

City of Bloomington Common Council

Legislative Packet

Containing legislation and materials related to:

Wednesday, 10 February 2021

5:30 PM – Land Use Committee

7:00 PM – Administration Committee

**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](#).*



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
LAND USE COMMITTEE
WEDNESDAY | 5:30 PM
10 FEBRUARY 2021

Per Executive Orders issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/99917538809?pwd=YnZJc1AyK05qcVQxaE9XS1RKZHRjQT09>

Chair: Isabel Piedmont-Smith

- A. Ordinance 21-02 – To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC) - Re: (Bill C. Brown Revocable Trust, Petitioner)

Asked to attend: Ryan Robling, Zoning Planner
Petitioner

STATEMENT ON PUBLIC MEETINGS DURING THE PUBLIC HEALTH EMERGENCY

As a result of Executive Orders issued by Indiana Governor Eric Holcomb, the Council and its committees may adjust normal meeting procedures to adhere to guidance provided by state officials. These adjustments may include:

- *allowing members of the Council or its committees to participate in meetings electronically;*
- *posting notices and agendas for meetings solely by electronic means;*
- *using electronic meeting platforms to allow for remote public attendance and participation (when possible);*
- *encouraging the public to watch meetings via Community Access Television Services broadcast or livestream, and encouraging remote submissions of public comment (via email, to council@bloomington.in.gov).*

Please check <https://bloomington.in.gov/council> for the most up-to-date information on how the public can access Council meetings during the public health emergency.

--Continued on next page--

Posted: 05 February 2021



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
ADMINISTRATION COMMITTEE
WEDNESDAY | 7:00 PM
10 FEBRUARY 2021

Per Executive Orders issued by the Governor, this meeting will be conducted electronically.

The public may access the meeting at the following link:

<https://bloomington.zoom.us/j/99917538809?pwd=YnZJc1AyK05qcVQxaE9XS1RKZHRjQT09>

Chair: Steve Volan

- A. Ordinance 21-03 (formerly Ordinance 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration And Personnel” – Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised)

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Posted: 05 February 2021



City of Bloomington
Office of the Common Council
NOTICE

Wednesday, 10 February 2021

Land Use Committee – 5:30 pm

Administration Committee – 7:00 pm

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As a quorum of the Council or its committees may be present, this gathering constitutes a meeting under the 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.



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-02 – To Rezone a 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC). Re: (Bill C. Brown Revocable Trust, Petitioner)

Synopsis

Ordinance 21-02 rezones 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC).

Relevant Materials

- Ordinance 21-02
- Certification of Ord 21-02 by Plan Commission
- Staff Memo from Ryan Robling
- Maps
- Petitioners’ Rezoning Statement
- Illustrative Site Plan Context
- Correspondence on behalf of Sound Management, LLC regarding rezoning
- Fiscal Impact Statement

Certified by Plan Commission

Certified by the Plan Commission on December 14, 2020 with a favorable recommendation (9-0).

Summary

The Council’s review of a proposal to change the city’s zone maps is guided by state statute.¹ Within ninety (90) days after such a proposal is certified to the Council by the Plan Commission, the Council may adopt or reject the proposal.² If the Council fails to act on the proposal within 90 days after certification (by January 20, 2021), the ordinance would take effect as if it had been adopted as certified by the Plan Commission.³ As a condition to the adoption of a rezoning proposal, the owner of a parcel of real property may be required or allowed to make a commitment concerning the use or development of that parcel, subject to certain requirements contained in state law.⁴

In preparing and considering proposals Council shall pay reasonable regard to the following⁵:

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

Contact

Ryan Robling, Zoning Planner, roblingr@bloomington.in.gov, (812) 349-3423

¹ IC 36-7-4 et. seq.

² IC 36-7-4-608(f)

³ IC 36-7-4-608(f)(4)

⁴ IC 36-7-4-1015

⁵ IC 36-7-4-603

ORDINANCE 21-02

TO REZONE A 10.097 ACRE PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) TO MIXED-USE CORRIDOR (MC)

- Re:

(Bill C. Brown Revocable Trust, Petitioner)

WHEREAS, Ordinance 20-06, which repealed and replaced the official zoning map within Title 20 of the Bloomington Municipal Code Entitled, “Unified Development Ordinance” went into effect on April 18, 2020; and

WHEREAS, the Plan Commission has considered this case, ZO-25-20, and recommended that the petitioner, Bill C. Brown Revocable Trust, be granted an approval to rezone 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC); and,

WHEREAS, the Plan Commission therefore requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.06 of the Bloomington Municipal Code, the zoning of the property located at 300 S. State Road 446, 4500 E. 3rd St., 4506 E. Third St. and 4518 E. Third St. shall be changed from Planned Unit Development (PUD) to Mixed-Use Corridor (MC). The property is further described as follows:

Parcel 1

A part of the Northeast Quarter of the Northwest Quarter of Section 1, Township 8 North, Range 1 West, in Monroe County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the East line of said quarter quarter that is 867.38 feet South (assumed bearing) of the Northeast corner of said quarter-quarter, thence North 89 degrees 38 minutes 18 seconds West for a distance of 668.00 feet, thence North over and along an existing fence line for a distance of 443.00 feet, thence South 89 degrees 03 minutes 55 seconds East for a distance of 306.47 feet, thence South 0 degrees 21 minutes West for a distance of 161.95 feet, thence South 89 degrees 38 minutes 18 seconds East for a distance of 312.09 feet, thence South 0 degrees 10 minutes 44 seconds West for a distance of 224.73 feet, thence North 89 degrees 19 minutes 11 seconds East for a distance of 51.17 feet, thence South for a distance of 24.58 feet to the place of beginning.

EXCEPTING THEREFROM, a strip 30 feet of even width off the entire South side of the above described land, containing in all after said exception 4.238 acres, more or less.

Parcel Number 015-30750-01 (53-08-0L-200-0L9.000-009)

Commonly known as 310 South State Road 446, Bloomington, Indiana 47401

Parcel 2

Lot Number 4 in Century Village Phase II, and Amendment to Century Village Lot 2, Phase I, Final Plat, as shown by the Plat thereof recorded In Plat Cabinet HB, Envelope 199, in the Office of the Recorder of Monroe County, Indiana.

Parcel Number 015-10930-00 (53-03-01-200-014.000-009)
Commonly known as 4500 N. Third St, Bloomington, IN 47401

Parcel 3

A part of the North half of the Northwest quarter of Section 1, Township 8 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows: Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter; thence North 89 degrees 36 minutes 31 seconds West along the North line of said Section L a distance of 238.93 feet; thence leaving said North line South 02 degrees 10 minutes 1-9 seconds East 48.79 feet to the south right-of-way of State Road #46 (E. Third Street); thence South 89 degrees 36 minutes 3L seconds East 748.16 feet along said South right-of-way to the point of beginning; thence South 89 degrees 36 minutes 31 seconds East 115.00 feet along said South right-of-way to a found iron pipe; thence South 00 degrees 52 minutes 22 seconds East 796.34 feet thence North 89 degrees 35 minutes 48 seconds West 115.00 feet; thence North 00 degrees 52 minutes 22 seconds West 196.32 feet to the point of beginning; containing 0.52 acres, more or less.

Parcel No. 015-32 120-01 (53-08-01-200-007.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

Parcel 4

Lot Number 2 in Century Village III, as shown by the plat thereof recorded in Plat Cabinet D, Envelope LO7, in the office of the Recorder of Monroe County, Indiana.

Parcel No. 015-32L20-02 (53-08-01-300-013.002-009)
Commonly known as 4518 E. Third Street, Bloomington, IN 47401

Parcel 5

Lot Number 78 in Baker Subdivision III, as shown by the plat thereof recorded in Plat Cabinet C, Envelope L69, in the office of the Recorder of Monroe County, Indiana;

Parcel No. 015-13546-00 (53-08-01-205-023.000-009)
Commonly known as E. Third Street, Bloomington, IN 47401

SECTION 2. This rezoning shall be approved as attached hereto and made a part thereof.

SECTION 3. 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 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2021.

JIM SIMS, 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 _____, 2021.

Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

Ordinance 21-02 rezones 10.097 acres from Planned Unit Development (PUD) to Mixed-Use Corridor (MC).

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 21-02 is a true and complete copy of Plan Commission Case Number ZO-25-20 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on December 14, 2020.

