



City of Bloomington Common Council

Legislative Packet

**04 June 2014
Committee of the Whole**

*For material regarding Ordinance 14-05, please consult the
[28 May 2014 Legislative Packet.](#)*

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Packet Related Material

**Memo
Agenda
Calendar
Notices and Agendas:**

- **Notice of Council Schedule of Committees of the Whole and Regular Sessions** over the next three Wednesday evenings

Legislation for Discussion at Committee of the Whole Rescheduled for Wednesday, June 4th:

- **Ord 14-05** To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Defining “Standardized Restaurants” and Treating them as a Conditional Use in the Courthouse Square and University Village Overlay District of the Downtown)
 - **Am 01** (Sponsor, Neher [in collaboration with the Mayor]) – Narrows review criteria to “visually complementing” the immediate surroundings as well as the character of particular overlay district; and, broadens coverage to include “standardized businesses.”

Contact:

*Darryl Neher at 349-3409 or neherd@bloomington.in.gov, or
Dan Sherman at 349-3409 or shermamd@bloomington.in.gov*

For the summary and material related to Res 14-03, which initiated this proposal, please see the [Weekly Legislative Packet](#) prepared for the March 5, 2014 Regular Session.

For the summary and material related to Ord 14-05, please see the [Weekly Legislative Packet](#) prepared for the May 28th, 2014 Special Session.

Memo

**Per Motion Adopted by Council Last Wednesday,
Discussion of Ord 14-05 Begins at the Rescheduled Committee of the Whole
Set for Wednesday, June 4th
(Regular Session for that Evening has been Cancelled)**

Last Wednesday night, the Council introduced Ord 14-05 and approved a schedule for its deliberation. The motion setting forth the schedule calls for deliberations at the following meetings (but specifically acknowledged the power of the Council President to call Special Sessions):

- Committee of the Whole on Wednesday, June 4th (Please note that the Regular Session originally set for this evening was cancelled by the motion establishing this schedule);
- Committee of the Whole on Wednesday, June 11th; and
- Regular Session on Wednesday, June 18th.

Amendment in Packet

This ordinance comes forward from the Plan Commission at the request of the Council. It currently would define “standardized restaurants” and treat them as a conditional use in the Courthouse Square and University Village Overlay Districts of the Downtown. Council President Neher has worked in collaboration with the Mayor to offer an amendment. The amendment responds to many concerns raised throughout the process: first, by narrowing the focus of review to design considerations; and, second, by broadening the scope of uses subject to review beyond “standardized restaurant” to “standardized business.”

In its present, unamended form, Ord 14-15 includes three criteria, which direct the Board of Zoning Appeals (BZA) to address the:

- Balance of local, regional and national-based businesses in the area;
- Visual appearance of the project and whether it reflects or complements the historic character of the area; and
- Possible over-concentration of standardized restaurants in the area.

First Change – Criteria. The amendment’s first change eliminates the first and third criteria and elaborates upon the second. In so doing, it removes criteria that were tied to conditions largely beyond the control of the petitioner (i.e. “balance” and “over-

concentration”) and elaborates on the one that would be within their ability to change (i.e. “visual appearance”). Under the amendment, the remaining criteria would now:

- require uses “to be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district;”
- clarifies that “visual complementation” includes, but is not limited to: architecture, scale, façade, signage, and interior décor; and
 - states that elements of interior décor “such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion;” and
- Imposes additional requirements on uses proposed for “an existing building of special historic, cultural, or architectural significance” (without regard to whether the building has received an official historic designation).
 - Those uses “shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade.”

Second Change - Uses. The amendment’s second change broadens the uses regulated by this ordinance from “standardized restaurant” to “standardized business.” It is offered in light of the narrower focus of review and in order to provide a more comprehensive protection of the visual character of the Courthouse Square and University Village Overlays in the City’s downtown. The term “standardized business” is defined as follows:

“Any type of commercial business establishment located in the Courthouse Square and University Village Overlays which is required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.”

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, JUNE 04, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.

