

**Please provide any additional comments on the UDO Adoption Draft for the August 29th hearing.**

8/27/2019 20:52:03 "

As public comments reveal, the greatest concern with the UDO is the change to the Core neighborhoods (including the Near West Side). As written, the fear is that the UDO would allow developers from outside Bloomington to swoop in, knocking down houses to build plexes, with no limit on how much of that can take place.

I suggest that these pressures be reduced by staging in the changes to the core single-family zones. The UDO is a living document and can be altered down the road. Let's see how things go with small changes, and then add more if things go well. Here are my specific suggestions:

1. For now, allow only duplexes in the Core neighborhoods. No triplexes.
2. To encourage affordable homes for sale, not just rentals, all duplexes should be built with the standards that allow the units to be sold separately. (I understand that there are special requirements in that case, such as firewalls).
3. Limit outside development as follows:
  - a) No limit on the number of duplexes built where the intention is for the owner to occupy one unit and sell or rent the second.
  - b) Limit other duplex developments – those not inhabited by owners - to one duplex per block (or every 5 houses, for instance).
4. Encourage sustainability and discourage demolition as follows:
  - a) For a duplex built for the owner to occupy one unit, add an incentive to install solar or geothermal (or other similar sustainable energy system). For example, an extra bedroom can be added to one of the units if a sustainable energy system of appropriate size is installed.
  - b) If the duplex will not be owner occupied and a house was partially demolished to build the duplex, the developer must install either solar panels or a geothermal system of appropriate size to power the two units. (An exception can be made for structurally unsound houses that would anyway have to be knocked down).
  - c) if the duplex will not be owner occupied and a house was totally demolished to build the duplex, the developer must install both solar panels and a geothermal system of appropriate size to power the two units. (An exception can be made for structurally unsound houses that would anyway have to be knocked down).

Thank you for considering these ideas.

8/27/2019 23:49:36 "The following are submitted on behalf of the Bloomington Commission on Sustainability:

1. Section 20.03.30(b)(2)(B) (pg 68) needs clarification:

“Design In the R2 and R3 zoning districts, the maximum number of dwelling units allowed in one single-family attached structure shall be two, and each individual dwelling unit shall be located on a separate lot.” How can a single structure be located on two separate lots?

2. Section 20.04.110 (c)(2)(B) has an error: Sub-paragraphs ii and iii are duplicates.
3. 20.03.30(c)(5) Urban Agriculture, Noncommercial: We strongly support the language as written, which shows a good balance between encouraging urban agriculture protecting the public from buying foods grown in contaminated soil. Likewise, I appreciate support for urban chicken flocks.
4. Section 20.03.30(f): Utilities and Communication:
  - a. We strongly support the language as written that allows for commercial and residential efforts to capture renewable energy.
  - b. 20.03.30(f)(5)(D)(page 84) states that, “Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.” Although this has surely been written as a sensible safety precaution in case a free-standing tower is blown down we are wondering if the document could offer some suggested alternatives that might make it easier for individuals to install small wind systems on small lots. Many modern systems scaled for individual homes are compact and are not freestanding. For example, what if the energy system is attached to the house? At what distance should it be from a property line in that case? And is there some alternative tethering system that might be defined that would allow a system to be closer to a property line?
5. Accessory Buildings:
  - a. Section 20.03.30(g)(1)(page 84): Please include language in this paragraph that gives examples of allowable structures: “Examples of permitted structure are detached garages, toolsheds, workshops, storage sheds, utility sheds, carports, parking structures, pools, pole barns, hay sheds ....”
  - b. Amend the Definition as follows for Structure, Accessory (appurtenant structure) (page 395)

#### Structure, Accessory (Floodplain Regulations)

For purposes of floodplain regulations, a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

#### Structure, Accessory (Generally)

A subsidiary or auxiliary building or structure located on the same zoning lot with the principal building or structure and that is customarily incidental to the principal building or structure or to the principal use of the land.

#### Structure, Accessory (Examples)

Accessory structures include, but are not limited to: detached garages, toolsheds, workshops, storage sheds, utility sheds, carports, parking structures, pools, pole barns, hay sheds ....Section 20.03.30(g)(3)(B) (pg 86)

6. It's unclear what design standards (or setbacks, for that matter) apply to carports.

7. 20.04.080: Landscaping, Buffering and Fences:

(c)(2)(C)(pg 160) speaks about species diversity, and the tables beginning on page 162 list non-invasive and native species.

a. The lists do not call out (or have missed) trees known to have particularly significant carbon sequestration properties. The following high-sequestration trees do not appear on the allowable list. As long as these are suitable for urban settings and are non-invasive species, please consider adding them. Also, please consider ranking trees in order based on highest-to-lowest carbon sequestration:

Pines: The Ponderosa, red, white and Hispaniolan pines (*Pinus* spp.)

Other Conifers: Douglas firs (*Pseudotsuga* spp.), bald cypress (*Taxodium* spp.), Blue Spruce

Oaks (*Quercus* spp.): Scarlet oak, Red oak, Virginia live oak, White Oak, Willow Oak, Laurel Oak

Other Deciduous Trees: horse-chestnut (*Aesculus* spp.), black walnut (*Juglans* spp.), London plane (*Platanus* spp.), American sweetgum (*Liquidambar* spp.), Silver Maple, Yellow Poplar (or Tulip Tree), Red Mulberry, Dogwood

b. Lawns sequester carbon, but that sequestration tends to be offset by carbon-producing maintenance and the use of toxic chemicals to control weeds. As a replacement, low-growing ground covers should be encouraged as much as possible, but the list of allowable ground covers is very short. As long as the following are suitable for urban environments and are non-invasive species, please consider adding them: White dutch clover (*Trifolium Repens*), Bugleweed (*ajuga*), Candytuft (*Iberis sempervirens*), Creeping thyme (*Thymus praecox*), Deadnettle (*lamium maculatum*), Horned Violet (*viola cornuta*), Japanese Pachysandra (*pachysandra terminalis*), Liriope (*liriope spicata*), Lithodora (*lithodora diffusa*), Pig Squeak (*bergenia cordifolia*), Spike Speedwell (*veronica spicata*), Sweet Woodruff (*gallium odoratum*), Wishbone Flower (*torenia fournieri*)

8. Formatting Suggestions:

a. Chapter 20.02 includes many helpful illustrations. A welcome addition would be a map snippet and photo(s) of real-life optimal examples for each district type. Please bear in mind a need for privacy by removing building street addresses or any personal information such as nameplates. Given that lots change over time, these might also need to be changed over time.

9. Promoting Pervious Surfaces

When considering a new build the maximum impervious surface guidelines are clear and do a good job of reflecting our community's interests. The suggestion is to provide gentle reminders to builders that there may often be alternatives. Examples of language that would provide this gentle reminder are:

a. The addition of a footnote to each zone’s dimension standards table. For example, Table 2-3, Letter G “Impervious surface coverage (maximum)”. Add “[2]” next to “40%” with a corresponding footnote reading, “[2] Please consider pervious alternatives, particularly for driveways and patios.”

b. The same footnote and language could be added to Tables 4-2 to 4-5 (pp 95-98)

#### 10. Suggested Clarification of the Word “Multifamily”

Public comments indicate that “multifamily” dwellings may be thought of as synonymous with “multifamily rental” dwellings. This may lead to the mistaken impression that all references to multifamily dwellings, including duplexes, triplexes and fourplexes, are by default referring to rental units. An effort to eliminate this misconception might de-stigmatize the concept of added density in some residential areas and remind builders that owner-occupied units (condos) are desired by the city in order to fill its much-needed affordable and missing-middle housing shortfall. The suggestion is to include clarifying language in all places where the UDO refers to multifamily dwellings. We suggest the addition of “(Owner-Occupied or Rented)” following each instance of the word “Multifamily”. Following are a few specific examples, though these examples are not exhaustive:

Examples from the Text:

- Table of Contents (page i):

20.02.20 (f) RM: Residential Multifamily (Owner-Occupied or Rented)

- Section 20.02.20 (page 15):

(f) RM: Residential Multifamily (Owner-Occupied or Rented)

- Section 20.03.30 (page 68):

(b)(2) Dwelling, Single-Family (Attached, Owner-Occupied or Rented)

(b)(3) Dwelling, Duplex (Owner-Occupied or Rented)

Example Definitions:

- Apartment

See “Dwelling, Multifamily (Owner-Occupied or Rented).”

- Dwelling, Duplex

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family, whether the dwelling units are owner-occupied or rented.

- Dwelling, Fourplex (Owner-Occupied or Rented)

A single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family, whether the dwelling units are owner-occupied or rented.

- Dwelling, Multifamily (Owner-Occupied or Rented)

One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned owner-occupied or rented. This definition shall not include ""Dwelling, Single-family Attached,"" Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," "Student Housing or Dormitory", or ""Dwelling, Accessory Unit"".

When the Additional Language is Not Necessary:

- Readability should be considered. For example, a revised heading (page 69) for section 20.03.30(b)(5) Dwelling, Multifamily (Owner-Occupied or Rented) is sufficient. New language does not need to be added to 20.03.30(b)(5)(A) "In the MN and R4 zoning districts, no more than eight multifamily dwelling units (no additional language needed here) shall be constructed on one single lot or parcel."
- Charts would be too crowded with the additional language. For example, Table 4-9 (page 136) refers to all multifamily types and does not need additional language.

