

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Tuesday, November 19, 2019, at 6:00 pm, Council President Dave Rollo presided over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 19, 2019

Councilmembers present: Dorothy Granger, Isabel Piedmont-Smith, Dave Rollo, Chris Sturbaum, Susan Sandberg, Jim Sims, Andy Ruff, Stephen Volan
Councilmembers absent: Allison Chopra

ROLL CALL [6:04 pm]

Council President Dave Rollo summarized the agenda.

AGENDA SUMMATION [6:05 pm]

Dan Sherman, Council Attorney, summarized the council schedule.

COUNCIL SCHEDULE

Clerk's Note: On October 16, 2019, the Common Council called to order a Special Session, which began the Council's consideration of Ordinance 19-24 to be completed over a series of meetings. At its meeting on November 14, 2019, the Council adopted a motion to extend its deliberations of Ordinance 19-24.

CONTINUED CONSIDERATION OF
ORDINANCE 19-24 - TO REPEAL
AND REPLACE TITLE 20 OF THE
BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED
DEVELOPMENT ORDINANCE"

There were no presentations.

Presentation on Unanswered
Questions from Previous
Discussions:

Volan moved and it was seconded that the Council alter the conduct of deliberations as adopted on October 16, 2019 in the following manner:

Motion on conduct of
deliberations-time limits
[6:14 pm]

- Sponsor presentation: 5 minutes.
- Comment from Planning and Transportation staff: 5 minutes.
- Common Council questions: 2 minutes per council member, no more than 20 minutes total.
- Public Input: One 3-minute statement per speaker.
- Additional council questions: 2 minutes per council member, 20 minutes total.
- Common Council debate and vote: 3 minutes per council member, maximum of 30 minutes total.

Piedmont-Smith noted, for the benefit of the public, that the Council was not reducing public comment.

Council discussion:

The motion to structure and limit deliberations as amended was approved by voice vote.

Vote on conduct of deliberations
[6:16 pm]

Rollo brought the consent agenda to the table for consideration.

CONSENT AGENDA:

Piedmont-Smith moved and it was seconded that Amendment 23 be withdrawn from the consent agenda.

Motion to withdraw Amendment
23 from the consent agenda

There was no council discussion.

Council discussion:

Volan moved and it was seconded to consider the consent agenda as amended. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0 (Chopra absent, Sturbaum out of room).

Vote to amend the consent agenda
[6:22 pm]

Piedmont-Smith moved and it was seconded to adopt the consent agenda as amended. The motion received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Vote to adopt the Consent Agenda
as Amended [6:23 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 08 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 08 to Ordinance 19-24

Piedmont-Smith explained her reasoning for introducing Amendment 08.

Scott Robinson, Assistant Director of Planning and Transportation, spoke about the desire for consistency in the Unified Development Ordinance (UDO). He explained the staff's preference.

Sandberg asked if it was legal to require developers to include a percentage of affordable housing in PUDs.

Council discussion:

Michael Rouker, City Attorney, explained that Planned Unit Developments (PUD) were discretionary and voluntary and that he did not see a legal problem.

Sturbaum asked if the proposal was too restrictive.

Robinson explained that under the current code, there were no standards for affordable housing provisions in PUDs.

Piedmont-Smith asked if developers had a process for approval if they had a circumstance preventing the inclusion of affordable housing.

Jackie Scanlan, Development Services Manager for the Planning and Transportation Department, said that council could grant a waiver.

Peter Dorfman spoke in support of Amendment 08.

Public comment:

Michelle Henderson spoke in support of Amendment 08.

Matt Flaherty spoke about the criteria, which he believed had merit.

Council discussion:

Sturbaum asked Piedmont-Smith to elaborate about scenarios when affordable housing could not be included in a PUD.

Piedmont-Smith responded that it would be an unusual circumstance, and that the developer could request a waiver from the Council as part of the PUD approval process.

Sturbaum asked for further clarification.

Piedmont-Smith said Amendment 08 did not change the parameters for workforce level housing that existed in the UDO.

Granger stated her support of the amendment.

Volan was supportive of the idea of restricting PUDs and discussed payments in lieu and affordable housing. He spoke in favor of the amendment.

Sturbaum spoke in support of the amendment.