Chair: Tim Mayer

1. Ordinance 14-05 To Amend Title 20 of the Bloomington Municipal Code Entitled “Unified Development Ordinance” (Defining “Standardized Restaurants” and Treating Them as a Conditional Use in the Courthouse Square and University Village Overlay Districts of the Downtown)

Asked to Attend: Tom Micuda, Director of Planning
Patty Mulvihill, Assistant City Attorney



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

To Council Members
From Council Office
Re Weekly Calendar – 02-07 June 2014

Monday, 02 June

12:30 pm Board of Public Works Work Session, Kelly
5:00 pm Redevelopment Commission, McCloskey
5:00 pm Utilities Service Board – Utilities, 600 E Miller Dr.
5:30 pm Plan Commission, Council Chambers

Tuesday, 03 June

4:00 pm Bloomington Community Farmers' Market – Madison St. between 6th and 7th
5:30 pm Board of Public Works, Council Chambers
5:30 pm Bloomington Public Transportation Corporation – Transit, 130 W Grimes Ln

Wednesday, 04 June

12:00 pm Bloomington Urban Enterprise Association, McCloskey
7:30 pm Common Council Committee of the Whole, Council Chambers

Thursday, 05 June

4:00 pm Bloomington Digital Underground Advisory Council, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Friday, 06 June

12:00 pm Economic Development Commission, Hooker Room
12:00 pm Council-Staff Internal Work Session, Council Library

Saturday, 07 June

8:00 am Bloomington Community Farmers' Market – Showers Common, 401 N Morton St.

Posted and Distributed: Friday, 30 May 2014



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

NOTICE

Changes to Upcoming Council Schedule

Pursuant to a motion adopted on 28 May 2014, the Common Council will hold the following Committees of the Whole and Regular Session over the next three Wednesdays:

- Committee of the Whole on June 4th (Discussion)
- Committee of the Whole on June 11th (Further Discussion) &
 - Regular Session on June 18th (Second Reading)

These meetings will be held in the Council Chambers (Room 110, of City Hall, 401 North Morton Street) and begin at 7:30 p.m. They are scheduled to provide time to deliberate upon Ord 14-05 (Proposing a New Conditional Use for the Courthouse Square and University Village Overlay Districts). This schedule may be modified by the Council President with the calling of a Special Session and does not include Staff-Council Internal Work Sessions that are currently or may be scheduled during this period.

Posted: Friday, 30 May 2014

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

Ordinance #: 14-05
Amendment #: Am 01
Submitted By: Councilmember Neher
Date: May 30, 2014

Proposed Amendment:

1. Ordinance 14-5 shall be amended by increasing its scope to include a Conditional Use review process for what are known as “Standardized Businesses.” The current ordinance, as recommended by the Plan Commission, would require a Conditional Use review process for any use classified as a Standardized Restaurant to operate within two downtown overlays – the Courthouse Square Overlay and the University Village Overlay. This amendment broadens the scope of review to all businesses defined as “standardized” for the following reasons: 1) if only standardized restaurants are regulated through Conditional Use review, it logically stands to reason that a natural fall back option for property owners would be to replace this land use with other standardized business tenants that can afford the higher rents of a downtown location, and 2) the potential increase in the number of standardized businesses other than restaurants in these two important overlays would have exactly the same negative impacts on the character of these areas that are uniquely Bloomington.
2. The amendment completely replaces the ordinance recommended by the Plan Commission as follows:

SECTION 1. Section 20.01.130 shall be amended to create a new subsection “u” and said subsection shall read as follows:

20.01.130 Purpose

“(u) To protect the integrity and unique, diverse character of the Courthouse Square Overlay and the University Village Overlay areas.”

SECTION 2. Section 20.02.380, entitled “Commercial Downtown (CD); Permitted Uses” shall be amended to create a new permitted land use. The new permitted land use shall be “business, standardized” and shall be added immediately following “business/professional office.”