8/28/2019 2:32:34 "The way the city decides to manage its land has a huge impact on that lower-carbon future, which is a key point made in every one of our city's plans, and this new UDO is where the plans need to go into action. This UDO will span 10-15 years into the future and in that time period we must make serious changes if we're going to come close to meeting our goals to reduce carbon.

Meanwhile, the current draft only throws tiny pebbles in that direction. I've read each version as it has come along and I've seen the most important contributors to a better climate watered down in deference to a very vocal minority who want to freeze the Bloomington we have today in amber. But Bloomington is not going to stay the way it is, and it's not going to be because of a take-over by absentee landlords or too many students in our neighborhoods. It's because the climate IS going to change in the next 15 years.

The climate doesn't really care how we're feeling, and every credible expert says one way to make a difference is to make a city more walkable, so as you begin crafting resolutions that affect the next draft of the UDO I want to offer for your consideration the following rebuttals to some of the common objections I've heard:

1. The objection: Why are you picking on the core neighborhoods to take on all of the added density? You're just trying to push out all the poor people who live in modest homes. My rebuttals: Describing yourself as "poor" if you own your own home AT ALL is delusional. And saying that the core homes cost less than houses anywhere else of comparable size is demonstrably untrue. One person told me (proudly) that her neighbor's 900sq' bungalow sold for "only" \$180,000, which she felt was very affordable. Meanwhile, I paid \$180,000 for my 1,400 sq' place in Bentley Court and I have less land. Hmm. Besides, the zoning map demonstrates that non-core residential areas are mostly zoned R2, so they are also open for added density and developers could redevelop there as well. Exceptions to that would be areas that are still under active covenants or areas that were previously given special PUD dispensation to have high density, such as Bentley Court or Dunn Street. Those areas already have a much higher density than the core neighborhoods. Development isn't picking on core neighborhoods

and it won't happen in the core neighborhoods because the homes are cheap, which, they actually aren't so cheap, but because of their proximity to downtown.

2. The objection: These absentee developers are going to come into our neighborhoods, tear down all our old houses, build a bunch of ugly rentals and ruin our investment. Meanwhile, the developers are making a bunch of money. It's all about the money. Plus, there will be too many cars. My rebuttals: Don't sell your house. Convince your neighbor not to sell their house. If you DO sell your house charge a ton of money for it so you make money too. The UDO has strict design standards that preclude ugly rentals and require multifamily homes to have on-site parking. Some homes will be purchased and torn down and replaced with larger single-family homes which, by the way, have no design limitations or on-site parking requirements at all. Not all developers are absentee, not all multifamily dwellings are rentals, not all rentals are occupied by students, and not all students are disruptive to their neighborhoods. Also, not all owner-occupied homes are well-maintained and not all owner-neighbors are non-disruptive.

3. The objection: You keep saying adding density is because we need more affordable homes, but new houses built by developers are not going to be cheap. My rebuttals: True. They won't be cheap. Since these people don't seem to understand (or willfully reject) the macro economics of housing let's just say this: put your money where your mouth is. If you want to make sure your house is affordable then when you decide to sell your home call the HAND office and find out what an affordable price should be and sell it for that. When you do, add a rider to the deed which prevents the home from being sold in the future at a higher price than the then-applicable affordable rate and/or specifies that future replacement homes or plexes be required to be sold at the affordable rate. This, at least, would require a bit of legal work to undo before a market-rate home or plex could be built.

4. The objection: Everybody's dream is a single-family detached home. People aren't going to buy attached homes or condos, so where are people going to live if all the little houses get torn down. My rebuttals: If that's true, developers will stop building plexes well before entire neighborhoods are destroyed because they won't be able to sell or rent them. Anyway, it's not true: I and many others wish there were viable condo options for families around here. Some people hate taking care of a yard. Anyway, it's not true, part 2: many people really enjoy living in attached dwellings. They either own part and rent the other part or simply enjoy having neighbors who share their yard with them.

5. The objection: It's not sustainable to tear down a perfectly good house and put it in the landfill. My rebuttals: I struggle with this as well and so have addressed some ideas in other comments regarding recycling. But the truth of the matter is it would be hard to weigh that against the cost to the climate of each early 20th-century bungalow. To make such a place energy efficient means putting a lot of bits and pieces in the landfill anyway – original windows, old siding, and anything with lead or asbestos that is disturbed to replace insulation. In the end, when the old place is torn down maybe more things go to the landfill, but the gains of replacing an old as-was house with a duplex with modern windows and average efficiency outweighs the arguments related to adding trash to the landfill.

6. The objection: Adding all those new people will change the character of our neighborhood. We like having a quiet neighborhood with room for gardens. My rebuttals: That's true. The neighborhoods will change, but not necessarily for the worse. Lots of very beautiful and dynamic cities cherish their denser neighborhoods. Small or non-existent yards lead people outdoors to mingle in public greenspaces, and local shops and restaurants thrive. I suggest that those who like peaceful

neighborhoods and gardening should take their windfall gains from being able to sell their core neighborhood houses to developers and buy a home in a sub-division with a covenant where they can be assured that the particular quality of life they love will be protected. Meanwhile, people who want to live in a more sustainable and social manner have a place to live, and the whole city benefits from a better climate.

I'm angry that earlier citizens didn't take steps toward change when it didn't need to be quite so drastic, and I'm genuinely sad that the rapid change we need feels to some like it's too much to bear, but we can't let these things get in the way of making this UDO a force for change. I wish everyone could be happy with every change, but that's not ever going to happen. We nevertheless need to produce something now that's going to make a real difference.

8/28/2019 2:36:51 "20.04.050: Access and Connectivity:

(c)(1)(A) (pg 175) states that, "For single-family, duplex, triplex, and fourplex residential uses, a maximum of one driveway access point shall be permitted, regardless of the number of street frontages, except that a circle drive shall be permitted according to the following standards: (i) The maximum circle drive width shall be 10 feet; (ii) The lot shall have at minimum of 120 feet of street frontage on the street the circle drive will access; and (iii) The minimum distance between the driveway access points of a circle drive shall be 60 feet, measured from the inside edge of each driveway where it intersects the public right-of-way.

and

(c)(2)(F)(pg 177) says, "In the R3 zoning district, a driveway accessing the street shall be prohibited if the side or rear setback is accessible via an improved alley. Required parking spaces pursuant to Section 20.04.060 (Parking and Loading), shall be accessed directly from the adjacent alley."

Comments:

a. I suggest adding language that makes exceptions for arteries/collectors and/or one-way streets and/or streets that have been designated for walking and/or corners with stop lights or stop signs. Backing onto these busier streets is not ideal, nor is backing into traffic that is waiting for signs/lights, even if the driveway is many feet from the corner. Examples would include almost anywhere along Henderson between Miller and Atwater. An especially good example is the corner at Henderson and Allen, which has all of the above plus an entrance to the Bryan Park parking lot.

b. Turn-around areas and larger on-lot parking pads are offered as solutions at difficult locations, but this takes up valuable lot space and may increase impervious surface area. A suggestion is to add language allowing for "U" drives on corners (in on one street and out on another); and also entrance on street and exit on alley (or vice versa) for non-corner properties with alley access.

8/28/2019 2:41:42 "Outdoor Living and Socializing:

Similar to patios, decks and porches are desirable features when it comes to the design and feel of residential housing. Although these structures may contribute to (and be counted as a part of) non-pervious surface maximums, none should be considered an "accessory structure". Considering them an "accessory structure" may force builders limited to only 2 accessory structures to choose between, say, a garage and a porch, which is not desirable. The recommendation is to amend the definitions of "Deck"

(page 357) and “Porch” (page 384) to remove the words “accessory structure” and add any language necessary to indicate that they nevertheless must follow zoning requirements and permits.”

8/28/2019 2:46:38 "3. Conversion Zoning Map:

a. The map should be revised to reflect proposed R1, R4, and MS zoning for review by the public prior to adoption by the Common Council.

b. In some cases this map appears to label zoning areas as they currently are instead of reflecting what might be desirable during the life of the new UDO. For example, the NE corner of Woodlawn at Hillside is zoned EM (Employment). This reflects the land’s current use as there is a factory at that location. Another example would be the current RE zones. What if that factory closes during the life of the UDO or the owner of one of the RE zones decides to sell? Are these lots places where the city would like to see a similar use by right or would it be more desirable to convert that land to, say, an R2 designation? My concern is that if this sort of transition happens builders won’t know what we want to see in that location next. Since existing buildings are grandfathered in at current zones shouldn’t the map label areas to reflect desired change?

4. Downtown Overlay District Map: The map should be revised to include the new area soon to be developed where the hospital is currently located. The suggestion is to apply either MD-DE or MD-DG classification to this new area.