Piedmont-Smith thanked Granger for pointing out another reason to support the amendment, because it was important to have housing integrating affordability for different income levels.

The motion to adopt Amendment 08 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Vote on Amendment 08 to Ordinance 19-24 [6:41 pm]

Volan moved and it was seconded to adopt Amendment 09 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 09 to Ordinance 19-24

Volan deferred to staff to explain the amendment.

Robinson explained that when a request for cooperative living housing was proposed, it was considered through a use variance request. He further explained that staff attempted to clarify objective standards for cooperative housing, including balancing concerns over-occupancy issues in residential districts. He spoke about addressing the regulation of fraternities and student housing, and that staff had defined cooperative living for the UDO that was effective.

Volan asked how Amendment 09 would affect Bloomington Cooperative Housing.

Council discussion:

Robinson said the structure had already been approved as non-conforming use and that a similar property would not be approved in the zone in that location.

Volan asked if Amendment 09 would preclude another similar project.

Robinson said that it might not be a permitted use type in certain districts.

Sturbaum asked about housing occupancy in Amendment 09.

Robinson said occupancy decisions would be based on the district.

Zackary Dunivin, Bloomington Cooperative Living Membership Coordinator, spoke about cooperative housing and the group's upcoming plans.

Public comments:

Peter Dorfman said that Amendment 09 was too restrictive and hoped it would be reconsidered.

Michelle Henderson spoke in favor of cooperative living housing and Amendment 09.

Matt Flaherty, spoke on behalf of the Bloomington Sustainability Commission, who had voted to support the project at 921 W. 9th St. He also spoke in support of allowing cooperative living housing in any district in Bloomington.

Council discussion:

Volan asked Sherman if he could temporarily postpone the consideration of Amendment 09 so that it could be further studied.

Sherman answered that a motion could be made to request withdrawal with the intent to submit later.

Volan stated that the model that Bloomington Cooperative Living was using seemed to have wide community support.

Robinson said council could decide on the effective date for an adopted amendment. He said staff recommended setting the effective date for three to six months after the adoption date in an effort to catch errors. He commented that the UDO could be amended.

Piedmont-Smith asked Robinson why the use was not listed in the category of group living, and commented that no more than three unrelated adults were permitted to live together in single-family neighborhoods. She further commented that group care facilities were allowed in all single-family neighborhoods.

Robinson answered that group living definitions were triggered by the Fair Housing Act and that cooperative housing might not be eligible.

Piedmont-Smith stated that group living was a defined category in the current UDO and asked for further clarification on why cooperative housing could not be categorized as group living.

Robinson said cooperative housing was in both household and group living.

Piedmont-Smith stated her question was not answered but that her time expired.

Sturbaum asked why the use variance process would no longer be available as an option.

Robinson responded that the goal of Amendment 09 was to create clear and objective standards and discussed use variance.

Piedmont-Smith asked for clarification on her earlier question about why cooperative housing was not listed under the group living category.

Scanlan said that the attempt was to regulate based on ownership type and that cooperative housing was shared ownership which did not fall under the category for group housing. She commented that the consultant said that cooperative housing differed from all other types of housing and should not be listed separately with its own code. She addressed use variance and said that staff was attempting to align practices with state guidelines.

Piedmont-Smith asked if the rule pertaining to three unrelated adults would be waived in cooperative housing.

Scanlan said she was not sure at the time.

Piedmont-Smith said that was a constraint she would like revisited.

Scanlan said they would research that further.

Sturbaum asked about occupancy requirements.

Robinson said there were occupancy rules for each district.

Sims asked for clarification on the manner in which cooperatives were owned.

Robinson stated that the proposed definition of cooperative housing was a facility used for the purpose of household living where the residents shared common areas in cooking, dining, and maintenance duties. He said that all residents were shareholders in a cooperative corporation that owned the property and were entitled to use of a housing unit in that property but did not own real property interest in the building, land, or other amenities that made up the facility.

Rouker expounded on the ownership of cooperatives. He stated that often the cooperative corporation was operated by a non-profit.

Sims asked if Bloomington Cooperative Living was organized as a non-profit.

Rouker answered that it was.