Date: December 23, 2020



 Scott Robinson, Secretary
 Plan Commission

Received by the Common Council Office this 24th day of December, 2020.



 Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected	_____	_____
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No _____

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

Interdepartmental Memo

To: Members of the Common Council
From: Ryan Robling, Zoning Planner
Subject: ZO-25-20
Date: December 24, 2020

Attached are the staff report, petitioner's statement, maps, and exhibits which pertain to Plan Commission case ZO-25-20. The Plan Commission heard this petition at the December 14, 2020 hearing and voted 9-0 to send this petition to the Common Council with a favorable recommendation. The Plan Commission report is attached.

REQUEST: The petitioner is requesting to rezone 10.097 acres from PUD (70 – Century Village) to (MC) Mixed-use Corridor. A waiver of the required 2nd hearing is also requested.

BACKGROUND:

Area:	10.097 acres
Current Zoning:	PUD (70 – Century Village) and (21 – Baker/Stephens)
Comprehensive Plan Designation:	Urban Corridor
Existing Land Use:	Vacant
Proposed Land Use:	Undetermined
Surrounding Uses:	North – Commercial/Dwelling, Multifamily South – Dwelling, Multifamily East – Communication Tower/Commercial/ Dwelling, Single-family West – Commercial/Restaurant

REPORT: The 10.097 acre property is located at the southwest corner of E. 3rd St. and State Road 446. The properties are currently zoned (PUD) Planned Unit Development; a majority of the site is within PUD 70 (Century Village) which was originally approved in 1975 as PCD-10-75. The remainder of the site is within PUD 21 (Baker/Stephens). The developed portions of the PUDs (Lots 1, 2, 3, and 5, as well as Century Suites Phase I-A, and Phase I-B) are not included in this petition. The excluded portions will remain within PUD 70 and PUD 21. The properties to the north across E. 3rd Street are zoned MC and are currently developed with mixture of commercial and multifamily dwelling units and are home to Summerhouse. The properties to the south are zoned RM and PUD and have both been developed with multifamily dwelling units. The properties to the west are zoned PUD and have been developed with a multitenant center and restaurant. The adjacent properties to the east are zoned within PUD 70 and have been developed with a communication tower, hotel, and offices. The property fronts along E. 3rd St and S. SR 446.

The petitioner is requesting to rezone the property from PUD to (MC) Mixed-Use Corridor. No development plan is being requested at this time. The properties being proposed to be rezoned are largely undeveloped with the exception of two surface level parking areas. Roughly 5 acres of the current Century Village PUD have been excluded from the proposed rezone and will remain a PUD. The proposed rezone would allow for all uses allowed in the MC district to be used on the site.

A conceptual site plan has been submitted with the petition, but is representative and seeks to show

what a potential development would look like once the area is rezoned. While the petitioner has a conceptual site plan, any uses allowed in the MC district would be allowed on the site. Any future developments that met the threshold for a major site plan review would be required to undergo further Plan Commission review. The current conceptual site plan shows a potential development which features four multifamily buildings with a mixture of 1 and 2 bedroom units proposed, for a total of 164 units. Ground floor non-residential units are shown along E. 3rd St. The conceptual site plan also shows a planned 32,000 square foot self-storage building at the southern end of the site. All of the uses shown in the conceptual plan are allowed in the MC district.

COMPREHENSIVE PLAN: The majority of this site is designated as ‘Urban Corridor’ with some ‘Neighborhood Residential’ on the southern rear portion. The lines and edges in the Comprehensive Plan are intended to be fluid, so as to be flexible as areas in the City develop. Given the existing development on and around the site, the Department feels that ‘Urban Corridor’ is the most appropriate district to analyze this proposal. The Comprehensive Plan notes the following about the intent of the ‘Urban Corridor’ area and its redevelopment:

- *Designed to transform strip retail and commercial corridors along major roadways into a more urban mixed-use district that will serve as an appropriate transition from higher, more intensive uses to other districts, Focus Areas, and regional activity centers.*
- *Integrating multifamily residential uses into existing retail and commercial areas within the district can apply a mixed-use approach within individual buildings sites or between adjacent properties.*
- *It is intended to incorporate a balance of land uses by taking advantage of the proximity to other land uses and urban services.*
- *The district is expected to change by incorporating mixed uses and increasing activity.*
- *Buildings should be developed with minimal street setbacks, with parking located behind the building, and with an emphasis on minimizing pedestrian obstacles to accessing businesses.*
- *Development and redevelopment within the district is particularly suited to high-density residential and mixed residential/commercial use and taller building heights, with the possibility of three or four-story buildings.*

The proposed rezoning from PUD to MC will allow the site to more easily achieve the intent of the Urban Corridor designation. The properties front along two major roadways (E. 3rd St. and S. SR 446), but the current PUD does not allow for the increased residential density that the Comprehensive Plan calls for in this area. The MC district was intended to be along major arterial and collector corridors at a larger scale than other commercial zoning districts. The MC district is intended to accommodate medium-scaled developments with a mix of retail, office, and residential uses. The MC district would allow for a greater opportunity for a mixed-use approach to development than the current, commercial focused PUD. The MC district allows for taller buildings than most other base zoning district at 4 stories (not to exceed 50 feet).

20.06.070(b)(3)(E)(i)(1) ZONING MAP AMENDMENT PLAN COMMISSION REVIEW AND RECOMMENDATION:

[a] The recommendations of the Comprehensive Plan;

Proposed Finding: The Comprehensive Plan designates these properties as ‘Urban Corridor’

and ‘Neighborhood Residential.’ The Comprehensive Plan acknowledges that the lines of the Future Land Use map are intended to be fluid, and that when petition sites span multiple designations, the best suited designation should be identified using the petition details and surroundings. This petition includes five parcels under single ownership that front along two major corridors in the City. Therefore the ‘Urban Corridor’ designation is believed to be the most align with the petition site.

The Comprehensive Plan gives guidance to land use decisions for the ‘Urban Corridor’ that include mixed-use developments at heights and intensities higher than smaller less intense areas of the city. The MC district’s purpose is to “accommodate medium-scaled developments with a mix of storefront retail, professional office, and/or residential dwelling units along arterial and collector corridors at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.” The MC district is the base zoning district that most closely aligns with the intent and goals of ‘Urban Corridor’ areas of the Comprehensive Plan.

[b] Current conditions and character of structures and uses in each zoning district;

Proposed Finding: The site is undeveloped and is in a prime location for a mixture of commercial and residential uses with direct access to two major corridors (E. 3rd St. and S. SR 446). The proximity to both major area commercial uses, and multifamily and single-family areas makes this an ideal location for mixed-use development.

[c] The most desirable use for which the land in each zoning district is adapted;

Proposed Finding: The most desirable use for this land is to follow the recommendations of the Comprehensive Plan which calls for commercial, higher density residential, and mixed-use developments throughout the ‘Urban Corridor.’ The MC district was intended to allow for a variety of commercial and residential units to be developed throughout. The standards and allowed uses within the MC district would allow for the most desirable uses of this area.

[d] The conservation of sensitive environmental features;

Proposed Finding: The properties currently have a tree preservation area on the southeast portion of the site. This area on the site was set aside during the rezone to a PUD. A conditional of approval has been included which will further ensure that the tree preservation area will be maintained in perpetuity.

[e] The conservation of property values throughout the jurisdiction; and

Proposed Finding: The rezoning of these portions of PUDs to MC are not anticipated to have any negative impacts on the adjacent property values throughout the jurisdiction.