8/28/2019 2:49:21 "Specific Comments for Each Zone

1. MD-DC: Mixed-use Downtown: I realize the controversial nature of discussion around downtown development, but from a long-term environmental sustainability perspective, I believe a three-story height restriction probably works against efforts to strengthen the downtown core. Vibrant downtowns require lots of people living and working downtown. But strict height restrictions artificially constrain those important elements. Dense, vibrant downtowns make environmentally friendly things like transit, walking, and biking more feasible. They improve local economies by getting lots of creative smart people to interact throughout the day. By prioritizing aesthetics, we make it harder to do other needed things like increase the housing supply, increase foot traffic for local businesses, encourage transit/walking/biking, etc. What is the “right” height restriction? I don’t know. And I am sympathetic to having some sort of height restriction because I could see how no restriction (or a very lax one) could reduce the incentive for smaller-scale incremental development, but given pressures in Bloomington, four stories seems too low. Perhaps limit the height to four stories on Kirkwood between the University and the Square, but otherwise allow for more height in the rest of the zone?

2. MD-ST: Showers Technology Character Area: This part of the city is expected to be a prime area for growth, both residentially and commercially. Much of this area is currently not built up, which should reduce objections to taller buildings that would promote a dense, walkable environment. Again, I don’t know what the “right” height restriction should be, but I think allowing an additional story by right would be a net improvement. If we’re going to allow six stories by right in the mixed-use student zone, what is the rationale for only allowing four in what is envisioned as a dynamic new part of the near-downtown area?



3. MS: Mixed-use Student Housing: It's not possible to fully assess this new zone without seeing exactly where it is intended to be on the map. I think the six story height restriction should make it a little easier to get projects like these built a little faster (assuming it reduces the frequency with which such projects need to go through a longer process). If the housing is in close proximity to each other there could be a lot of benefits for everyone involved: Students have a greater supply of housing to choose from, which should relieve pressure on rents and reduce the number of students competing with non-students for housing in the city; housing built off campus means the city/county are able to collect property tax revenues; students living close to campus will be able to use transit, walk, bike, etc.; more student housing options closer to campus marginally reduces the amount of development that might otherwise happen further away (which would contribute to sprawl, auto emissions, etc.).

4. R1: Residential Large Lot: What is the rationale for maintaining the exclusionary requirements in this zone? I understand the need to provide a wide assortment of housing types; however, relaxing requirements in R1 would not prohibit people from building/keeping large homes on large lots there. It would also reduce barriers to building smaller homes and/or multifamily homes in more parts of the city if conditions were such that multifamily housing was suddenly demanded in some R1 areas (and all else equal, the more compact we grow, the more environmentally sustainable we will be). In general, we should be using scarce land as efficiently as possible and the exclusionary nature of large lot single-family zones work against that goal.

5. 6. R2: Residential Small Lot (pp 11-12)

(c)(2) Recommend reducing set-backs from the back by 5' or distinguishing between those properties that do and do not back onto an alley, leaving smaller setbacks for those that do.

6. R3: Residential Small Lot (pp 11-12)

a. (d)(1) Remove the sentence, "The conversion of existing housing stock to more intense land uses is discouraged." This is contradicted by the rest of the paragraph and the need to increase density.

b. (d)(2) Recommend reducing set-backs from the back by 5' or distinguishing between those properties that do and do not back onto an alley, leaving smaller setbacks for those that do.

7. R4: Residential Urban (pp 13-14):

a. Consider applying this zone on a block-by-block basis in other residential zones, for example on connector streets like Henderson, Rogers, Grimes, First, Second, Third, 10th, 17th, etc. This would allow for higher density on streets that already offer city services, such as bus routes and shared green spaces.

b. (e)(2) Recommend reducing set-backs from the back by 5' or distinguishing between those properties that do and do not back onto an alley, leaving smaller setbacks for those that do.

8/28/2019 3:00:59 "Comments Related to Live/Work Dwellings and Support of Cottage Industry

1. The current draft of the UDO addresses the concept of the working and living in the same building in many positive ways, including support of commercial and manufacturing cottage industry, home offices for telecommuters, personal service providers, and child care. Live/work eliminates environmentally-taxing commutes and encourages entrepreneurship. This is a millennia-old concept used by one of the largest local employers, Cook Medical, which began with one employee working with

the founder to manufacture devices in the bathtub of the founder's 2-bedroom apartment. Dentists, accountants, personal trainers, makers of handmade items, and so on, are able to conduct business without additional rental costs, and it allows people with family responsibilities, such as caring for a child or aging relative, to do so while still earning a living. It's a concept that should be supported.

2. I see no reason not to extend conditional use of live/work dwellings and personal services to the RE, R1, R2 and R3. An objection related to parking might be raised, but should not be seen as a serious objection. Cottage industries – if they have any employees – typically operate during the day when available on-street parking is vacated by other residents. Personal services offered by home owners are one-on-one; for example, an accountant with a home office can only see one client at a time, which unlikely to be burdensome on local parking inventory.

3. This UDO draft misses another live/work opportunity that could be remedied by adding the conditional use of dwellings in RE, R1, R2, R3 and R4 for so-called “shop houses” offering retail sales. I would suggest adding a new retail classification with a small footprint, perhaps called “Retail Sales, Neighborhood” limited to 2,500 square feet of gross floor area. There doesn't seem to be a down side to this concept and it might encourage more entrepreneurial ideas like walk-to “corner stores”, coffee stops or other creative concepts run by property owners for their neighbors. Parking issues, a perpetual point of complaint, is again easily solved for these small establishments that are really meant for walkers or stop-and-go traffic. Existing street parking or, at most, 1 space per 500sq' would probably be sufficient.

8/28/2019 3:08:12 "Comments Related to Accessory Structures and Accessory Dwelling Unit Size and Number

1. Why are there so many regulations related to the footprint sizes and numbers of accessory structures? Each zone has maximum impervious surface and other requirements that already create natural limiters; further requirements seem extraneous. Examples:

a. R1 zones @ 20,000 sq' X 40% maximum impervious surface leaves 8,000 sq' of space for housing and accessories buildings and driveways and poured concrete pads (for, say, a mini windmill), etc. If the lot contains a single-family home this seems like a lot of space, but the description of this zone allows for “civic uses”. If these civic uses include churches, community centers, or any other organization that has additional regulations (such as parking minimums) it seems the builders should be permitted to arrange their 8,000 sq' in whatever ways best fits the organization's needs.

b. R3 zones @ 5,500 sq' X 45% maximum impervious surface leaves 2,475 sq' remaining. With a 2-car parking garage/area averaging 576 sq', the regulations as written for this zone (580 sq' for all accessory buildings) narrows the potential by-right builder's choice to a dwelling unit footprint of 1,895 sq' (or smaller) + the garage. Although the builder might be willing to reduce the dwelling unit's footprint in order to add a big porch in the front and/or a workshop she may not, because she has already reached all but 4' of her accessory limit. This may have unintended negative consequences in the neighborhood as the builder may choose to move as much parking to the street as possible. This adds to on-street crowding and incentivizes uncovered parking, a known negative contributor to climate change.

2. I believe setting another separate set of permitted square footage for ADUs is also unnecessary. In the Adoption Draft, square footage is limited to 600 sq. ft. for an attached ADU and 440 sq. ft. for a detached ADU (p. 87). Other accessory units (such as a detached garage) are allowed to be larger based on the context of the zoning district and lot size. Why the difference? The permitted use limiting the number of families allowed to occupy the ADU to one would not change with a slightly larger footprint. Why force the unit to be unnecessarily small or uncomfortable for whoever lives there?

3. I have seen some comments regarding concerns regarding these accessory structures in terms of “changing the character” of neighborhoods, so I thought I’d look at out a real example. I eyeballed the Elevate GIS and found what looked like an average example of the kind of lot/character these comments refer to:

a. The property I chose was 607 W. Dixie. I do not know the owners of this property.

b. The lot is larger than the draft UDOs minimum lot size for this R3 area, but seems very typical. It is a total of 6,912 sq’ (.16 acres), and the lot measurements are 48’ X 144’. For easy comparison, the current UDO draft minimum for a new lot in this area would be 5,500 sq’ (.126 acres), with a minimum width of 50’.

c. Like most lots in this near-west-side neighborhood, the lot holds a modest 2BR/1BA home of 864 sq’ that was built in the early 1900s and has a spacious 144 sq’ porch (So house and porch total 1,008 sq’). It fits in well with its neighbors in style, size and orientation.

d. The narrow lot sizes and proximity of one house to the next makes it difficult to tell from the street which of the lots have accessory structures; a satellite view shows that 607 W. Dixie does not have additional structures, but many of its neighboring lots have both detached and attached accessory structures.

e. If we apply the draft UDO’s 45% impervious maximum, as well as appropriate set-back requirements, my estimate is that additional structure(s) up to 2,232 sq’ would be possible on this particular lot. That leaves more than double the space remaining than is currently in use.

4. The question I have is this: why does this UDO seek to manage what the owner of this lot does with her extra 2,232 sq’? From my reading, if she wanted to knock out the back wall and raise the roof, she could do that by right, creating a much larger home, but if she wants to add a big garage or workshop with the extra space she may not do so unless she keeps it to 580 sq’. If she wants to add a separate ADU it would have to be even smaller. Meanwhile, there is obviously plenty of space on this lot to build at least one more entire house exactly the same size as her current house! Especially given the huge variety in old neighborhoods in house sizes and existing accessory structures it doesn’t seem to make any sense at all. If owners are following design and size guidelines why create undo amounts of work for the planning department and create artificial limits for property owners?