Volan asked how Bloomington Cooperative Living was different than a corporation owning a house in a single-family neighborhood. He asked Bloomington Cooperative Living if they could speak about what would need to change in the proposed amendment to make their properties allowable.

Zackary Dunivin, Bloomington Cooperative Living Membership Coordinator, stated that cooperative living was not legally recognized in the code and hoped that the city would define their

Presentation, Discussion, and
Public Comment on Amendment
09 to Ordinance 19-24 (cont'd)

Council discussion:

specific use type and recognize it as a legally accepted type of housing.

Rollo asked Rouker if he could address the possibility of permitting cooperative living arrangements in the code.

Rouker said the topic was something he would need to investigate and would ask the consultant.

Sandberg asked Dunivin if Bloomington Cooperative Living could provide legal documents that proved they operated as cooperative housing.

Dunivin said there were bylaws and contracts that could be provided.

Sandberg asked if the city could establish its own rules for qualifying a facility as cooperative living housing.

Rouker said he needed to do more research on the topic before giving an answer.

Sandberg stated her support of Amendment 09 and said council would refine it as they go along.

Volan supported Amendment 09 but had reservations and preferred postponing adoption until a time in December.

Piedmont-Smith opposed the way Amendment 09 was written and spoke in support of allowing cooperatives to operate in Bloomington. She said she preferred that Amendment 09 be postponed and reworked. She spoke against proposals being refined between the adoption date and implementation date. Piedmont-Smith preferred to adopt the best version of the UDO without the possibility of changing things before the effective date.

Rollo agreed with Piedmont-Smith's statements.

Sims recommended withdrawing Amendment 09 for the time being.

Granger supported the cooperative living concept but said there was some confusion and a technical amendment could be forthcoming. She indicated her support for withdrawing Amendment 09 for the time being.

Volan moved and it was seconded to withdraw Amendment 09 with the intent to reintroduce during technical amendments. The motion received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 13 to Ordinance 19-24.

Piedmont-Smith corrected the synopsis from the agenda to read: Changes the dimensional standards for single-family homes and "plexes" from R2 to R4 to provide for higher densities in the RM and RH districts. She explained the correction.

Scanlan spoke about current lots and setbacks.

Sturbaum asked if setting the dimensional standards to meet R4 zoning standards would make it easier for the individual requesting an expansion or change.

Scanlan answered yes.

Presentation, Discussion, and Public Comment on Amendment 09 to Ordinance 19-24 (cont'd)

Council discussion:

Vote to withdraw Amendment 09 to Ordinance 19-24 (7:20pm)

Presentation, Discussion, and Public Comment on Amendment 13 to Ordinance 19-24

Council discussion:

Sturbaum asked if there are any negative consequences associated with implementing this change.

Scanlan stated she did not believe there would be any.

There was no public comment.

There was no further council discussion.

The motion to adopt Amendment 13 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 17 to Ordinance 19-24.

Piedmont-Smith explained that Methadone Treatment Clinics were the only opioid treatment clinics that were highly regulated. She said they were needed and would be best suited in the MC districts.

Robinson explained that staff was in support of Amendment 17, and made note of a technical correction to Amendment 17 to eliminate "other treatment facilities" because the only type of facility that would be permitted would be methadone treatment facilities.

Piedmont-Smith inquired if the correction Robinson noted would require an amendment to Amendment 17.

Robinson said that staff had adopted scrivener error edits which included the change, but that staff would double check.

Rollo asked Sherman if the council needed to take action.

Sherman said no action was required that evening.

There was no public comment.

There was no further council discussion.

The motion to adopt Amendment 17 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 18 to Ordinance 19-24.

Piedmont-Smith explained that this amendment clarified that residents who grow produce for their own use were not required to test their soil and that only growers who intended to sell their agricultural products were regulated.

Robinson stated that the planning department supported Amendment 18.

Sims asked Piedmont-Smith how the regulation would be enforced.

Piedmont-Smith said she did not know about enforcement.

Robinson said that staff would not be proactively reviewing growers and that a permit was not required. He said if there was a concern raised by the public, the standard would be referenced.

Sims asked if this would be complaint driven.

Robinson confirmed that it would.