[f] Responsible development and growth

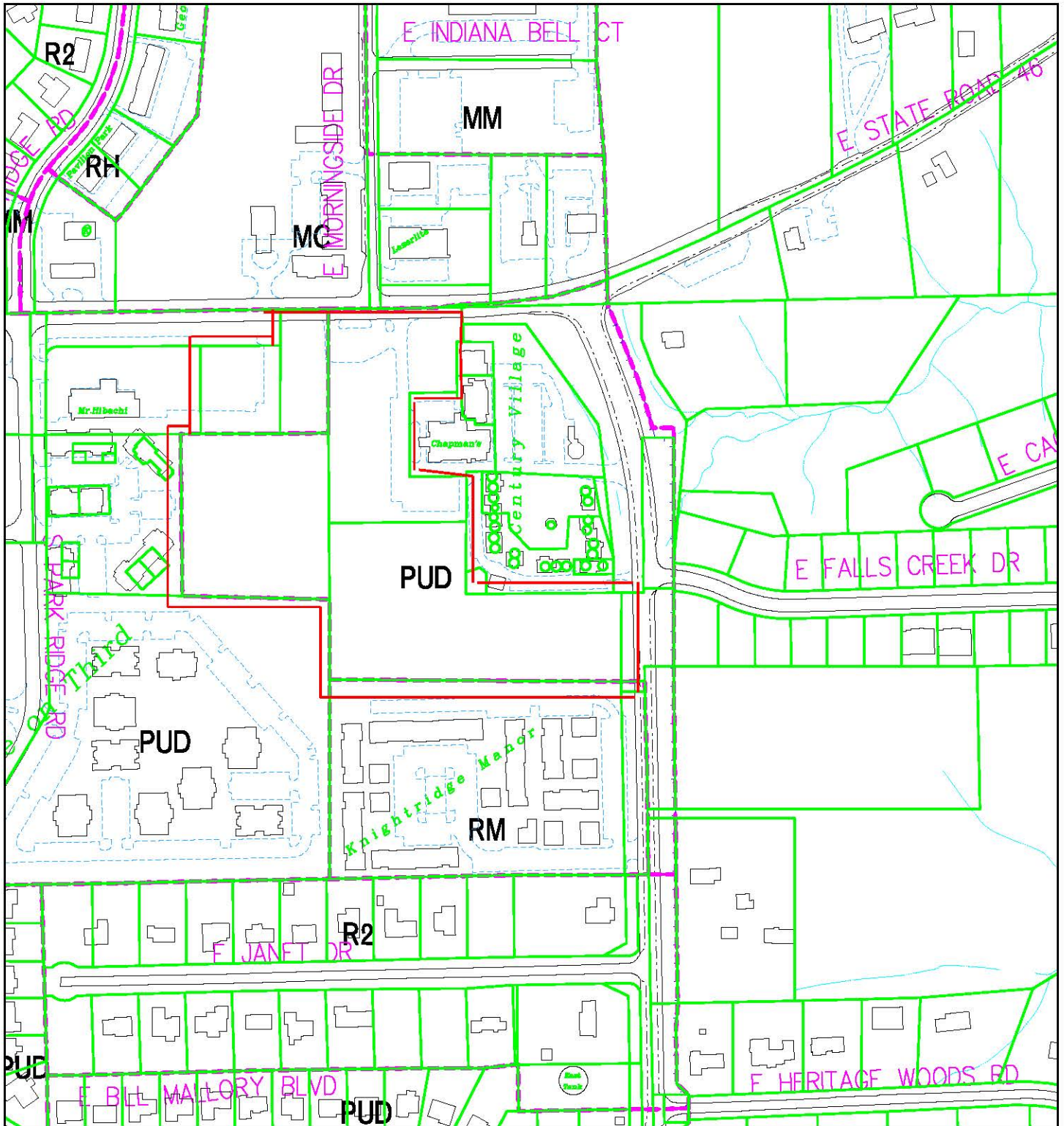
Proposed Finding: The rezoning of this property to MC would allow for mixed-use developments along two major corridors. The MC district was intended to allow for a mixture of uses, including multifamily residential uses, along major corridors. The Comprehensive Plan has identified this area as ideal for a mixture of commercial uses and higher-density

residential uses. This location is easily accessed from both E. 3rd St. and S. SR 446. This petition would allow for more uses than the current PUDs, and match the goals of the Comprehensive Plan.

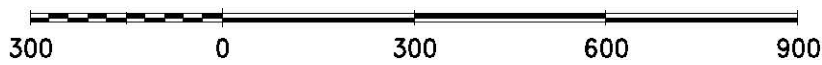
CONCLUSION: The Department promotes rezoning properties which have been largely undeveloped since 1975. The Comprehensive Plan gives guidance which supports a mixture of uses along major corridors in the city. The Mixed-Use Corridor (MC) district allows for a variety of commercial and residential uses. The petition site fronts along two major corridors (E. 3rd St. and S. SR 446), allowing excellent access possibilities for future development. Allowing additional uses, particularly multifamily residential, would allow a site along a heavily traveled portion of the city to be developed in line with the Comprehensive Plan's long term goals of the City.

RECOMMENDATION: Based on the findings of fact in the report, the Department recommends forwarding this petition to the Common Council with a positive recommendation, and waiving the required second hearing, with the following conditions:

1. A Tree Preservation Easement shall be confirmed by survey and recorded in the Monroe County Recorder's Office as a recordable commitment, and the easement will be in compliance with Unified Development Ordinance easement standards, including but not limited to signage.

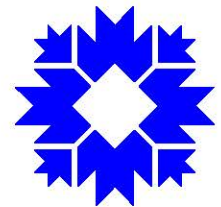


By: roblngr
11 Dec 20



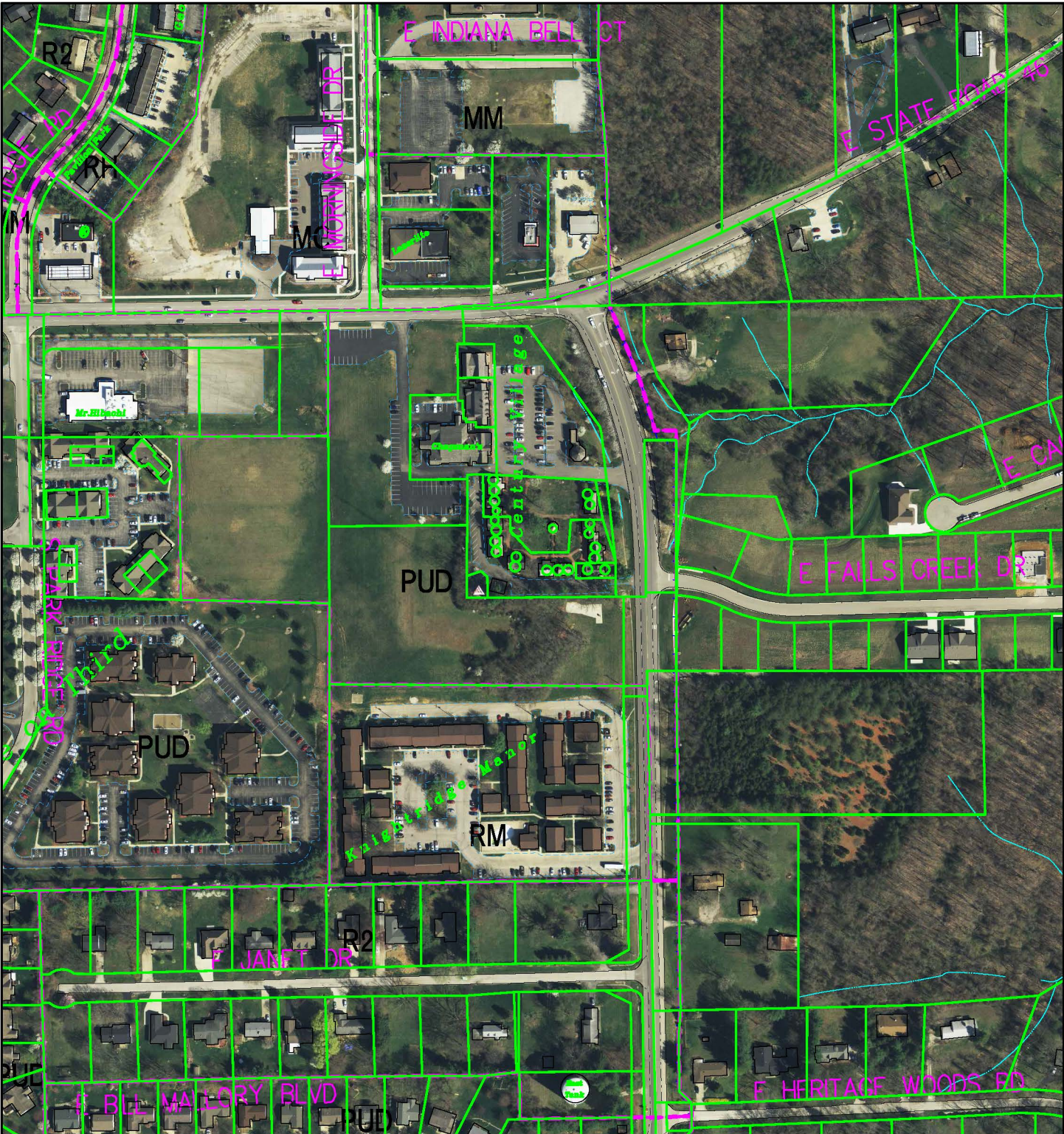
For reference only; map information NOT warranted.