Additional Comments about ADUs

1. 20.03.030(g)(5)(H) should be completely removed. Neither owner occupation nor family affiliation should be a requirement for an ADU. I realize the owner-occupation idea is designed to eliminate the possibility that the entire property is rented, but it also eliminates the ability for people who need the income to benefit from their investment. I know there's some sort of fear bordering on panic that ADUs will open the door to an infestation of students and absentee landlords, but the reality seems different than that. Not all lots have enough room for another dwelling and not all homeowners have the money to build an extra dwelling. Those that can do so might rent to students, but I've personally spoken with one homeowner in Bryan Park who would like to be able to add a rental property over his garage because he and his wife are both school teachers, they have young children and they are having trouble making ends meet.

2. Likewise, 20.03.030(g)(5)(I)ii should be removed. I personally bought a home from a woman who had switched her current home and ADU from occupied to a rental in order to offset the cost of her care in a retirement home. Should she have to sell it instead, or forego rental by closing down her ADU? And why should people be forced to remove and throw away perfectly good fixtures? This is a wasteful and unnecessarily invasive idea.

3. Furthermore, the one-bedroom maximum for ADUs is unnecessary. It is easy to imagine many situations where two bedrooms would be very useful/attractive if not essential. Imagine a disabled or elderly loved one living in an ADU who requires a part-time live-in caretaker. Imagine a single mother or father with a young child, each of whom would like a modicum of privacy. Imagine a graduate student or young professional who would like a small room to function as an office and/or guest room. Again, the permitted use does not need to change whether there is one bedroom or two. Why unnecessarily restrict this use?

4. A final type of ADU not addressed in this UDO is the concept of allowing for separate rentals within a current single-family home. It is my understanding that in other cities where reasonably-priced housing is scarce, many seniors stave off loneliness and/or are able to age in place by adding a rental in the basement or in another area acceptable to renters – sometimes sharing certain home space with the owner and sometimes not. As with all rental units, these rentals could be required to register with HAND and otherwise follow standard rental guidelines.

8/28/2019 3:21:23 "Comments Related to Duplexes, Triplexes and Fourplexes

As a previous UDO version described well, "An important component of increasing the affordable housing supply in Bloomington is ensuring there is a diverse housing stock suitable to meet the needs of a wide spectrum of residents. Post World War II zoning regulations focused predominately on single-family detached housing products and did not allow duplexes, triplexes, fourplexes, small-scale multifamily, townhouses, live/work units, and similar innovative forms of housing to be integrated into the community. These "missing middle" housing types provide dwelling units compatible in scale with, or only marginally larger or more intense than, single-family homes, and help meet the growing demand for walkable urban living."

I strongly support allowing duplexes and triplexes in the R1, R2, R3, and R4 zones (and quadplexes in R4) for the reasons cited above and, even more importantly, because increasing density in these areas will reduce brain drain by inducing young professionals to stay in our city, reduce sprawl that gobbles up city resources and farmland, and contribute to a lower carbon climate.

Since our standards for allowable envelope sizes and design are well described in this UDO, eplexes, triplexes and fourplexes should be permitted by right in every residential zone. Smaller lots will naturally weed out the larger plexes, so they don't need to be specifically disallowed. If it's absolutely impossible to allow these by right, then they should be nevertheless conditionally allowed in every residential zone. It is legal, within the confines of this UDO draft, to tear down a single family home and replace it by right with another single-family home. But the proposed rules would make it more difficult to construct a plex, despite the multifamily structures' favorability from every other perspective.

The pro-plex sentiment has been slowly-but-surely stripped out of this UDO – in many sections. Allowable uses, the processes for gaining approval, the definitions of occupants – all of these and more have been carefully crafted to minimize the chances that these types of housing stock will be built in any of the core neighborhoods. Here, I name a few, but I hope to see favorable changes throughout the UDO in the next version.

1. Remove 20.03.30(b)(3)(A) (page 68)
2. Rewrite 20.03.20(b)(3)(B) See my comments below regarding the definition of "family".
3. Remove 20.03.30(b)(4)(A) (page 68)
4. Rewrite 20.03.20(b)(4)(B) See my comments below regarding the definition of "family".
5. In Table 3-1, Permit duplexes, triplexes and fourplexes by right in Zones RE, R1, R2, R3, R4, RM and RH and rely on all of the other requirements (design, envelope sizes, impervious surfaces, set-backs, etc.) to naturally limit which sized plex goes on which lot.
6. Let's say all the changes mentioned above are made. Even then, with the Conditional process the way it is and with some of the most-active people in neighborhoods being opposed to any kind of change, I feel strongly that the "Conditional" process is not going to work. These folks, given the chance, will just say "NO" to everything or delay things or witch about details to such a point that they'll drive anything new away. So, in Table 3-1 IF NECESSARY (AND I HOPE NOT) any "C"s related to the plexes that remain should be changed to "M"s and correspondingly change the approval process for these projects from "Conditional Use Permit" to "Site Plan Review, Minor".

#### Comments Related to the Definition of the word "Family" (page 364)

The definition as written in this draft of the UDO goes beyond addressing the health and safety of citizens and beyond setting guidelines for the external, public-facing make-up of housing in Bloomington. It interjects itself into management of the private lives of its citizens and does so in a blatantly discriminatory way. It seems almost unthinkable and heartbreaking that this has shown up in print as a real proposal in this town and I find it ironic that the same document that outlines strict equitable location requirements in order for builders to receive affordable housing incentives (page 205) includes the language found in this definition.

In addition to the blatant age discrimination that prohibits anyone under the age of 55 from cohabiting with 4 other unrelated adults in certain neighborhoods, there will be other effects of this definition as well. It's clear that those who have helped shape the current language are interested in preventing

rentals to students in certain areas of the city, but let's bear in mind that if the restrictions don't also apply to owner-occupied homes they are discriminatory and I believe the current definition will open City Government to legally-actionable discrimination lawsuits. As a reminder, the full versions of the federal Fair Housing Act of 1968 and the federal Fair Housing Act Amendments Act of 1988 prohibit discrimination on the basis of the following criteria: race or color; religion; national origin; familial status or age—including families with children under the age of 18 and pregnant women; disability or handicap, or sex. Not only does the definition explicitly provide for discriminatory regulations based on age, it also applies to discriminatory regulations that set aside specific neighborhoods and specific houses within specific neighborhoods based solely on the status of family relationships. Actions brought against occupants of any dwelling that refer to the terms "family" and "unrelated" put the city at risk of complaints or lawsuits.

Those are the legal implications, but what of the unintended effects on our citizens? Do we want to force a divorced father or mother (either an owner or renter) who ends up with custody of two children they never adopted to take their kids out of school and move to another neighborhood? Should a young couple living in a 3BR duplex be sent out of the neighborhood when they hire an 18+ au pair to care for a new baby? Can my young, single, non-student daughter not share her owner-occupied home with 3 unrelated roommates so that she can walk where she needs to go while still paying for her mortgage? Will these occupancy limits, clearly aimed at students, also prohibit rentals to large extended families that are common for Hispanic, Asian and other ethnic minorities?

What does enforcement look like? Are we going to create definitions for "how closely" related cohabitants must be? Are family trees and affidavits going to be appended to leases and deeds? Do unmarried life partners count? Do we now need to train our Real Estate Agents about how to screen potential buyers to make sure they are "the right" people for certain neighborhoods? Will neighbors be reporting on their neighbors? To whom do they report? What are the consequences for non-compliance? Will transgressors need to plead their cases or open their private finances to relative strangers in order to get to stay in their own homes?

To be "generous" I'm assuming these restrictions are aimed at the student population, but when I look at the UDO as a whole I begin to wonder if there is also a general attempt to discriminate against less-fortunate people who may choose to live with more people in a single dwelling in order to move into more-desirable neighborhoods. This UDO is "managing" where people with less money are allowed to live by offering deep incentives to builders of affordable housing in some areas of the city and providing for liberal occupancy per unit in those areas, while at the same time creating barriers to builders who may be willing to build smaller multi-unit dwellings in other neighborhoods.

The draft definition may not have intended to discriminate in these ways, but it leaves the door open for these discriminatory effects and will definitely cause many unintended consequences to citizens and to the City of Bloomington.

I strongly urge that the current definition be thrown out altogether and that new occupancy requirements based on more-objective standards, such as dwelling-unit size be put in its place. Perhaps use Massachusetts as a guide and require 150 sq' of living space for the first occupant and at least 100 sq' for each additional occupant; and in bedrooms occupied by more than one individual at least 50 sq' per occupant. It should be noted that if changes made to the occupancy requirement are effectively offset by changes made elsewhere in the UDO it will be noticed in future drafts.