Presentation, Discussion, and Public Comment on Amendment 13 to Ordinance 19-24 [cont'd]

Public comment:

Council discussion:

Vote on Amendment 13 to Ordinance 19-24 [7:26 pm]

Presentation, Discussion, and Public Comment on Amendment 17 to Ordinance 19-24

Council discussion:

Public comment:

Council discussion:

Vote on Amendment 17 to Ordinance 19-24 [7:32 pm]

Presentation, Discussion, and Public Comment on Amendment 18 to Ordinance 19-24

Council discussion:

Rollo asked if soil testing would include Polychlorinated biphenyls (PCB) contaminants.

Robinson said the soil testing include United States Department of Agriculture (USDA) and Environmental Protection Agency (EPA) standards but that PCBs could be added to the list.

Rollo asked if soil testing results were submitted to the Planning and Transportation department and with an affidavit.

Robinson said that process could be included in the administrative manual.

Rollo further asked who would inspect when someone grew products in raised beds with clean soil, but had testing that came back with contaminated soil on the ground.

Robinson explained the process.

Peter Dorfman spoke in support of Amendment 18.

There was no further council comments.

The motion to adopt Amendment 18 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Piedmont-Smith moved and it was seconded to adopt Amendment 19 to Ordinance 19-24.

Piedmont-Smith explained that Amendment 19 allowed for more flexibility on the location of solar collectors.

Scanlan stated that solar panels would be allowed to be as close to the street as the minimum front setback for a house in the district it was located.

Robinson stated that staff supported Amendment 19. Sturbaum asked if satellite dishes would be also be allowed where the solar panels were being permitted.

Piedmont-Smith answered that they were not included in Amendment 19.

Sturbaum asked why satellite dishes were not included.

Scanlan responded that the intent of Amendment 19 was to encourage solar energy for home energy use.

Sturbaum asked why the current code did not allow satellite dishes in the front yard.

Scanlan said that current code allowed satellite dishes to be located five feet into the front setback. Historically, single-family home restrictions prohibit anything from being located in the front yard.

Sturbaum asked if there was an aesthetic reason for the prohibition of satellite dishes being located in the front yard.

Scanlan believed that historic development had discouraged anything to be located in the front yard.

Rollo questioned how satellite dishes were relevant to a discussion about solar panels.

Piedmont-Smith stated that solar panels were for the public good because they reduced greenhouse gasses, whereas, satellite dishes were not for the public good.

Matt Flaherty spoke in support of Amendment 19.

There was no further council discussion.

Presentation, Discussion, and Public Comment on Amendment 18 to Ordinance 19-24 [cont'd]

Public comment:

Council comment:

Vote on Amendment 18 to Ordinance 19-24 [7:40 pm]

Presentation, Discussion, and Public Comment on Amendment 19 to Ordinance 19-24

Council discussion:

Public comment:

Council discussion:

The motion to adopt Amendment 19 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 19 to Ordinance 19-24 [7:46 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 24 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 24 to Ordinance 19-24

Piedmont-Smith instructed the council to disregard Amendment 24R that was provided in the packet for that evening's meeting and to instead consider the original Amendment 24.

Rollo asked Sherman what procedure should be followed to revoke Amendment 24R for consideration.

Sherman said that because the agenda was revised during the afternoon before this meeting to include Amendment 24R for consideration, someone would need to request to withdraw it.

Volan moved and it was seconded to withdraw Amendment 24R from consideration. The motion was approved by voice vote. Piedmont-Smith apologized for the confusion.

Vote to withdraw Amendment 24R to Ordinance 19-24 [7:44 pm]

Piedmont-Smith explained the proposed changes clarify and simplify what was allowed to be built in a flood plain. The city had to follow the State of Indiana's guidance about flood plains and that language in the city code was derived from the Indiana Department of Natural Resources. Piedmont-Smith clarified that every building would be a conditional use in a flood plain.

Robinson apologized for the confusion between Amendments 24 and 24R and stated that staff was in support of Amendment 24.

Granger asked if conditional uses for buildings or structures would be defined.

Scanlan answered that conditional use requirements for development in a flood plain included a request to the Board of Zoning Appeals (BZA) which would be processed as a regular conditional use.

There were no comments from the public.

Public comment:

There was no further discussion from the council.