City of Bloomington
Planning & Transportation

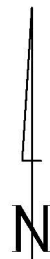
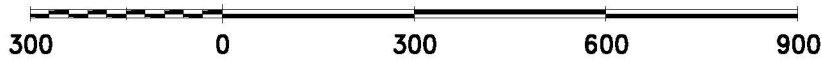


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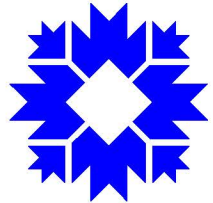
Scale: 1" = 300'



By: roblng
11 Dec 20



City of Bloomington
Planning & Transportation



Scale: 1" = 300'

For reference only; map information NOT warranted.

PETITIONERS' REZONING STATEMENT

Petitioners request for rezoning of the Century Village Planned Unit Development to mixed use – corridor (MC). This petition excludes rezoning Lot 1, Century Village Phase 1 as shown by the plat in Cabinet C in the Envelope 164 (Radio Station Office Building) and the small tract on which the radio station transmission tower was erected.

Uniform development ordinance states the purpose for the MC zone as “intended to accommodate medium-scaled developments with a mix of store front retail, professional office, and/or residential dwelling units along arterial and collector corners at a scale larger than the neighborhood-scale uses accommodated by the MN zoning district.

Current Planned Unit Development Zone. The Century Village II planned unit development was approved on October 1, 2004 as ordinance 04-32. The Century Village PUD encompassed 14.32 acres and identified a list of permitted uses as:

- Assisted Living Facility
- Day Care Centers
- Financial Institutions with a drive thru
- Hotel/Motel
- Office, including medical and professional
- Personal Services (hair care, tanning, etc.)
- Radio/TV Stations
- Retail Sales in enclosed buildings, limited to first floor and five thousand square feet per user
- Banquet Facility
- Restaurants, sit down, with pickup only window for carryout orders being allowed
- Restaurant, limited service
- Group Hub – limited to a minimum of 50% floor area committed to tavern/restaurant area
- Social Services
- Covered Offices

The PUD also permitted multifamily use located on second floor and above and limited to a maximum of fifty units. Site design required access to the development from East 3rd Street via single access point with the interior road to Century Village directly aligned with the existing E. Morningside Drive street connection to E. 3rd Street. East access to Century Village Complex was authorized two connections at South State Road 446.

PUD Development. The Century Village PUD acreage was subsequently platted and replatted or by amended plats created eleven lots. Seven lots are developed with the following uses:

- Office Buildings (three lots)
- Common Parking and Overflow Parking (two lots)

- Condominiums (Century Suites short-term and transient rentals)
- Restaurant
- Banquet Facility
- Radio Station Office and Transmission Tower

Development Land. The undeveloped lots and undeveloped portions of lots total approximately eleven acres.

Proposed/anticipated future development of the eleven acres includes:

- Multifamily Housing (primarily located on the northern one-half of the development ground in Century Village Complex. The multifamily buildings would be along the E 3rd Street frontage.
- Business and personal services offices (first floor use in the multifamily buildings adjacent to E 3rd Street frontage)
- Storage/Self-service Units (developed on the southern approximate one-half of the development land/Century Village PUD area). The Storage units would have direct access to South State Road 46.

Adjacent and Surrounding Uses. The Century Village PUD is bordered on the north by E 3rd Street/East State Road 46. Uses on the north side of E. 3rd Street include a convenience mart/gas station, a multifamily apartment development, a commercial building, an ice cream store and a general contractor trade office. The PUD is bordered on the east by State Road 446. On the east side of 446 is a single-family residential home, undeveloped strip of land, a connecting road at East Fall Creek Drive which extends eastward and is bordered on the north and south side by single-family homes. Adjacent to the south side of Century Village is a multifamily apartment complex. The PUD is bordered to the west by multifamily apartments and a restaurant at the northwest corner of Century Village frontage on E 3rd Street.

Environmental Issues. No karst features or environmentally sensitive features or areas are known to exist within Century Village. The eleven acres of development area is primarily open space, vacant land with few trees. The development of the eleven acres in addition to adding a treescape, is expected to preserve all existing specimen trees. On site drainage controls and water quality measures would be developed in conjunction with any further development of the project.

Petitioners' Intent: A planning policy for the City of Bloomington is to examine the existing PUD zones upon adoption of the new Uniform Development Ordinance. The City will examine the existing PUD zones carried forward with the new zoning map and consider appropriate rezonings to identify specific zoning classifications in the new UDO. Prior to development of the remaining eleven acres in the Century Village PUD, petitioners seek to advance the consideration of rezoning of the Century Village PUD to an appropriate zone in accordance with the recently approved UDO. The mixed use corridor zone is the most appropriate zoning classification for the Century Village PUD. The property is located on two corridors – E 3rd Street and South State Road 446. The permitted uses in the Century Village PUD are most closely aligned with the uses permitted for the MC zone in accordance with the use table. The

anticipated development for the eleven acres in the Century Village PUD is consistent with the MC table of permitted uses. The development standards applicable to the MC zone are appropriate for the existing developments as well as anticipated development of the eleven acres.

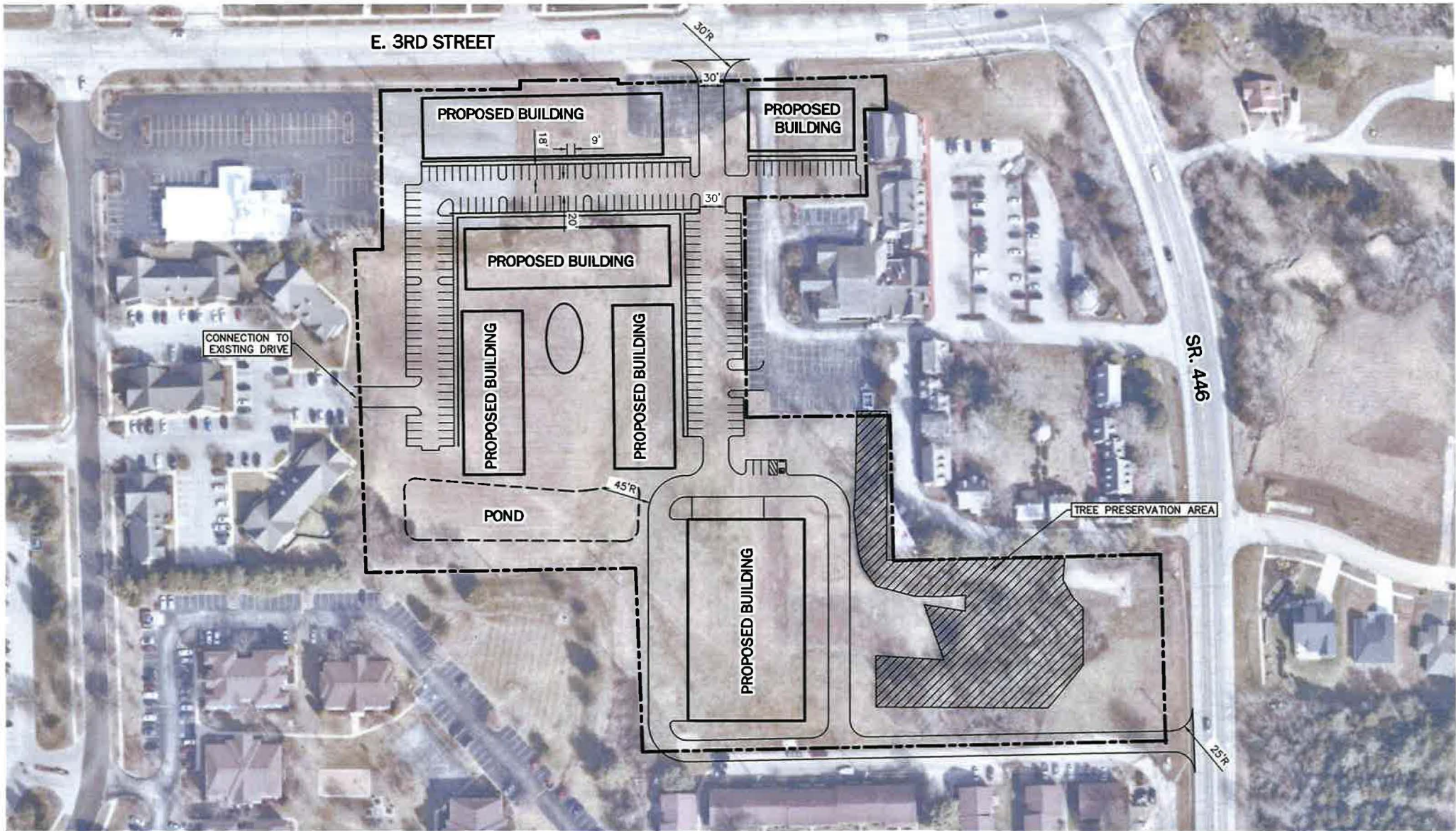
Development would utilize the MC development standards for multifamily housing. It is expected that the development would maintain the current PUD standard for first floor nonresidential use in multifamily buildings along the E 3rd Street frontage.