SECTION 3. Section 20.02.380, entitled “Commercial Downtown (CD); Permitted Uses” shall be amended by creating a new cross-reference placed directly below the current cross-reference. The new cross-reference shall read as follows:

“# Additional requirements refer to Chapter 20.03.040; §Courthouse Square Overlay (CSO); Effect on Uses and 20.03.180; §University Village Overlay (UVO); Effect on Uses”

SECTION 4. Section 20.03.040 shall be deleted in its entirety and replaced with the following:

20.03.040 Courthouse Square Overlay (CSO); Effect on Uses

* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

Permitted Uses other than those listed in 20.02.380:

- dwelling, upper floor units*

Excluded Uses:

- assisted living facility
- convenience store (with gas or alternative fuels)
- dwelling multifamily
- medical care clinic, immediate

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.034 for additional Conditional Use Standards),

SECTION 5. Section 20.03.180 shall be deleted in its entirety and replaced with the following:

20.03.180 University Village Overlay (UVO); Effect on Uses

* Additional requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

Excluded Uses for the entire district:

- convenience store (with gas or alternative fuels)

Excluded Uses for Restaurant Row:

- amusements, indoor
- assisted living facility
- bank/credit union
- bar/dance club
- billiard/arcade room
- brewpub
- cellular phone/pager services
- coin laundry
- community center
- computer sales
- convenience store (without gas)
- day-care center, adult
- day-care center, child
- department store
- drug store
- dry-cleaning service
- fitness center/gym
- fitness training studio
- hardware store
- home electronics/appliance sales
- hotel/motel
- license branch
- liquor/tobacco sales
- lodge
- medical care, immediate
- office supply sales
- park
- pawn shop
- pet grooming
- pet store
- radio/TV station
- recreation center
- research center
- school, preschool
- school, primary/secondary
- school, trade or business
- tattoo/piercing parlor
- theater, indoor
- transportation terminal
- utility substation and transmission facility
- veterinarian clinic

Conditional Uses:

- (a) as listed in Section 20.02.390; and
- (b) Business, Standardized (see Section 20.05.034 for additional Conditional Use).

SECTION 6. A new Section 20.05.331 shall be created and shall read as described below.

20.05.0331 CU-12 [Conditional Use; Business, Standardized]

This Conditional Use Standards section applies to the following zoning districts:
[CD] (CSO and UVO districts only)

- a. The proposed use shall be designed and constructed in a style that visually complements its surroundings, especially the existing buildings on both sides of the same block the business is to be located, as well as the character of the particular overlay district. Visual complementation shall include, but may not be limited to: architecture, scale, facade, and signage. If the use is proposed for a site which contains an existing building of special historical, cultural, or architectural significance, with or without official historic designation, the proposed use shall seek to preserve and reuse as much of the existing building as possible, particularly the building's facade. Visual complementation may also include interior décor. Elements of interior décor such as displays of public art, photos or memorabilia of Bloomington or Indiana University, may be considered, but should not be viewed as sufficient to meet this criterion.

SECTION 7. Section 20.11.020, entitled “Defined Words”, shall be amended by adding the newly created Land Use “Business, Standardized” and said newly created word shall be defined as follows:

“Business, Standardized: Any type of commercial business establishment located in the Courthouse Square and University Village Overlays which is required by contractual or other arrangement or affiliation to offer or maintain standardized services, merchandise, menus, employee uniforms, trademarks, logos, signs, or exterior design.”

Synopsis

This amendment is sponsored by Councilmember Neher and increases the scope of the Plan Commission’s recommended ordinance to include a Conditional Use review process for what are known as “Standardized Businesses.” The proposed amendment regulates not only restaurants, but all commercial businesses that provide standardized products and services. This amendment also modifies the Conditional Use criteria to be utilized by the Board of Zoning Appeals so that the Board’s review focuses on steps a petitioner may pursue to assure that the project visually complements the surrounding area and the particular overlay district rather than on conditions largely beyond their control.

6/4/14 Committee Action: Pending

6/11/14 Committee Action: Pending

6/18/14 Regular Session Action: Pending

(May 30, 2014)