Council comment:

The motion to adopt Amendment 24 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 24 to Ordinance 19-24 [7:52 pm]

Piedmont-Smith moved and it was seconded to adopt Amendment 25 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 25 to Ordinance 19-24

Robinson stated that staff did not have any concerns with Amendment 25.

There was no council discussion.

Council discussion:

There were no public comments.

Public comment:

Granger supported reducing impervious surfaces and Amendment 25.

Council discussion:

Piedmont-Smith explained other added benefits of Amendment 25.

The motion to adopt Amendment 25 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra, absent), Nays: 0, Abstain: 0.

Vote on Amendment 25 to Ordinance 19-24 [7: 55pm]

Sturbaum moved and it was seconded to adopt Amendment 26 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24

Sturbaum explained minimum required parking spaces in plexes and student residence halls and Amendment 26's proposal to increase the minimum parking by one space.

Council discussion:

Scanlan clarified that Amendment 26 increased the required parking space requirement by one space per dwelling unit.

Robinson stated that staff was not in opposition to Amendment 26 but that it conflicted with Amendment 27. He said that staff understood the parking concerns.

Granger asked staff if they preferred Amendment 26 or 27.

Robinson said staff preferred that neither amendment be adopted and that the code remain the same, but that he recognized that it was a policy that was decided by council.

Volan asked if this amendment applied to existing housing or just new housing.

Robinson said it would apply to new housing or if someone was going to add on or substantially change existing housing.

Piedmont-Smith asked if people were required to park on impermeable surfaces and if parking spaces could be made out of permeable surfaces.

Scanlan said permeable pavers were the only recognized permeable surface for parking, and that gravel became compacted so it could not be considered a permeable surface.

Piedmont-Smith thought that pavers were not considered a permeable surface.

Scanlan responded that pavers would no longer be allowed to be used towards the open space requirement.

Piedmont-Smith asked if the UDO required that pavers be used for parking surfaces.

Scanlan answered that there was not a requirement that permeable surfaces (pavers) be used for parking spaces.

Sturbaum asked if the parking rules would be in effect if a single-family home in a RM zone was converted to a triplex.

Scanlan affirmed that it would.

Sturbaum asked if an R4 district, with the parking requirements, could be put on the edges of R3 or R2 during the mapping process. He believed that R4 districts could be put in single-family neighborhoods and expressed concerns.

Robinson answered that it was not just a mapping issue, and that it went back to when the triggers would happen. He explained that if a new development was proposed, the parking requirements would apply, regardless of the zoning district.

Sturbaum said that the new development could be modifying a house to become a triplex or a quad.

Robinson said that there could be instances where it would arise like the legally non-conforming and conforming proposals. Volan asked if these standards would apply across the city, not just in residential zones.

Scanlan confirmed that was correct.

Volan asked Sturbaum if he was concerned that student dormitories would be built in R3 neighborhoods or if he intended that Amendment 26 apply to the whole city.

Sturbaum intended it to apply to the whole city. He spoke about residential multi-family, single-family properties, and upzoning that had occurred. He also stated that residential multi-family was indistinguishable from residential high-density on the chart, other than a differing height standard. He commented that everything was allowed in those zones, and stated that there could be damage to existing housing in residential multi-family zones. He referenced that future mapping was unpredictable.

Volan asked if Sturbaum felt housing damage could occur because there was no minimum parking required.

Sturbaum responded that there was already a problem with overparking in certain areas.

Greg Alexander spoke in opposition to Amendment 26.

Peter Dorfman spoke in support of Amendment 26.

Matt Flaherty spoke in opposition to Amendment 26.

Mary Morgan stated her support of the planning department's desire to not change the UDO regarding this matter.

Sturbaum asked what the parking maximums were for triplexes. Robinson responded that the maximum for the plexes would be 2 spaces per dwelling unit and that for student housing and dormitories, the maximum was .75 spaces per bedroom.

Sturbaum stated that the maximums were reasonable and that the proposed minimums in Amendment 26 were not excessive.

Sandberg said that parking was a common topic for many of her constituents, and that it was a quality of life issue. She spoke about inviting guests over and the impact on the way people lived in Bloomington. She opined that developers of new housing should provide adequate parking for the residents. Sandberg supported Amendment 26.

Piedmont-Smith stated her strong opposition to Amendment 26. She said that requiring additional parking spaces by developers ignored the contribution that cars had on climate change.