Petitioner requests waiver of second hearing before the Plan Commission.



Michael L. Carmin
Attorney for Petitioner

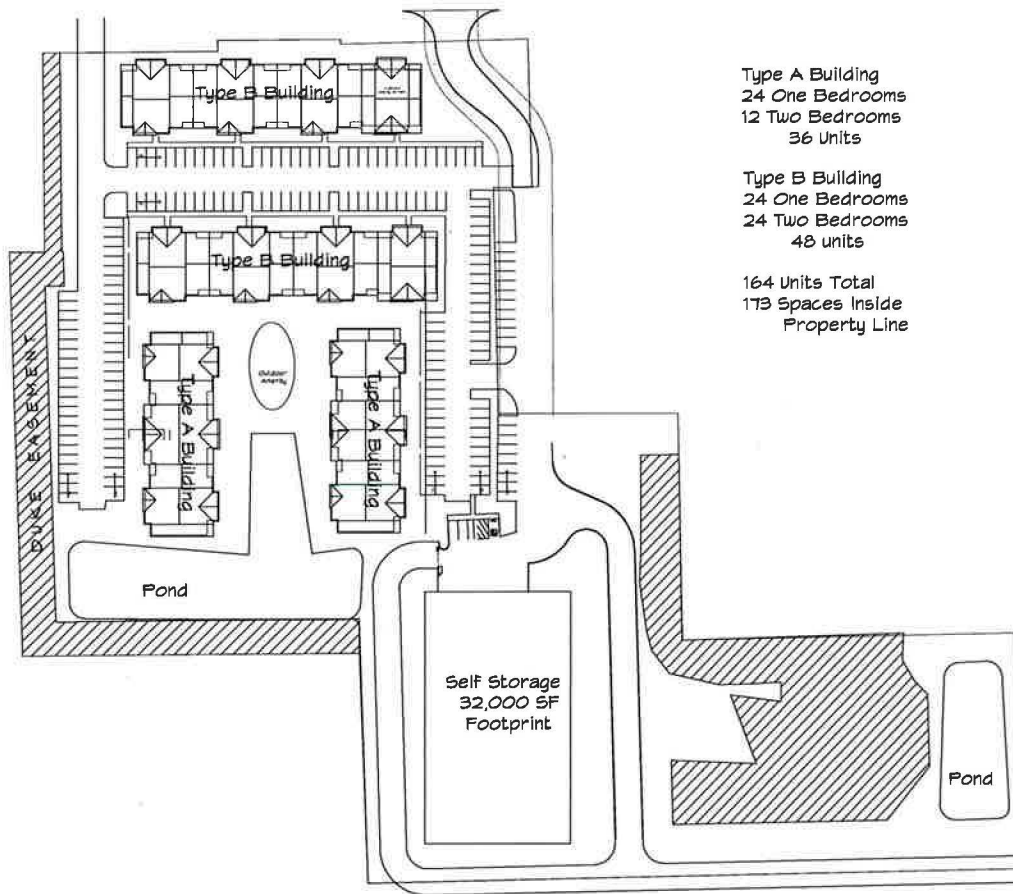
423574




 SCALE 1" = 100'
 October 8, 2020

Site Exhibit
 Bloomington Century Village PUD - Rezone
 E. 3rd Street & SR. 446
 Bloomington, IN

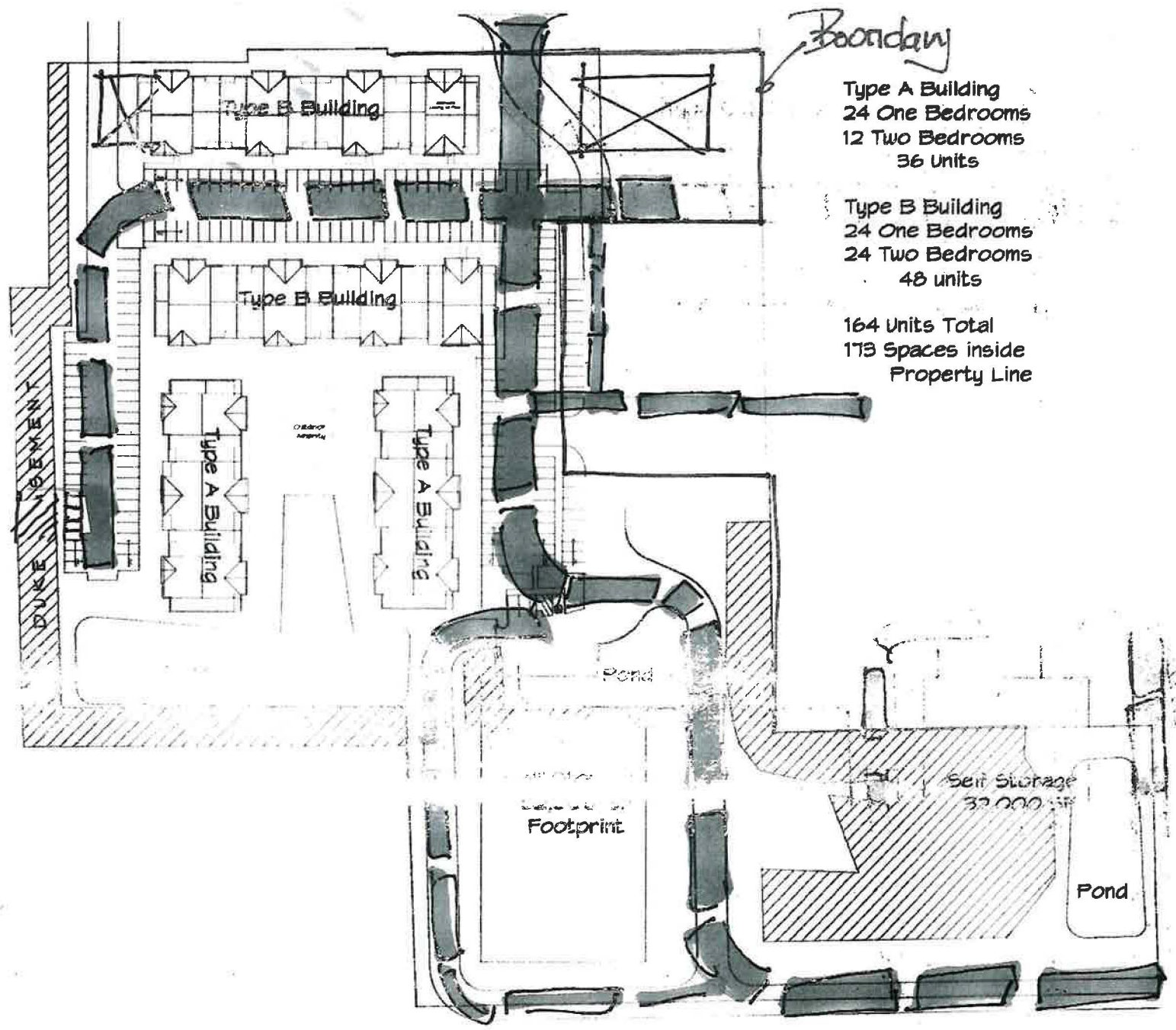
 AMERICAN
STRUCTUREPOINT
 INC.
 2020-01174



