UDO. Section 601 details the powers and duties of the legislative body and requires that a comprehensive plan must be approved before a zoning ordinance is adopted. Section 602 outlines the procedure for adopting a zoning ordinance. Section 603 sets out criteria that the Plan Commission must pay reasonable regard to in considering the proposed ordinance. Section 604 provides the notice requirements for the public hearing. Section 605 provides the certification process to the Common Council once the Plan Commission takes final action on the request. Section 606 details the procedure for the adoption process for the Common Council.

It is important to keep these legal requirements in mind when considering the Adoption Draft. A key provision for the Plan Commission is Ind. Code § 36-7-4-603, “Zoning ordinance; preparation and consideration of proposals” which states as follows:

Sec. 603. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

Together the 2018 Comprehensive Plan and the update process have resulted in an Adoption Draft that staff believes meets these requirements for approval.

RECOMMENDATION: Based on the report above, the Planning and Transportation Department is recommending that ZO-30-19 be forwarded to the Common Council with a positive recommendation. Once the Plan Commission makes its determination, then ZO-30-19 must be considered by the Common Council. Once the action by the Plan Commission is certified to the Common Council Office (which must be within 10 days of final action by the Plan Commission), then Common Council must either adopt, reject, or amend ZO-30-19 within 90 days.

The Plan Commission will only see this request again if the Council amends or rejects ZO-30-19. Furthermore, in this scenario the Plan Commission will only be able to accept or reject (within 45 days) the final action by the Common Council.