8/28/2019 3:39:27 "Comments Related to Incentives

First off let me say that I wholeheartedly support any and all incentives that will increase affordable and missing-middle housing stock and sustainable building practices. I am very happy to see this section in the UDO and acknowledge it is a vast improvement over current incentives. Hopefully more builders and individuals will choose to take advantage of these incentives! Here are some specific comments from section 20.04.110 beginning page 201:

1. Section (a) Applicability states that, "These affordable housing and sustainable development incentives are available to all development, except for Student Housing or Dormitory projects located in the MD zoning district."
  - a. Why is the MD zone excluded? At the very least it should be included just to possibly generate payments in lieu.
  - b. If affordable options are offered in a student housing building we'll need a specific type of assessment. After all, most students would appear poor on paper but may be receiving help from their parents. Perhaps affordable housing eligibility for undergrads is tied to eligibility for student aid? It needs to be some sort of objective criteria and it needs to be appended to this document.
2. Section (b)(2) Lists fees that may be waived by the city. Are there any additional fees that can be waived? If so, please add them.
3. An additional consideration for this section might be full or partial property tax abatements for a period of time. There are some local economic zones that might act as a model for crafting the process.
4. (b) (2) (B)(ii) states that, "Sewer hook-on fees for the project may be waived or reduced by the utilities service board." Please clarify the circumstances for waiver and non-waiver.
5. It is both expensive and time-intensive for builders and property owners, both large and small, to build for affordability and sustainability. Let's remove as many barriers as possible.
6. Sub-sections (c)(3) and (c)(4) both mention "linkage study". Appendices to this UDO should include a sample linkage study and/or detailed information and requirements for initiating such a study. To whom is the "payment in lieu" paid and what is it used for? As mentioned above, what are the deed criteria in this situation?
7. Sub-sections (c)(3) and (c)(4) and (c)(7)(B) all mention "payment in lieu". Please clarify within, or appended to, this document how payment in lieu is calculated, to whom it is paid and what it will be used for. (c)(7)(B) mentions a need for this explanation; please include a specific date for its completion with the goal of completing it in tandem with final acceptance of this UDO. A suggested use for these payments might be to offset tax abatements or to provide low-cost micro-loans to individual residents to fund their individual affordability or sustainability efforts.
8. Add new language to sub-section (b)(3) that states that any such multi-family "plex" project that qualifies for affordable incentives should be unconditionally approved "by right" in any residential area, including those areas that currently prohibit such buildings or that currently require a conditional approval process before such projects are permitted.

9. Similar language to that found in (c)(5)(A) and the new language found in my comment number 8 immediately above should be added to (d)(3). This would add incentives for plexes to use sustainable building practices.

10. As is included for larger projects, consider compound incentives for those plexes that are both affordable and sustainable.

11. Sub-section (b)(6)(a) discusses affordable income eligibility. An appendix to this UDO should be directions that explain how eligibility is determined. Furthermore, specific language, which landlords and home owners can attach to leases and deeds, should be developed by the city and appended to this document.

12. Sub-section (d) makes a really good attempt at defining sustainable building incentives. I want to qualify my following comments by saying that I don't feel in any way qualified to make specific suggestions in this area; however, I think I can speak to some changes that could be made. Please be in touch with more-qualified people to come up with the next draft.

a. It's my understanding that some of the options listed in section (d)(2)(a) are much easier and/or cheaper than others. In which case, developers are likely choose only those easier options even though the other more-difficult options might have a bigger impact on local climate. Likewise, some of the option listed in section (d)(2)(B) are much easier than others. Perhaps consider a matrix instead? For example, put the easier/cheaper options from section (d)(2)(a) in column A and the expensive/more-useful options in column B and require builders to choose 2 from column A and 1 from column B. That sort of thing. Ask a professional which options should go into which columns.

b. Similar to the section on affordability incentives, consider two tiers in this section as well.

c. The small multi-family plexes are, by default, more sustainable than single-family homes that might instead be built in residential area. This Incentives section should address that fact and offer some level of incentive regardless of additional efforts at sustainable building.

13. Add a new section of incentives for infill and brownfield redevelopment. Again, I'm not qualified to determine what defines those places. I know that infill is desired along Walnut street and that there are many brownfields all over the city. So perhaps include a separate map that calls out specific lots eligible for these incentives. I've been made aware that some of these infill and brownfield locations are being "held hostage" by their current owners who are unwilling to do the redevelopment themselves but who nevertheless are pricing their property too high to make development practical. I'd like to suggest that some system be put in place that penalizes these property owners in some way, either by increasing property tax to match the asking price (maybe after 3 years?) or by requiring them to install urban parks open to the public while everyone waits.

14. As already alluded to in my comments regarding "Payments in Lieu", let's add an incentive section for individual homeowners who are willing to retrofit their current homes for sustainability and also for new-home single-family builders who are willing to include sustainable features. Perhaps the incentive is access to low-interest micro-loans or tax incentives or an impervious surface waiver that allows them to a pad to erect a windmill, etc.



## Related comment to language in other sections of the UDO

There are many instances throughout the UDO related to transition standards between zones. While I support the transition standards in general, we should make an exception for those building that are able to add height because they qualify for affordable or sustainable incentives. One example, though there are many, is 20.04.110(c)(5)(A)(v), which should be removed. Another example is 20.0.070(d)(4)(B)(ii) which states "Portions of buildings between 50 feet and 100 feet are not eligible for additional building height under Section 20.04.110 (Incentives)." Let's remove all references to non-eligibility for Incentives wherever they appear and allow as much affordable and sustainable building as possible.

8/28/2019 3:42:02 "Miscellaneous Comments that Don't Seem to Belong Anywhere

1. Some subdivisions within residential zones or within PUDs containing residential housing may have active covenants with rules that are in conflict with the UDO's stated zoning regulations. The suggestion is that we create a formal process for encouraging subdivisions to consider modifications to their covenants in order to allow live/work options and/or retrofit housing with renewable energy options. I'm not sure where this would go in the UDO.
2. Adding density increases strain on infrastructure but should also increase taxes. Perhaps consider formally earmarking a certain percentage of property tax increases to be directed toward related infrastructure upgrades. I'm not sure where this would go in the UDO.
3. While tearing down an old house and replacing it with a new duplex is most-likely a net positive for sustainable building and climate change and the need for housing stock, it nevertheless has the consequence that building materials will be sent to the landfill. I'd like to see some requirement for recycling those materials. I'm not familiar enough with which building materials can be reasonably/safely recycled and which cannot but I'm sure there are many local experts who could offer good advice. I'm not sure where that would go in the UDO.

8/28/2019 20:04:02 In the dimensional standards for the zoning districts RE to R4, the setback requirements for garages are that they be 10 feet behind the front wall of the house. That adds 10 additional feet of driveway with impervious surface to each house. That will increase stormwater runoff. That is not environmentally desirable. An open door front facing garage is an indication that the owner is home and welcoming. By forcing the garage door to be 10 feet behind the house, you are reducing community cohesion and engagement. This is a totally bad idea.

8/28/2019 22:07:01 "The requirement that forward-facing garages be set back 10 feet from the front of the house is superficial and short-sighted. I assume it is intended to convey the appearance that our culture is not so car-centric. But the actual impact is to unnecessarily constrain housing designs in ways that actually decrease density and increase the impermeable area in front and side yards. Looking around many of the existing single-family neighborhoods now, you see so many split-levels, bilevels, ranches, two story houses that all have garages flush with the front of the house. What you also see is a neighborhood feel - on a nice day many of those garage doors are open, with people going in and out, working and playing in the yard, not even using the garages for car storage. In these neighborhoods

where porches are rare, the open garage door signals to neighbors that they might be able to drop by to chat.

Please let's take the more environmentally sound approach and allow developers the freedom to design smaller driveways that have less impact on rainwater runoff. "

8/29/2019 2:06:59 "To the Board:

It is becoming increasingly clear to me that this debate is one of ideological rhetoric and generational perspectives, rather than one of fact and logic. It is no surprise that home ownership is highest among those 65+ yrs. This fact largely reflects the reality that those 65+ yrs have a greater number of income earning years behind them than those 25-44 yrs. But while the younger generation speaks the rhetoric of climate change and affordability, they do so with no experience of the kind of sacrifices we all have made over many years in order to reach a time in our lives of home ownership and relative financial security (we hope).

The millennial generation is well known statistically as a generation that carries far too much debt (some from tuition loans but also much private debt), engages in excessive lifestyle spending, has no savings, and suffers from poor credit. Statistics show that most have no ambition of ever paying off a mortgage when they get one. They have a different relationship to ownership, probably in part due to the recognition that they will likely change careers multiple times in their lifetimes. Nevertheless, there is an expressed attitude that they should be able to own property without sacrifice.

I think that several of the millennials who spoke during Monday's hearings expressed great disdain for anyone who doesn't support the UDO. A few commenters said how such remarks saddened them. I admire them for their sadness, as I am just angry. Participating in a neighborhood thread on Nextdoor, we have been accused of being greedy, ignorant, fearful, climate-denying racists by the self-proclaimed activist supporters of UDO simply because we don't believe that plex units in our neighborhoods will address affordability, nor climate change. We have offered a perspective of the history of real estate development in Bloomington, of the cycles that we have experienced both before and after SF zoning was instituted, and analyses of the reasons why Bloomington's rental market, and so property values, are inflated; in response we're told we are ignorant and racist and that this is 2019, not 1980. It would be laughable, were it not so very sad and the stakes not so very high.

The fact is that there are many condos--fewer SF homes--priced at @ \$100K or less in Bloomington. That is what someone can afford to buy if they earn slightly below the median wage, @ 43K, here, using the strict 28% affordability standard, with a down payment of @ \$20K and a monthly cost of @ \$540. Far less that a plex will rent for. In no way is that reflective of a ""missing middle,"" a catchy term, but having no relevancy to Bloomington.