Type A Building
 24 One Bedrooms
 12 Two Bedrooms
 36 Units

Type B Building
 24 One Bedrooms
 24 Two Bedrooms
 48 units

164 Units Total
 173 Spaces Inside
 Property Line



Type A Building
 24 One Bedrooms
 12 Two Bedrooms
 36 Units

Type B Building
 24 One Bedrooms
 24 Two Bedrooms
 48 units

164 Units Total
 173 Spaces inside
 Property Line



Front Elevation Concept - Building B




US Architects
(765) 405-1220

A Concept Sketch for
Century Village Storage
Bloomington, Indiana
September 2020

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

Robert T. Wildman

Direct Dial: (317) 684-5377

Fax: (317) 223-0377

E-Mail: RWildman@boselaw.com

December 11, 2020

City of Bloomington Plan Commission
c/o Ryan Robling

Re: Century Village PUD Rezoning

Dear Mr. Robling:

I am writing on behalf of Sound Management, LLC ("Sound Management"). Sound Management is the owner of Century Village Phase 1, Lot 1 which contains a broadcast office and studio for its radio stations. It also leases a .058 acre parcel in Century Village for its broadcast tower. Call, LLC, an affiliated entity, actually owns the tower. There is an easement for a transmission line that runs between the broadcast studio and the tower. Sound Management's predecessor, University Broadcasting Company, LLP, acquired the property and tower in 1996 from a prior radio operator. Its broadcast operations and the tower are specifically permitted uses in the Century Village PUD. Sound Management has made a substantial investment in its assets and operation and anticipates continuing operations from Lot 1 and the broadcast tower that is located in the Century Village PUD for years to come.

We are aware that Bill Brown has initiated a rezoning petition to covert the Century Village PUD (exclusive of Lot 1 and the broadcast tower) to an appropriate zone under the recently adopted City of Bloomington Unified Development Ordinance. Sound Management declined to join the rezoning petition as to Lot 1 and the tower site. We understand that in all of the possible zones in the new zoning ordinance, the communication tower is permitted only as a conditional use. As you can imagine operation of the broadcast tower as it currently exists is critical to the continued operation of Sound Management's business.

While Sound Management, LLC does not object to Mr. Brown's petition, it does object to any change which would restrict Sound Management's current operations or cause the broadcast tower to be a conditional use now or in the future. It is not reasonable to expect Sound Management to voluntarily or intentionally subject its use of the property to a zoning change that imposes conditional use standards on its business critical communication tower. Sound Management, LLC and Call, LLC have far too much invested in the radio station's site and communication tower as a permitted use.

Sincerely,



Robert T. Wildman

3976822_1

111 Monument Circle, Suite 2700 | Indianapolis, Indiana 46204 | (317) 684-5000 | (317) 684-5173 (fax) | www.boselaw.com

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**BLOOMINGTON COMMON COUNCIL
FISCAL IMPACT STATEMENT**

Per BMC §2.04.290, any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement.

LEGISLATION NUMBER AND TITLE ORD 21-02 - To Rezone oa 10.097 Acre Property from Planned Unit Development (PUD) to Mixed-Use Corridor (MC)
Re: (Bill C. Brown Revocable Trust, Petitioner)

PROPOSED EFFECTIVE DATE TBD

FISCAL IMPACT. Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

YES NO. If the legislation will not have a major fiscal impact, briefly explain below.

This legislation seeks to rezone 10.097 acres of property from PUD to MC. There is no major fiscal impact associated with rezoning the property. Fiscal impact will be re-evaluated at the time the property is developed.

FISCAL IMPACT FOUND. If the legislation appropriates funds and/or will have a major fiscal impact, please complete the following:

	FY -- CURRENT	FY -- SUCCEEDING	ANNUAL CONTINUING COSTS THEREAFTER
REVENUES			
EXPENDITURES			
NET			

IMPACT ON REVENUE (DESCRIBE)

IMPACT ON EXPENDITURES (DESCRIBE)

FUTURE IMPACT. Describe factors which could lead to significant additional expenditures in the future.

FUNDS AFFECTED: TO BE COMPLETED BY CITY CONTROLLER
If the proposal affects City funds, please describe the funds affected and the effects of the legislation on these funds.

Signature of Controller

Signature of City Official
responsible for submitting legislation

01/28/2021



MEMO FROM COUNCIL OFFICE ON:

Ordinance 21-03 (formerly Ordinance 20-33) – To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Chapter 2.02 (Boards and Commissions – revised) and Chapter 2.04 (Common Council – revised)

Background

This legislation was first introduced during the Special Session on Wednesday, December 9, 2020 under the title Ordinance 20-33 and was referred to the Administration Committee, which met that same night. During that Administration Committee meeting, it was moved and seconded to postpone committee deliberations on Ordinance 20-33 to a future Administration Committee meeting.

During the Regular Session on January 13, 2021, the Council reintroduced the ordinance under a new number, Ordinance 21-03, to reflect the start of a new year. The Council also extended the time for the Administration Committee to report on the item to the Regular Session on February 3, 2021.

The Committee met again on January 27, 2021 to deliberate on Ordinance 21-03. It considered and recommended passage of Amendment 01 to Ord 21-03 (included herein). The Committee adopted a motion to continue discussion of the ordinance to an additional Administration Committee meeting to be held on February 10, 2021. At the February 3 Regular Session, the Council further extended the time for the Committee to report on the item to the February 17 Regular Session.

Synopsis

This ordinance is sponsored by Councilmember Volan and would amend portions of Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel.” The ordinance makes the following changes:

- It requires that certain information about each city board or commission be maintained on the city’s website and revises the process to be followed upon a board or commission vacancy.
- It revises BMC Section 2.04.255 (“Committees – Scheduling”) to clarify council committee scheduling and the process of referring legislation to a council committee.
- It revises BMC Section 2.04.270 (“Ordinances and resolutions—Filing, copies and agendas”) to specify that the Council President is authorized to approve the agendas for committee meetings convened to consider legislation referred to them.
- It deletes BMC Section 2.04.290 (“Ordinances and resolutions—Fiscal impact statement required”).



City of Bloomington Indiana

City Hall | 401 N. Morton St. | Post Office Box 100 | Bloomington, Indiana 47402

Office of the Common Council | (812) 349-3409 | Fax: (812) 349-3570 | email: council@bloomington.in.gov

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced for first reading at the December 9, 2020 Special Session. The revision added the third Whereas clause, inserted a new Section 4, amended Section 5 to clarify council committees shall not meet to hear legislation during any scheduled summer recess, and renumbered subsequent sections accordingly.

Also note: This ordinance was previously introduced and discussed under the former number Ordinance 20-33, but was renumbered as Ordinance 21-03 and revised with an updated signature block to reflect the new year and election of a new Council President on January 6, 2021.

Relevant Materials

- Ordinance 21-03 (formerly Ord 20-33)
- Amendment 01 to Ord 21-03
- Additional amendment[s] may be forthcoming via packet addendum
- Relevant portions of Bloomington Municipal Code Chapters 2.02 and 2.04 with proposed changes tracked
- Draft fiscal impact statement
- Fiscal Impact Statement for Ordinance 21-03 forthcoming

Summary

Ordinance 21-03 (formerly Ord 20-33) proposes changes to various provisions in Bloomington Municipal Code Title 2.

First, Sections 1-3 of the ordinance revise the process to be followed when a vacancy occurs on a city board or commission. The process currently called for by local code was adopted in 1976 by Ordinance 76-27. It requires the creation of a synopsis containing certain information about the vacancy and the board, and calls for that synopsis and a statement on how to apply to the board to be sent to the local media at least fifteen days (except in certain emergency situations) before an appointment can be made.

The process proposed by Ordinance 21-03 would require that relevant information about each city board or commission be available and maintained on the city's website. When a vacancy occurs, the ordinance would require that an announcement be sent to the local media. That announcement would need to contain the relevant information about the particular board or commission (or direct the public to the information available on the city's website) along with a statement on how members of the public can apply for the vacancy



Second, Section 4 of the ordinance revises BMC 2.04.255 in a number of ways:

- It specifies that council committees (including the committee of the whole or standing committees) convened to consider legislation shall meet on second or fourth Wednesdays of each month, unless cancelled or otherwise rescheduled by a majority vote of the Council.
- It eliminates a provision that calls for committee of the whole meetings to convene at 6:30 p.m. local time so that meetings of the committee of the whole can be scheduled alongside standing committee meetings with more flexibility.
- It authorizes the council president to make a referral of legislation to the appropriate council committee when legislation is introduced, but states that such a referral can be changed by a motion of the council with a majority vote. The requirement that a motion to refer legislation to a standing committee be entertained before a motion for referral to committee of the whole remains in place.
- It allows the council president to schedule committee meetings on second and fourth Wednesdays in anticipation of the introduction of legislation.