Volan stated that the more parking was provided, the more it encouraged people to drive. He said that the vast majority of neighborhoods had already been built out and that Amendment 01, which passed, prohibited plexes from being built in core neighborhoods. Volan explained that statistics supported the fact that not all students and renters had cars. He opposed Amendment 26.

Sturbaum commented on car ownership and stated that Amendment 26 was a practical requirement for new development.

Rollo stated that he was comfortable with staff's preference for keeping the current UDO requirements, and that he opposed Amendment 26.

Volan commented that requiring a minimum amount of parking would not do harm and questioned why it should be required. He spoke about the proven solution of implementing neighborhood

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

Council discussion:

parking zones. He commented that Chapter 3 of the Comprehensive Plan addressed the environment and not parking while Chapter 6 addressed increasing the sustainability of the transportation system. He spoke about goals set for prioritizing non-automotive modes of transportation and said that the Comprehensive Plan stated that the city should be increasing parking in neighborhoods. He stated his opposition to Amendment 26.

Presentation, Discussion, and Public Comment on Amendment 26 to Ordinance 19-24 (cont'd)

The motion to adopt Amendment 26 to Ordinance 19-24 received a roll call vote of Ayes: 3 (Sims, Sturbaum, Sandberg), Nays: 5 (Granger, Rollo, Volan, Ruff, Piedmont-Smith), Abstain: 0. FAILED

Vote on Amendment 26 to Ordinance 19-24 [8:28 pm]

Volan moved and it was seconded to adopt Amendment 27 to Ordinance 19-24.

Presentation, Discussion, and Public Comment on Amendment 27 to Ordinance 19-24

Volan explained that there were parking lots and garages that were not full and asked about requiring minimum parking for new development.

Robinson said some of the minimums have been lowered in the draft of the current UDO but not eliminated.

There was no council discussion.

Council discussion:

Greg Alexander spoke in favor of Amendment 27.

Public comment:

Peter Dorfman spoke in opposition to Amendment 27.

Pam Weaver spoke in favor of Amendment 27.

Matt Flaherty spoke in favor of Amendment 27.

Ruff asked staff to comment how Amendment 27 would cause harm. Robinson remarked that the core neighborhoods would not be greatly impacted.

Council discussion:

Sturbaum asked for clarification of the stated definition of minimum parking for student housing.

Sims stated his opposition to Amendment 27 because it ignored the reality that people drove cars and would need a parking space for their vehicle.

Volan stated that Amendment 27 did not eliminate parking and that developers could include parking if they chose. He explained that Amendment 27 eliminated the requirement to provide a minimum number of parking spaces. He further explained that the Comprehensive Plan did not set a goal for parking to be increased and supported parking requirements being reduced.

Piedmont-Smith spoke on behalf of the amendment. She quoted from "Strong Towns," an organization that encouraged the efficiency and financial health of cities.

Sturbaum said that the UDO reduced the stated parking minimums. He said he was not endorsing a great increase in required parking, he just wanted to make sure that a minimal amount of parking was required to be provided when new development was proposed. He stated his opposition to Amendment 27.

Ruff spoke in support of Amendment 27.

Rollo stated his support of the proposed parking minimums that staff had recommended. He stated his interest in revisiting this topic in the future.

Volan urged councilmembers to support Amendment 27.

The motion to adopt Amendment 27 to Ordinance 19-24 received a roll call vote of Ayes: 4 (Volan, Ruff, Piedmont-Smith, Granger), Nays: 4 (Rollo, Sims, Sturbaum, Sandberg), Abstain: 0. FAILED

Volan requested that his vote be changed from yes to no.

Sherman responded that a vote could not be changed if it affected the outcome of the vote that just took place.

There was council discussion regarding the vote on Amendment 27.

Sturbaum moved and it was seconded to adopt Amendment 29 to Ordinance 19-24.

Sturbaum explained that it was a bad idea to use Exterior Insulation Finishing systems (EIFS) as a primary material because it was a cheap replacement for stucco and did not last over time.

Robinson commented that the proposed change was essentially expanding the downtown regulations, which regulated primary materials in areas outside of the downtown. He said that code did not currently regulate secondary materials outside of downtown.