It is the working poor that face dire challenges in Bloomington; those who have little chance of upward economic mobility. I read a comment recently by the Township Trustee who said that requests for funding have dropped dramatically because people have just given up. That the usual request used to be for \$500/\$600, but that there are no properties to rent at such a low amount anymore. Now when they do get a request, it is for @ \$1200.

We are told that density is the answer to climate change, yet transportation choices are informed by personal habit, available alternatives, and necessity. Great that millennials embrace biking and scootering! But good luck with that if you have a family, regardless of where in the city you live. And is an adult riding a bike to which is attached a glorified wagon hauling 2 kids without helmets going down High St in traffic really a behavior we want to encourage? Does there have to be a child's death before someone shows some responsibility? And the truth is that many are not physically able to abandon driving even if their spirits would like to do otherwise. My neighborhood of Eastside is heavily rental and adjacent to campus, yet every home has cars parked. The homes that are rental occupancy usually have the highest number of cars. Plexes will limit parking space and driveways: not sure how that helps attract the families the city wants to relocate there. And no one seems to have given a thought to building maintenance needs: my driveway can fit 3 cars front to back, barely. I find it increasingly difficult to hire trades because they have no room to park their double cab trucks and 22' trailers. Many have told me they no longer accept jobs within the core neighborhoods or the permit parking zones because it's not worth their time to struggle with parking.

A great electric bus system like Indianapolis has instituted would do far more to address climate change than any number of plexes. And there's some great research that shows the economic efficiency of fare-less systems, funded instead through taxes more efficiently, that incentivize usage: a double win for the economy and climate.

We are told that the world's population is exploding, and that Bloomington will be a destination for climate refugees. (Why such population would come to Bloomington is never explained, nor how this would logistically happen). In fact, it is not: the rate of world population growth is declining:

"Annual growth rate reached its peak in the late 1960s, when it was at around 2%. The rate of increase has nearly halved since then, and will continue to decline in the coming years. It is estimated to reach 1% by 2023, less than 0.5% by 2052, and 0.25% in 2076 (a yearly addition of 27 million people to a population of 10.7 billion). In 2100, it should be only 0.09%, or an addition of only 10 million people to a total population of 11.2 billion." <https://www.worldometers.info/world-population/#growthrate>

But facts just don't seem to matter to the ideologue activists. What becomes abundantly clear is that they are, first and foremost, motivated by self-interest. They view themselves as warriors for social justice-- but essentially, they just want what they want, and they want it now.

Respectfully,

Jean Simonian

8/29/2019 9:42:27 "Dear Plan Commission,

Thank you for all the time you are dedicating to the UDO. I appreciate how difficult it must be and am pleased at the attention you paid to all comments at the August 26 meeting. I expressed that I still have many questions as to how my neighborhood will be affected. I spoke with someone in the planning office today. He told me that "corner lots" are no longer used as a restriction, rather lot size will be the basis of allowed "plexes." He said a duplex will only be required to provide 1 parking space and a triplex will only be required to provide 2.

This is a huge concern for me. As I stated previously, there is 1 car/bedroom for all the student rentals on my block. How do I know that? I live next door. I have to back carefully out of my driveway every day to avoid running into their cars. I see how many cars are parked in the street each night.

The UDO plan to add 6 additional bedrooms to the house on my right will add 6 additional cars. Across the street, 5 additional cars will be added. I live on a block that already has many student rentals. Our density is already challenged. Did I read that “plexes” will not be allowed on adjacent properties? Or was it that you could not divide a property so you could put two “plexes” on it? Is there no way to limit how many “plexes” are allowed on a city block? I am extremely concerned that the UDO will allow “plexes” in my neighborhood and that our lives will be forever altered.

I read the goals listed in the beginning of the UDO. I believe allowing “plexes” in my neighborhood is in total contrast to the goals as stated. For example, (3) protect the character and stability of residential ... areas. My beautiful little neighborhood will totally lose it's character if triplexes are allowed to take over. They will be built by developers who are only out for profit, not maintaining beauty and stability. (6) Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the City. Again, trees will be removed to build larger buildings on existing lots, grass will be turned to concrete, my house will be towered over limited only by legal height restrictions and blocking my sunlight and sky. (4) I note this has been changed to “Provide a safe, efficient, accessible, and connected system of transportation that emphasizes public transit, walking, and biking to enhance options to reduce overall dependence on the automobile.” It was changed from “minimize congestion and ensure safe traffic circulation.” This is a huge change because allowing “plexes” will maximize congestion in my neighborhood and create less safety. I urge you to drive through our small neighborhoods at different times of day. Look at the number of cars parked on the street. Look at the trees and green space (yards) that will be lost. Look at the character of the neighborhoods and compare them to the areas around 2nd street and Atwater in Elm Heights that have small apartments and large houses that have been converted to student rentals. The thing is, there are many houses next to those apartments, but note that they have all converted to student housing. That is because few adult, working people want to live around the noise, congestion, and chaos that exists with that amount of density.

I listened carefully to all comments regarding the proposed changes at Monday's meeting. I heard from many people that they want us to correct a social injustice designed to keeping person's of color from owning houses. I am embarrassed to say I had no idea that is what I was doing by buying a home. I heard they think farmland outside of Bloomington will be protected and that having 12 people live in the house on my left will be greener than having 3 people live in the house. How will that be? Do 12 people not use more electricity than 3? When they cut the lone tree in that yard down to make room for a triplex, is that greener? When my bees die because I no longer have enough sun to support the flowers in my garden, is that greener? How will the trash in that triplex be handled? Will there be three trash bins and three recycle bins? Will duplex's and triplexes be allowed to have dumpsters at the side of the road? Someone pointed out to me that although in an R2 neighborhood the height restriction is 40', a developer might be allowed an additional floor with “pay to play.” Is that true for du-, tri-, and quadplexes or just the commercial apartment developments in the downtown area? If the house on my left is razed and a new one built with basement levels, I worry about the flooding and runoff that we experienced the last time a new home was built east of me. We used to have a river run through our back yard and between our neighboring houses. How will goal #14 be accomplished with this new

crowding of buildings? (14) the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding.

I appreciate that you all had copies of people's comments to review. I would like to know your comments as well. I would like to know how you were affected by the public meeting? I would like to think there is much more discussion to be had.

Please do not allow the "plex" zoning changes in our SFH neighborhoods. They are the heart of what people love about the city of Bloomington.

Everyone who visits me who attended IU at one time says, "Wow. Bloomington development is crazy. What is with all the huge apartment complexes? Parking is nuts. I hate to say it, but you are losing your charm and uniqueness." And they are, of course, right.

8/29/2019 12:43:59 Please ignore the false Orwellian tropes of the zealots against SFZ to try and make us feel guilty about the past.

8/29/2019 14:44:15 "Why did I ever believe that the City of Bloomington would respect and protect the significant financial and emotional investment I have made in my home? Built in 1952 and purchased by me (as only the third owner) in 2001. Located, of course, in one of the core neighborhoods. The UDO can and will irrevocably damage everything I have invested, all of which will occur under the high moral mountaintop proclamation of ""affordable housing."" Affordable housing? Really?? For whom, exactly? Affordable for DEVELOPERS. That is who will benefit from these impractical notions about how investment in property actually works. How completely unbelievable that city leadership would actually encourage and promote rentals and the inevitable celebration of shoddy construction. Disrespectful, beyond inconsiderate, and irrevocably harmful, this is not some minor policy shift that can be ""torn out of the ordinance book,"" as Mayor Hamilton has stated publicly (as a future option, once reality sets in). This UDO will result in changes that CANNOT be undone. And that is why the developers eagerly await. They cannot believe their luck.

8/29/2019 14:59:24 I am disappointed that you won't be allowing further public comment at the August 29th meeting since the post card I received stated that neighbors were invited to comment at all three meetings. I hope that public comment will be allowed at the September 5th meeting.

8/29/2019 15:35:42 Sorry, I meant 'non exclusionary' in my last post. I.E. those that want to eliminate SFH. Please correct. Thanks.

Aug 29, 2019 at 6:23 PM Good evening! I have plans with my wife tonight and probably won't be able to pop into the plan commission meeting to make a comment, so I'm emailing you with some follow-up points from Monday's meeting.

First, thank you so much for your service to our awesome community. We are lucky to live in a place with so many dedicated and passionate public servants. I'm hoping the following points can be of some use.

I noticed some common misperceptions about the proposed UDO update that I wanted to draw your attention to in hopes that one or more of you may be able to address to the public. I'll list these below:

-Many residents opposed to the new zoning rules focused on the anticipated prices of any new duplexes or triplexes built in their neighborhood. But focusing on only the newly constructed units misses the whole point of the UDO. New construction is always expensive. But people moving into new construction are moving out of another dwelling unit somewhere, many of them from elsewhere in Bloomington and Monroe County. The older, cheaper housing that opens up then becomes marginally more attainable for lower- and middle-income families. It is dishonest to focus only on the new housing without conceding that such new housing opens up opportunities in older housing throughout the city.

-Some residents wrongly believe (very strongly) that the new UDO (or new construction in general) leads to higher property taxes. As you know, this is false, but the consultant didn't explain to the public why it is false. It would be helpful if plan commission and/or city council members educated the public on how property taxes work. I have a feeling from talking with many people in the community that very few people know that the amount of money Monroe County (and all 91 other counties in the state) are capped every year by the Indiana Department of Local Government Finance. That levy can only increase by the six-year average Indiana non-farm income growth. This year, that increase is around 2 percent. Further, new development actually marginally reduces existing owners' property tax bills—all else equal—because the fixed amount of property tax that can be raised is spread across more properties. These facts underscore why more compact development is optimal—it broadens the tax base while minimizing what local government must pay for infrastructure like roads, water/sewer lines, etc.