Third, Section 5 of the ordinance revises BMC 2.04.270 to clarify that the council president shall approve the agendas for committee meetings convened to consider referred legislation.

Finally, Section 6 eliminates BMC 2.04.290, which currently requires the submittal of fiscal impact statements with every piece of legislation. This code section was adopted in 1979 by [Ordinance 79-97](#), though prior ordinances ([Ordinance 77-23](#); [Ordinance 78-71](#)) contained earlier iterations of the same requirement. In 2013, with [Ordinance 13-05](#), the Council revised this code section to eliminate a provision that required a super-majority of the Council to avoid deferring a piece of legislation when someone asserted that the fiscal impact statement requirement had not been satisfied. [Ordinance 13-05](#) also acknowledged that the submittal of fiscal impact statements had not been practiced in decades, but called for the provision to be made workable by the development of rules to facilitate the implementation of the provision. Subsequently, a fiscal impact statement template (included in this packet) was created, but it appears that such statements were not submitted with legislation until 2020.

Contact

Steve Volan, volans@bloomington.in.gov, (812) 349-3409

Stephen Lucas, lucass@bloomington.in.gov, (812) 349-3409

ORDINANCE 21-03

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” –
Re: Chapter 2.02 (Boards and Commissions – *revised*) and
Chapter 2.04 (Common Council – *revised*)**

WHEREAS, portions of Title 2 of the Bloomington Municipal Code (“BMC”) have not been updated in decades, and a review of such has determined that Chapters 2.02 and 2.04 should be amended; and

WHEREAS, BMC Chapter 2.02, which details the process to be followed upon a board or commission vacancy, contains sections that have not been updated in over forty years and revisions to this process are needed to reflect changes in technology and availability of information; and

WHEREAS, since 2014, the Council has rescheduled its summer recess from August to allow the recess to begin in either June or July, and the practice of scheduling its summer recess as needed should be reflected in BMC 2.04.050; and

WHEREAS, the use of standing committees by the Common Council throughout 2020 has demonstrated that certain amendments should be made to BMC Sections 2.04.255 and 2.04.270; and

WHEREAS, as previously acknowledged in Ordinance 13-05, BMC Section 2.04.290 requires the submittal of fiscal impact statements with certain pieces of legislation, but had not been practiced for decades and such statements are not necessary; and

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

SECTION 1. Section 2.02.010 shall be deleted in its entirety and replaced with a new Section 2.02.010 entitled “Boards and Commissions - Public information required”, which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.010 – Boards and Commissions - Public information required.

Each city board or commission, or a city employee officially designated to facilitate the work of the board or commission, shall ensure that the following information about the board or commission is publicly available and accurately maintained on the city’s website:

- (1) The name of the board or commission;
- (2) The purpose or purview of the board or commission;
- (3) The current membership of the board or commission, including the term start and end dates for each seat;
- (4) Any requirements for eligibility;
- (5) The duties of the members on the board or commission;
- (6) An estimate of the time required to fulfill the duties; and
- (7) Compensation, if any is provided.

SECTION 2. Section 2.02.020 shall be deleted in its entirety and replaced with a new Section 2.02.020 entitled “Vacancy - Announcement”, which shall read as follows and the amended title of the section shall be reflected in the table of contents for this chapter:

2.02.020 – Vacancy-Announcement.

At least one month before the expiration of an appointment, and immediately on the vacancy's occurrence in the case of an unexpected vacancy, an announcement shall be sent to the local media that either includes or directs the public to the information required by 2.02.010 about the board or commission. The announcement shall also include a statement on how to apply for the vacant position(s).

SECTION 3. Section 2.02.030 shall be amended by changing the word “synopsis” to “announcement” in the first sentence, so that the section shall read:

No appointments shall be made sooner than fifteen days after submission of the announcement to the media, unless the mayor declares to the common council that an emergency situation exists on a board or commission due to the vacancy, and the mayor recommends and common council votes unanimously to make the appointment before the fifteen days have run.

SECTION 4. Section 2.04.050(e) shall be amended to read as follows:

(e) "The council may choose to schedule a summer recess, provided the council meets at least once a month. If such a recess is scheduled, no legislation shall be heard for first reading at the final regular session prior to the recess."

SECTION 5. Section 2.04.255 shall be amended to read as follows:

(a) When a committee is to consider legislation referred by the council, it shall convene its meeting on the second or fourth Wednesday of the month. The council may decide by majority vote to cancel any such committee meeting, or to meet at an alternative date and time. Motions for referral to a standing committee shall be entertained before a motion for referral to the committee of the whole and shall include the approximate time at which the committee will convene.

(1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any council members may attend any meeting.

(2) Such committee meetings shall not begin before 5:30 p.m. or after 9:45 p.m.

(b) The president shall have the authority to refer legislation to the appropriate committee when the legislation is introduced for first reading, but such a referral may be changed by a motion approved by a majority of the council. The president shall have the authority to call and schedule committee meetings on second and fourth Wednesdays in anticipation of the introduction of legislation.

(c) A council committee shall not meet on legal holidays as enumerated in Indiana Code § 1-1-9-1, and shall not meet to hear legislation during the Council’s official recess, on the Wednesday evening immediately before Thanksgiving Day, or on or between the fourth Wednesday in December and New Year's Eve.

SECTION 6. Section 2.04.270 shall be amended by revising the third sentence, so that the sentence shall read:

The president shall approve the agendas for regular sessions, special sessions called by the president or voted upon by the council, and committees convened to consider legislation referred to them, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel.

SECTION 7. Section 2.04.290, entitled “Ordinances and resolutions—Fiscal impact statement required,” shall be deleted in its entirety.

SECTION 8. If any section, sentence, provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 9. This ordinance shall be in full force and effect from an after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this _____ day of _____, 2020.

JIM SIMS, 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 _____, 2020.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2020.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance is sponsored by Councilmember Volan and would amend portions of Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel.” The ordinance makes the following changes:

- It requires that certain information about each city board or commission be maintained on the city’s website and revises the process to be followed upon a board or commission vacancy.
- It revises BMC Section 2.04.050 (“Regular Meetings”) to clarify that the Council may schedule its summer recess as needed.
- It revises BMC Section 2.04.255 (“Committees – Scheduling”) to clarify council committee scheduling and the process of referring legislation to a council committee.
- It revises BMC Section 2.04.270 (“Ordinances and resolutions—Filing, copies and agendas”) to specify that the Council President is authorized to approve the agendas for committee meetings convened to consider legislation referred to them.
- It deletes BMC Section 2.04.290 (“Ordinances and resolutions—Fiscal impact statement required”).

Note: This ordinance was revised after distribution in the Legislative Packet but before being introduced for first reading at the December 9, 2020 Special Session. The revision added the third Whereas clause, inserted a new Section 4, amended Section 5 to clarify council committees shall not meet to hear legislation during any scheduled summer recess, and renumbered subsequent sections accordingly.

Note: This ordinance was revised after distribution in the Legislative Packet and after it was introduced for first reading at the December 9, 2020 Special Session. The revision renumbered the legislation from Ord.20-33 to Ord 21-03; and updated the signature block by striking “Stephen Volan” and replacing it with “Jim Sims” to reflect the recent election of Councilmember Sims to Council President.

*** Amendment Form ***

Ordinance #: 21-03
Amendment #: Am 01
Submitted By: Cm. Piedmont-Smith and Cm. Sgambelluri
Date: February 17, 2021
Proposed Amendment: (additions are shown in **bold** and deletions in ~~striketrough~~)

1. Ord 21-03 shall be amended by striking the last Whereas clauses as follows:

~~WHEREAS, as previously acknowledged in Ordinance 13-05, BMC Section 2.04.290 requires the submittal of fiscal impact statements with certain pieces of legislation, but had not been practiced for decades and such statements are not necessary; and.~~

2. Ord 21-03, Section 7 shall be revised as follows:

SECTION 7. Section 2.04.290, entitled “Ordinances and resolutions – Fiscal impact statement required,” shall be deleted in its entirety **and replaced with a new Section 2.04.290 entitled “Ordinances and resolutions – Fiscal impact statement required”** to read as follows:

2.04.290 Ordinances and resolutions – Fiscal impact statement required.

All proposed legislation must be accompanied by a statement describing the impact of that legislation on the City’s finances, including but not limited to revenues, expenditures, and any new debt obligations.

