



**City of Bloomington
Common Council**

Legislative Packet - Addendum
(Issued on Wednesday, 16 September 2020)

Wednesday, 16 September 2020
Regular Session
6:30 PM

Contained Herein:

- Land Use Committee report regarding [Ordinance 20-15](#)
 - Proposed amendments to [Ordinance 20-16](#)

**Please see the notes on the [Agenda](#) addressing public meetings during the public health emergency
For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).*

**Land Use Committee
City of Bloomington Common Council**

Report on Referral of:

Ordinance 20-15: To Rezone a 19.73 Acre Property from Employment (EM) to Residential Estate (RE) – RE: 2300 W. Tapp Road (Duncan Campbell, Petitioner)

Referral and Deliberations

Date	Entity	Action
09/02/2020	Common Council Regular Session	Introduction and referral to Land Use Committee
09/09/2020	Council Land Use Committee	Staff Presentation, discussion, public comment, do-pass vote to return to Council.

Summary and Recommendations

The committee met on Wednesday, September 9, 2020 for approximately 45 minutes to discuss Ordinance 20-15. Ryan Robling, Zoning Planner with Planning and Transportation, gave the staff presentation on the proposed rezoning of 19.73 acres located at 2300 W. Tapp Road from EM to RE to allow for construction of an addition to the currently existing single-family dwelling on the property. The historic, current, and proposed use of the property is “Dwelling, Single-family Detached” which is not a permitted use in the EM district. Because the current use is not permitted in the EM district it is considered legal nonconforming and cannot be expanded.

Discussion focused on the historic nature of this property and the need to preserve the same for the education and enjoyment of future generations, as well as the constraints on development on the site due to environmental features and physical layout.

The property has been used as a single-family dwelling for 165 years and is within a State of Indiana historic district (Borland House and Furst Quarry State Listed Historic District). The Comprehensive Plan did not attempt a parcel-level evaluation for the zoning conversion map, which produced the unintended result that some outlier parcels were inadvertently identified as districts that are not compatible with their built environment. Rezoning would allow for the current use, which aligns with the RE districts standards, to be permitted within the proposed district. Due to the historic nature of the property, its most desirable use is single-family and its loss as such would be detrimental to the character of the city. The proposed addition would allow the Petitioners to stay in their home and age in place, continuing their stewardship and protection of the home and its surroundings.

Pursuant to the Plan Commission’s review of this proposal, the following conditions would need to be met:

- 1) The proposed addition to the structure must receive a variance from the Board of Zoning Appeals in order to encroach into the rear building setback; and
- 2) The property must receive a variance from the Board of Zoning Appeals in order to legitimize the existing accessory structures on the property.

Committee members were very favorable toward the project due to the unique historic and environmental characteristics of this property which should be preserved. The do pass recommendation received an affirmative vote of 4-0.

/s/Isabel Piedmont-Smith
Isabel Piedmont-Smith (Chair)

9/11/2020
Date

/s/Matt Flaherty
Matt Flaherty

9/11/2020
Date

/s/Kate Rosenbarger
Kate Rosenbarger

9/11/2020
Date

/s/Stephen Volan
Stephen Volan

9/16/2020
Date

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

Ordinance #: 20-16
Amendment #: Am 01
Submitted By: Cm. Flaherty
Date: 16 September 2020
Proposed Amendment:

Text additions are shown in **bold**, and deletions are shown in ~~strikethrough~~.

1. Ord 20-16 shall be amended in Section 4, by adding the sentence shown below as the last sentence in Section 4. Section 4 shall be amended as follows:

SECTION 4. Expenditures from Fund. All expenditures from this Fund shall be subject to appropriation by the city's fiscal body. The city's fiscal body may not adopt any ordinance or resolution requiring the expenditure of EDIT revenue without first receiving a recommendation, in writing, of a majority of the members of the Sustainable Development Fund Advisory Commission on the proposed expenditure. **If the Sustainable Development Fund Advisory Commission fails to provide a timely recommendation in writing upon request as required by Bloomington Municipal Code 2.35.050(b) on a proposed appropriation from the Fund, the Common Council may adopt legislation requiring the expenditure of EDIT revenue without a recommendation from the Commission.**

2. Ord 20-16 shall be amended in Section 6, by inserting a new subdivision 2.35.050(b)(2) and renumbering following subdivisions accordingly. The new 2.35.050(b)(2) shall read as follows:

2.35.050 Powers and Duties

(b) Funding Priorities.

(2) The Commission shall also meet within 30 days upon request of the Mayor or the Common Council to consider and make a written recommendation on any proposed expenditure from the Fund. If the Commission fails to timely meet and provide a written recommendation on a proposed expenditure from the Fund, the Common Council may consider the proposed expenditure without the Commission's recommendation.

3. Ord 20-16 shall be amended in Section 6, by adding text to 2.35.050(b)(6) (to be renumbered to 2.35.050(b)(7)) as follows:

(b) Funding Priorities.

~~(7)~~ The Mayor and Common Council shall generally accept the funding recommendations from the Commission, **though are not bound to do so**. If the Mayor decides to reject a funding recommendation, the Mayor shall provide the Common Council and the Commission with a written explanation of the decision.

Synopsis

This amendment is sponsored by Councilmember Flaherty and clarifies that the Common Council may adopt legislation for the expenditure of EDIT revenue without a recommendation from the Sustainable Development Fund Advisory Commission if the Commission fails to provide a timely recommendation. The amendment also clarifies that the Mayor and Common Council should generally accept the Commission's funding recommendations but are not bound to do so.

Regular Session Action (9/16/2020):

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

Ordinance #: 20-16
Amendment #: Am 02
Submitted By: Cm. Flaherty
Date: 16 September 2020
Proposed Amendment:

1. Ord 20-16 shall be amended in Section 8, by adding and deleting the text as shown below. Text additions are shown in **bold**, and deletions are shown in ~~strikethrough~~.

SECTION 8. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, **and** any required publication or other promulgation in accordance with the law., ~~and upon the passage of an EDIT rate under Indiana Code § 6-3.6-6-4 by the Monroe County Local Income Tax Council.~~

Synopsis

This amendment is sponsored by Councilmember Flaherty and removes a condition for effectiveness of Ordinance 20-16 in order to avoid improper delegation of legislative authority.

Regular Session Action (9/16/2020):