Piedmont-Smith asked staff what their opinion was about prohibiting wood as a primary exterior finish.

Robinson said that Amendment 29 was taking the regulation for downtown materials and applying those regulations to a wider area outside of downtown. Staff did not endorse this idea.

Piedmont-Smith stated that she felt that wood should be allowed as a primary material in areas outside of downtown.

Robinson agreed.

Sturbaum asked staff to describe zones MN, MM, MC, ME, MI, and MH.

Robinson answered that those were all the mixed-use commercial zones and that they were medium, commercial, employment, industrial, and healthcare.

Sturbaum argued that wood siding decayed rapidly and that buildings being constructed in the mixed-use areas should be made primarily from more permanent, lasting materials.

Granger asked about some technical, perhaps scrivener, errors in the amendment.

Robinson stated that there was a technical issue resulting from the conversion of a word document by cutting and pasting. He said that the source document was lost in the process resulting in language saying source error and that the renumbering was also corrupted. Robinson addressed the use of wood as a primary material in mixed-use construction, and that the districts allowed residential uses. The cost of building materials could play into council's decision.

Sturbaum stated that cement siding had long been a permitted use in the downtown area, and that cement board was often used and was not costly but held up better than wood.

Presentation, Discussion, and Public Comment on Amendment 27 to Ordinance 19-24 (cont'd)

Vote on Amendment 27 to Ordinance 19-24 [8:58 pm]

Council discussion:

Presentation, Discussion, and Public Comment on Amendment 29 to Ordinance 19-24

Council discussion:

Rollo asked Sturbaum to comment on his proposal to omit glass as a primary material. He said that staff recommended that glass could be used as a primary material in some cases.

Sturbaum said windows did not count as a percentage of the exterior. He did not understand why glass was included as a primary material.

Rollo asked staff to comment for their opinion of allowing glass to be used as a primary building material.

Robinson objected to regulating secondary materials in areas other than downtown. He said staff did not object to EIFS being prohibited as a primary building material and that transparent glass would be considered a primary building material if it was used throughout a building. Staff recommended the omission of any secondary materials in Amendment 29.

Rollo asked Robinson if his department opposed the amendment. Robinson said they did.

Ruff requested a summary of Amendment 29 from staff.

Ryan Robling, Zoning Planner from the Planning & Transportation Department, stated that windows counted towards the façade in the downtown area.

Sturbaum stated that when he reviewed Amendment 29 with Sherman, windows were not to be counted towards the façade.

Sherman cited the definition of exterior finish material for primary and secondary. He said both excluded windows as counting towards the calculation of square footage of the façade.

Robinson believed that the downtown area was different than other areas in this regard. Staff believed that Amendment 29 would change how that was interpreted.

There was no public comment.

Granger said she understood the prohibition of EIFS as a primary material but was concerned about the implications of the rest of the Amendment.

Sturbaum was trying to eliminate two main materials that were not durable as primary materials, wood and EIFS. He did not understand how transparent glass could be listed as a primary material.

Piedmont-Smith asked staff what they primarily objected to in Amendment 29.

Robinson remarked that the restrictions in Amendment 29 might hinder creativity in some areas outside of downtown. Staff wondered if areas outside of downtown should be regulated in this manner.

Ruff asked Sturbaum to remark on the use of wood and EIFS as primary materials.

Sturbaum's experience was that wood decays and would need repair after a certain number of years.

Piedmont-Smith asked Sturbaum if he would agree to alter Amendment 29 to allow transparent glass as a primary material.

Sturbaum said he would agree to that.

Rollo asked Sherman if a voice or roll-call vote was in order to amend the amendment.

Sherman advised doing a roll-call vote.

Presentation, Discussion, and Public Comment on Amendment 29 to Ordinance 19-24 (cont'd)

Council discussion:

Public comment:

Council discussion:

Piedmont-Smith moved and it was seconded to amend Amendment 29 to include transparent glass as a primary exterior finish material.

There was no council discussion.

The motion to adopt Amendment 01 to Amendment 29 to Ordinance 19-24 received a roll call vote of Ayes: 8 (Chopra absent), Nays: 0, Abstain: 0.

Ruff asked if there was any nexus between the green building ordinance and the changes proposed in Amendment 29.