Synopsis

This amendment is sponsored by Cm. Piedmont-Smith and Cm. Sgambelluri. It recognizes the importance of understanding the fiscal impact of legislation and provides flexibility in how that information is presented. The amendment is intended to ensure that council members are informed of the fiscal impact of each proposed ordinance or resolution *without* requiring the use of a *single, inflexible form*. Rather than doing away with fiscal impact statements, this amendment would simplify the process, requiring sponsors of legislation to provide a *narrative* that describes the expected fiscal impact.

Committee Recommendation (01/27/21): 3-1 (Volan)
Regular Session Action (02/17/21): Pending

Changes proposed by Ordinance 20-33 to:
BMC CHAPTER 2.02 – BOARDS AND COMMISSIONS

Bold wording is proposed new language added.

~~Strikethrough~~ wording is language that is proposed to be deleted.

~~2.02.010 – Vacancy – Synopsis required.~~

~~At least one month before the expiration of an appointment, and immediately on the vacancy's occurrence in the case of an unexpected vacancy, the city board or commission shall write a synopsis regarding the vacancy, giving the name of the board or commission, the number of vacancies and any requirements for eligibility, the duties of the position, an estimate of the time required to fulfill the duties, and compensation.~~

2.02.010 – Boards and Commissions - Public information required.

Each city board or commission, or a city employee officially designated to facilitate the work of the board or commission, shall ensure that the following information about the board or commission is publicly available and accurately maintained on the city's website:

- (1) The name of the board or commission;**
- (2) The purpose or purview of the board or commission;**
- (3) The current membership of the board or commission, including the term start and end dates for each seat;**
- (4) Any requirements for eligibility;**
- (5) The duties of the members on the board or commission;**
- (6) An estimate of the time required to fulfill the duties; and**
- (7) Compensation, if any is provided.**

~~2.02.020 – Synopsis – To be sent to local media.~~

~~The synopsis shall be sent to the mayor's office in the case of a mayoral appointment and to the common council office in the case of a council appointment. Upon receiving the synopsis, those offices shall edit them as necessary. They shall then be sent, together with a statement on how to apply for the position, to the local media.~~

2.02.020 – Vacancy-Announcement.

At least one month before the expiration of an appointment, and immediately on the vacancy's occurrence in the case of an unexpected vacancy, an announcement shall be sent to the local media that either includes or directs the public to the information required by 2.02.010 about the board or commission. The announcement shall also include a statement on how to apply for the vacant position(s).

2.02.030 - Appointments—Time limit before making.

No appointments shall be made sooner than fifteen days after submission of the ~~synopsis~~ **announcement** to the media, unless the mayor declares to the common council that an emergency situation exists on a board or commission due to the vacancy, and the mayor recommends and common council votes unanimously to make the appointment before the fifteen days have run.

2.02.040 - Advisory appointments to city boards, commissions, and councils.

- (a) Except as set forth in part (d), city boards, commissions, and councils may expand their membership by no more than four members to serve in a non-voting advisory capacity. To do so, these entities shall adopt and file with the common council a motion which states their intention to expand their membership in this regard by a specified number of positions. As directed by BMC 2.08.020(2), the motion shall set forth the initial period of staggered terms and, after that period, the terms shall be the same length as other positions on those entities.
- (b) The appointments to these positions shall comply with this chapter and shall be made by the common council in the same manner as appointments to fill the other positions on these entities.
- (c) Expansion of a board, commission, or council under this section does not preclude those entities from engaging volunteers to assist in their activities.
- (d) The appointment of non-voting advisory members shall not be available for the following boards, commissions, and councils:
 - (1) Plan commission (Indiana Code § 36-7-4-207);
 - (2) Board of zoning appeals (Indiana Code § 36-7-4-902-903; 906);
 - (3) Board of public works (Indiana Code § 36-4-9-6);
 - (4) Utilities services board (Indiana Code § 8-1-2-100);
 - (5) Redevelopment commission (Indiana Code § 36-7-14-6.1 &7);
 - (6) Common council;
 - (7) Economic development commission (Indiana Code § 36-7-12);
 - (8) Board of park commissioners (Indiana Code § 36-10-4-7);
 - (9) Housing authority (Indiana Code § 36-7-18);
 - (10) Bloomington industrial advisory commission (Indiana Code § 36-7-13);
 - (11) Public safety board (Indiana Code § 36-8);
 - (13) Bloomington Urban Enterprise Association (Indiana Code § 4-4-6.1-4);
 - (14) Firefighters pension board (Indiana Code § 36-8-7);
 - (15) Police pension board (Indiana Code § 36-8); and
 - (16) Public transportation corporation (Indiana Code § 36-9-4-15).

Changes proposed by Ordinance 20-33 to:
BMC CHAPTER 2.04 – COMMON COUNCIL

Bold language is proposed new language added.
~~Strikethrough~~ wording is language that is proposed to be deleted.

2.04.255 - Committees—Scheduling.

- (a) ~~Meetings of standing committees or the committee of the whole convened to consider legislation referred by the council shall meet~~ **When a committee is to consider legislation referred by the council, it shall convene its meeting** on the second or fourth Wednesday of the month. **The council may decide by majority vote to cancel any such committee meeting, or to meet at an alternative date and time.** Motions for referral to a standing committee shall be entertained before a motion for referral to the committee of the whole and shall include the approximate time at which the committee will convene.
- (1) If more than one standing committee has had legislation referred to it during the same period of time, the committees shall not be scheduled at the same time, so that any council members may attend any meeting.
 - (2) Such standing committee meetings shall not begin before 5:30 p.m. or after 9:45 p.m.
 - ~~(3) Such meetings of the committee of the whole shall convene at 6:30 p.m. local time.~~
- (b) **The president shall have the authority to refer legislation to the appropriate committee when the legislation is introduced for first reading, but such a referral may be changed by a motion approved by a majority of the council. The president shall have the authority to call and schedule committee meetings on second and fourth Wednesdays in anticipation of the introduction of legislation.**
- (c) A council committee shall not meet on legal holidays as enumerated in Indiana Code § 1-1-9-1 during the month of August, on the Wednesday evening immediately before Thanksgiving Day, or on or between the fourth Wednesday in December and New Year's Eve.

2.04.270 - Ordinances and resolutions—Filing, copies and agendas.

Each ordinance or resolution submitted to the council shall be in an editable, electronic form, accompanied by any relevant documents, and filed with the council office at least ten days before the meeting at which the legislation is to be introduced. That time frame may be extended by a vote of the council or at the request of the president. The president shall approve the agendas for ~~committees of the whole~~, regular sessions, ~~and~~ special sessions called by the president or voted upon by the council, **and committees convened to consider legislation referred to them**, and the council staff shall prepare and distribute copies of the agendas and legislation to the council members, the mayor, and corporation counsel. The president may, at the meeting when ordinances are introduced for first reading, announce that the council will consider any of those

ordinances as well as any resolutions expected to be considered during that legislative cycle at the next two regularly scheduled committees of the whole before receiving formal action at the following regularly scheduled regular session.

2.04.290 Ordinances and resolutions Fiscal impact statement required.

- ~~(a) Any legislation that makes an appropriation or has a major impact on existing city appropriations, fiscal liability, or revenues shall be accompanied by a fiscal impact statement. The statement shall describe the effect of the legislation on the financial condition of the city government and shall become a part of the official record of the legislation.~~
- ~~(b) The fiscal impact statement shall be submitted on a form provided by the council staff and shall set forth in as much detail as possible all fiscal data relevant to the legislation, including the effect on the costs and revenues of city government, the funds affected, and factors which could lead to significant additional expenditures in the future.~~
- ~~(c) The fiscal impact statement shall be prepared by the city agency submitting the legislation and shall carry the signature of the responsible city official. If the legislation directly affects city funds, the controller shall complete that part of the statement dealing with information on the funds affected by the legislation. The council staff may edit the statement to clarify information and ensure accuracy and completeness.~~
- ~~(d) The city agency submitting the legislation shall be responsible for determining whether the legislation will have a major impact on the city's financial condition. If the agency determines that the legislation will not have a major fiscal impact, the agency shall submit a fiscal impact statement stating its conclusion and the basis for it.~~
- ~~(e) The council may adopt rules and regulations to effectuate the purposes of this section.~~