-There seemed to be a lot of offense taken by residents opposed to the new UDO, with many claiming those of us in favor of the new UDO were accusing single-family homeowners in core neighborhoods of racism or climate denialism. But I never heard anyone blame anybody in attendance (though I couldn't hear some comments, as I was towards the end of a long line into the hall). Indeed, I and many of those who spoke in favor of the new UDO are single-family homeowners ourselves. Issues of race and sustainability came up because it is impossible and dishonest to have a debate about zoning without discussing the history of zoning. It is a history that is full of examples of intentional and unintentional racism. We know that current and former city leaders likely did not intend for racial and economic inequities to result from any of their decisions, but it is simply dishonest to ignore the unintended inequities that have arisen in our community in part because of zoning. Look at the stark difference between the student populations of Fairview Elementary versus Childs Elementary. These schools are an 11 minute bus ride away. Yet Fairview's student body is 90 percent free and reduced price school lunch (FRPL)—a proxy for poverty—compared to just 10 percent FRPL for Childs. MCCSC can reduce these disparities by redrawing attendance boundaries, but they haven't used that tool since the 1990s. As a result, our schools reflect inequalities that are driven in part by zoning. The land around Childs is a sea of single-family parcels while Fairview has a much larger amount of multifamily housing. By maintaining exclusionary single-family zoning throughout the city, we will guarantee that such disparities continue. As for sustainability, the more areas of the city we exempt from sharing the burden of growth, the more we ensure that more development will happen further out. I was honestly amazed at how many people were willing to admit that they think new development should occur on the outskirts of the city or into the county.

-Finally, as someone who teaches 200 undergrads a year about local government, I'm really tired of hearing people scapegoat IU students. College students today, according to both the data and my experience in the classroom, are smarter and safer and kinder than when I was in college 20 years ago. They are also far more burdened by tuition and housing costs than any of us ever were. Do some students cause problems? Absolutely, just as people from every type of age and income group can cause problems. But the average IU student is a model Bloomington resident, contributing to our community with their enthusiasm, research, rent money (some of which their landlords pay to the county in the form of property taxes), spending money, and service (either through volunteering or work). They make up nearly half of our community, yet are often treated as second-class citizens. Primary election days often happen after the spring semester ends, giving these residents less of a say in what happens in Bloomington. City Council often votes against housing intended for them. Residents show up at public meetings to ask to be protected from having them live in their neighborhoods. I've had students come up to me and ask why people hate them. I don't know what you can do to help change these attitudes, but as someone who interacts with IU undergrads on a daily basis, I hope you can try.

I look forward to speaking more on the new UDO in the future. Thanks again for all your dedication and service to Bloomington.

Sincerely,

Dave Warren

**Please provide any comments on Plan Commission Resolution 2: Allow duplex, triplex, and fourplex as permitted uses for new subdivisions and undeveloped locations of the City, while keeping duplex, triplex, and fourplex as conditional uses for other areas of the City.**

8/28/2019 2:32:34      Agreed

8/28/2019 18:59:59      This resolution seems to provide a good compromise towards affordable housing for low income families, as long as it provides for a sustainable environment. Green space must be maximized to provide for this. Architectural design compatibility is essential.

8/28/2019 19:28:25      Leave Single Family Residential neighborhoods ALONE! These neighborhoods or communities that have taken years and years to create and grow are going to be ripped apart by rentals due to this plan! This will forever change Bloomington. Homeowners are not protected and homeownership opportunities will even be more restricted. These are our homes that we have put so much financial investment in and have put blood sweat and tears in these homes and neighborhoods. This has become a political circus. People focusing on climate change as a reason (really?!? Rental properties are more efficient than single family homes?!? Most of these homes were built to last for years and years and are more cheaply maintained than cheap rentals that have ever changing population that require much more maintenance and waste) and taking away homes will only push families who don't want an unstable environment with bulldozers and a more transient population and want more space (not to be piled on top of each other like sardines) for their growing family will just be pushed out further and therefore create more urban sprawl from this. Social justice issue?!?? Really?!

This is about people losing the opportunity to buy homes and ruining neighborhoods, neighborhoods that are so accepting of any color or background. It goes back to if you can't afford a house you don't buy one until you get the education and work and save like we did! We live in an expensive town due to the college here and lack of homeownership possibilities...protect homeowners and homes!!! Build rentals in the areas that are available and find other avenues to fulfill the housing crisis. People waste their money on rentals and don't have long term investments when staying in a rental..so how is ruining neighborhoods helping this problem by adding more rentals! This is so heartbreaking as I was wanting to stay in this home forever raising our family and now we will be putting our house up for sale in the spring to move outside of city limits. We don't trust the city with our financial investment of owning a home here. This has become a circus and has become a war of political motives and other issues that aren't relevant.

8/28/2019 20:04:02 I am in favor of conditional rather than permitted use in existing developed locations.

8/28/2019 21:05:29 "Petition against the new UDO. Please check it out and read comments made by people who want to protect our single family Residential neighborhoods. These are real concerns.

<https://www.thepetitionsite.com/956/861/116/say-no-the-new-udo/>"

8/28/2019 23:21:26 "We oppose the rezoning of single family neighborhoods to increase housing density.

Contrary to arguments presented, allowing development of multi-family housing in those areas will have no meaningful effect, not on the climate, not on racial and income equality, not on diversity nor on housing affordability. These are simply arguments to lend the proposal the appearance of moral justification. Those who support the UDO on these Utopian principles will be sorely disappointed with the results.

Nor is the UDO justified on the basis of population growth, which in Monroe county over the past decade has been modest at best, and largely the result of increased enrollments at IU. The median age of Bloomington residents is 23. Bloomington, Indiana is not a center of major population growth.

Climate: High density urban areas continue to suffer environmental degradation from air pollution and other contaminants. Density does not promote a better environment, just the opposite. Bloomington is fortunate to be in a low population, low density area surrounded by miles of verdant forests and farms. To verify, just check the air quality readings at [aqicn.org](http://aqicn.org). The UDO if adopted would only create a more congested and polluted Bloomington with a larger carbon footprint.

Diversity: Bloomington is known for this and proud of it. It is hard to see how multiplex housing would make any difference in a town where African-Americans represent about 4% of the population.

As to income equality, let us support income mobility. The city should be focused on economic development and opportunity, and stop demonizing people who have been successful enough to own single family homes in single family neighborhoods. We need to attract people of all races and backgrounds with economic opportunities. Penalizing existing residents by disrupting neighborhoods will not achieve diversity.



Affordability: Home prices in these neighborhoods, while maybe higher than in other non-university Indiana towns (but also much lower than in cities in other states), offer a variety of choices. In Bloomington, homes have sold below the \$100,000s to more than \$1,000,000. There is a range of choice for all incomes.

Bloomington's real estate market has the unusual distinction of having some 50,000 students seek rentals for about 9-10 months each year. This creates enormous demand on supply and drives up price. The 2-3 month period when these properties are vacant only increases pressure on rental prices.

Affordability is a function of supply and demand. In the case of Bloomington, a college town in a historically poor region of Indiana, affordability is also directly affected by low wage levels and the relative absence of high-paying jobs. IU and the town's few larger companies offering higher salaries actually keep housing prices high. Most low wage earners here simply live in affordable areas outside of town, and seem perfectly happy to do so.

The city administration should be laser-focused on bringing businesses, large and small, to Bloomington. As it is, this town has the reputation of being anti-business. Among smaller university towns, Bloomington ranks near the bottom in terms of per capita GDP (see <https://www.aaronrenn.com/2018/04/20/ranking-smaller-college-towns/>). Real GDP per capita has actually dropped nearly 8% since 2010!

Single Family Housing: The UDO would not reduce the demand for single family neighborhoods or housing. A study conducted by the Kelley School of Business at IU, "The State of Indiana's Housing Market" (Indiana Association of Realtors, 2018) reports that 91% of Millennials expect to buy a house someday. Nearly half of them plan to live in the suburbs vs. 38% who prefer urban living.

In Bloomington, that means seeking housing in existing single family neighborhoods or in the many developments now being built on the town's outskirts.

Even with adoption of the UDO, development of single family homes and neighborhood will continue to grow, mostly on the outskirts and outside of Bloomington. Even with higher density in Bloomington's core neighborhoods there will be sprawl. And, if Bloomington grows, there will be plenty of it. Good news for Ellettsville, Martinsville and Bedford.

The benefits of the UDO are primarily economic, for the city and for developers: Profits and jobs in the private development and real estate sectors, and increased property and income tax revenue streams for the city and county.

But these profits will come at a cost in quality of life to people living in Bloomington's targeted single family neighborhoods, people who have invested themselves and their resources in Bloomington.