Robinson said it was difficult to answer at the time.

Sturbaum spoke about the façade of the Trojan Horse restaurant which was stripped down to the original brick, which was a good result because the brick façade would last for another hundred years.

Volan supported the goal of Amendment 29 but due to staff's concerns he said that Amendment 29 should be fixed and put off until December. He said that he would not support Amendment 29 as it was.

Rollo stated that he had never seen EIFS that he liked and agreed it was a good idea to ban it as a primary material.

The motion to adopt Amendment 29 as amended to Ordinance 19-24 received a roll call vote of Ayes: 7 (Chopra absent), Nays: 1 (Volan), Abstain: 0.

Sturbaum moved and it was seconded to adopt Amendment 30 to Ordinance 19-24.

Sturbaum suggested that "contributing" buildings be added to the list of structures that would have step-down requirements.

Robinson said Amendment 30 was technically fine and that staff believed it was a policy decision to be made by council.

Ruff asked staff for their opinion on Amendment 30.

Robinson said that staff was okay with Amendment 30. He said that notable and outstanding structures had an obvious reason for regulating step-down requirements, and that buildings that were contributing were unique and might benefit from being reviewed on a case-by-case basis rather than being regulated along with historically significant buildings.

Sims asked for a rough estimate of how many buildings downtown were contributing.

Robinson answered that there were about 120 contributing structures.

Piedmont-Smith stated that Amendment 30 was applicable for all mixed-use zones.

Robinson confirmed that was correct.

Ruff asked staff if the previous opinion given for downtown buildings also applied to mixed-use zones. He asked staff for further clarification on the effects of this amendment.

Robinson responded that Amendment 30 could hinder some infill development.

Amendment 01 to Amendment 29 of Ordinance 19-24

Council discussion:

Vote on Amendment 01 to Amendment 29 to Ordinance 19-24 [9:43 pm]

Council discussion:

Vote on Amendment 29 as amended to Ordinance 19-24 [9:47 pm]

Presentation, Discussion, and Public Comment on Amendment 30 to Ordinance 19-24

Council discussion:

Rollo asked if it would affect density.

Robinson said it could have that effect depending on the height of the contributing structure.

Rollo stated his concern over the effect of Amendment 30.

Presentation, Discussion, and Public Comment on Amendment 30 to Ordinance 19-24 (cont'd)

Mary [unknown] stated her support of Amendment 30.

Public comment:

Pam Weaver spoke against Amendment 30.

Matt Flaherty spoke in opposition to Amendment 30.

Rollo noted that it was past 10:00 pm and asked Sherman if they could continue the meeting.

Council discussion:

Sherman said the meeting could continue if there was a majority vote in favor of doing so.

Piedmont-Smith moved and it was seconded to continue the meeting past 10:00 pm. The motion was approved by a voice vote.

Vote to continue the meeting past 10:00 pm [10:01 pm]

Sturbaum said he was trying to preserve the aesthetics of historic buildings.

Council discussion:

Sims commented that Amendment 30 might be too restrictive and that he would not support it.

Piedmont-Smith stated her opposition to Amendment 30 because it went against the ability to increase density in housing.

Ruff recognized the work that Sturbaum put into Amendment 30 but stated his opposition to the amendment.

Sandberg advocated for creativity in development and would therefore would vote against Amendment 30.

Rollo stated his opposition to Amendment 30 for similar reasons that were stated by other councilmembers.

The motion to adopt Amendment 30 to Ordinance 19-24 received a roll call vote of Ayes: 1 (Sturbaum) (Chopra, absent), Nays: 7, Abstain: 0.

Vote on Amendment 30 to Ordinance 19-24 [10:10 pm]

Volan moved and it was seconded to recess until Wednesday, November 20, 2019, at 6:00 pm. The motion was approved by voice vote.

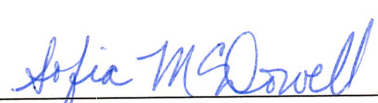
Vote to recess [10:11 pm]

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 1 day of June, 2022.

APPROVE:


Susan Sandberg, PRESIDENT
Bloomington Common Council

ATTEST:


~~Nicole Bolden, CLERK~~
City of Bloomington
Sofia McDowell
Chief Deputy Clerk