8/29/2019 2:06:59 I am concerned with the use of "conditional" as implying that these uses are not already pre-approved by the Planning Board. Using the word "conditional" as opposed to "permitted" seems to be a distinction without a difference. The burden will be on the public to prove demonstrable harm to prevent the establishment of a plex, rather than the burden being on the developer to seek a variance before building. It forces home owners to be constantly on alert, and takes away any security that owners have about the conditions of the neighborhood they have invested in. This not only effects quality of life, but also impacts the ability/price at time of sale, as buyers want certainty. It is especially

a burden upon those who have chosen to age in place, or who would want to age in place. As it has become more common for homeowners who are aging to be single, it is yet another concern they must bear alone.

8/29/2019 8:56:00 I believe that allowing duplex, triplex, and fourplex housing in subdivisions will be detrimental to single-family developments. This plan makes sense in a planned development in the style of Renwick, but for other existing neighborhoods this causes concern for neighbors who will see density increase on existing infrastructure. Will the current water/sewer systems be able to handle the additional loads since they were designed for single family houses? Will the roads be able to handle the additional traffic and parking? I know that the UDO was not written with the intention of impacting established neighborhoods, but the plan certainly allows for these changes to occur on the corner lots. Please rethink allowing duplex/triplex/fourplex housing in subdivisions or adding language that it would be for new construction or in dedicated neighborhoods/sections. Thank you!

8/29/2019 9:42:27 Please keep our SFH neighborhoods free of "plex development." I am all for the allowance in undeveloped locations and new subdivisions because it does not take away from people who buy in those areas.

8/29/2019 10:13:34 I fully support this amendment.

8/29/2019 10:22:03 Developers have enough opportunities to put up cheap and ugly structures as it is. Why make it easier for them? Please think this through more carefully, Plan Commission.

8/29/2019 12:43:59 "I think the so called 'exclusionary' (anti SFH) zoning is really about the transfer of wealth from the middle class (home owners) to wealthy out of state developers. It is important to keep SFH as a zone to protect core neighborhoods and it's landscape of trees, gardens, front and back yards and to keep our small town character and as a climate change buffer with its green spaces. The Eastside is already replete with multi plexes, like Plantation Apts and places like Pavillion properties. To allow thought and consideration for the area for each development should be examined and open to comment. This is democracy. Not 'by right' zoning and the tyranny of large corporations.

As for new sub divisions wouldn't that be up to the developer and the option for them to have a choice of what to include? But yeah, I suppose you could allow for duplexes and such if done right."

8/29/2019 14:59:24 " Duplex, triplex, and fourplex buildings should not be allowed AT ALL in the core residential neighborhoods. The historic neighborhoods have narrow streets and most houses don't have garages so street parking is already difficult to find. Allowing 6-9 adults WILL result in 6-9 cars being added to a lot that currently has 1-2 cars. Demolishing houses built with wood and stone 100 years ago and throwing it all in a landfill is horrible for the environment, made even worse when replaced by the concrete and plastic of modern buildings. In addition, by replacing the current green space on small lots with large buildings, there will be increasing runoff and flooding in streets that are already overwhelmed with the heavy rains that have now become common. The sewer system in the core residential neighborhoods is old and frail and will not be able to handle so many extra occupants. This will result in constant repair, along with flooding and backups into those new buildings as well as the old ones.

I fully support the goal of making Bloomington more active in responding to climate change threats, as well as providing affordable housing for young people with lower wages. Demolishing our existing low-cost housing surrounded by green space in order to allow developers to replace them with new structures surrounded by cars isn't sustainable or environmentally friendly. If the city leaders truly care about fighting climate change, they will protect the most sustainable areas of the city which are the historic core neighborhoods. Housing near campus will never be affordable when left to market forces. If the city leaders truly want to make affordable housing a reality, they will need to put money into subsidies for low income families rather than tax breaks for out-of-state developers."

8/29/2019 15:57:44 "Thank you for the opportunity to once again comment on the Unified Development Ordinance. We would like to encourage the Plan Commission to approve increased density in the R2, R3, and R4 zoning districts in order to create more affordable housing and to diversify housing stock. The market absorption rate for Monroe County continues to decline meaning that our supply is very constricted. This is true for the market as a whole, but it is more pronounced for the under \$200,000 market. Demand, as demonstrated by the Days on Market, shows that 57.47% of the listings for homes under \$200,000 sell within 30 days. We simply need more housing and more housing choice.

We do understand the neighborhoods' concerns about preserving their neighborhoods. People buy homes in specific areas because they enjoy the look, feel and amenities of those areas. We would encourage you to think about ways that we could increase density with minimal disruption to existing homeowners' enjoyment of their neighborhoods. While our ideas are not unique, we would request that you consider guidelines on appropriate massing and neighborhood compatibility. We would encourage you to rethink the "one driveway" requirement for Single-Family, Duplex, Triplex or Fourplex Residential Uses regardless of the number of street frontages. We believe this will limit the opportunity for these units to be owner-occupied rather than rentals.

We have sent this message to Scott Robinson with attachments showing the market conditions in Monroe County. Please contact us if you have any questions.

Thank you.

Mary Jane Hall, BBOR Board President

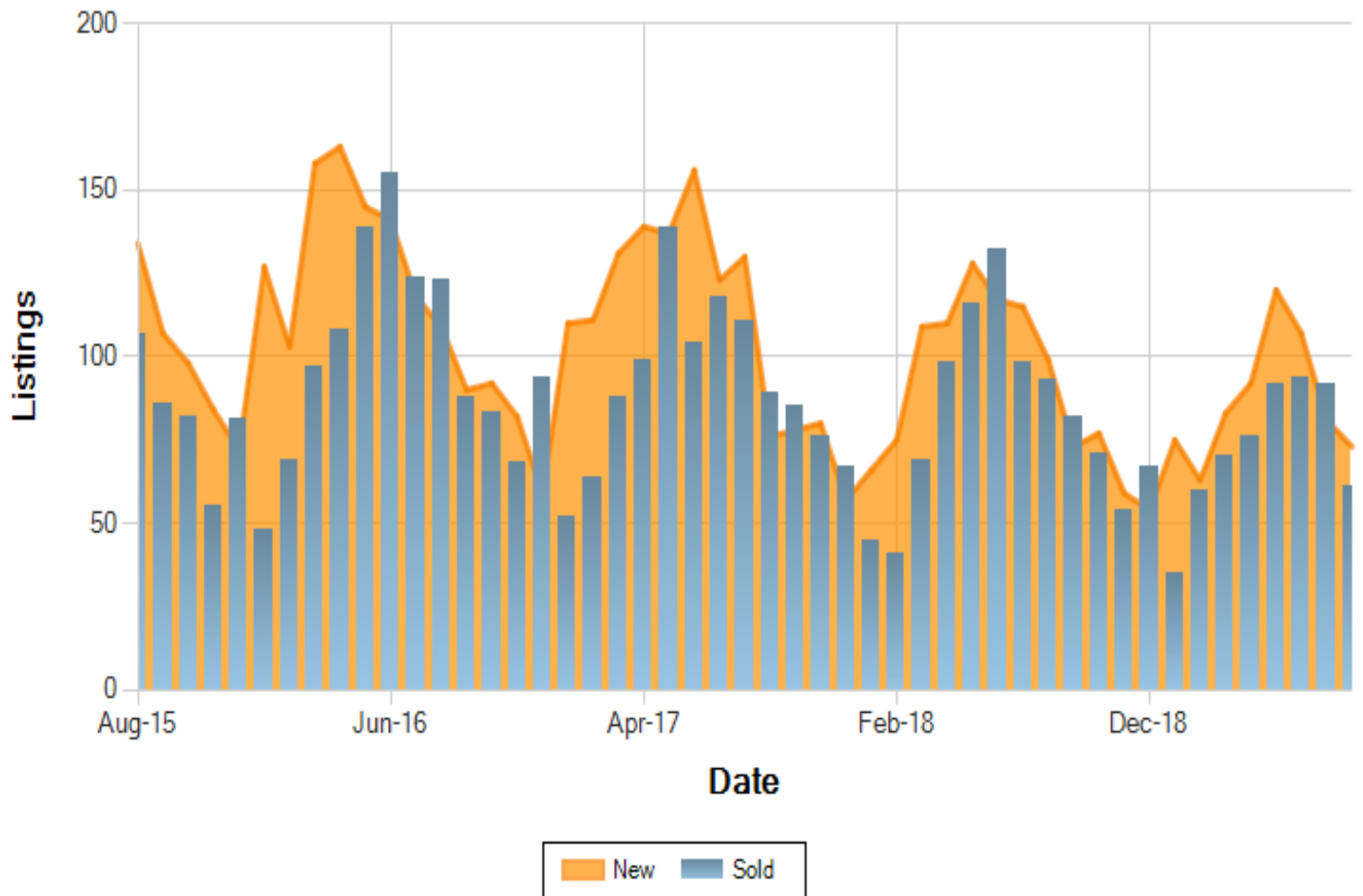
Lisa Abbott, BBOR Executive Vice President"

Aug 29, 2019 at 6:23 PM

**Please provide any comments on Plan Commission Resolution 1: Typographical Corrections to the Adoption Draft.**

8/28/2019 2:32:34 Agreed

## New Listings and Sales Indiana Regional MLS, Inc. Aug 2015 - Aug 2019



Date Created: 8/28/2019

Source: Indiana Regional MLS, Inc.

Information provided is deemed reliable but not guaranteed.

Criteria: Area (Minor)=Monroe AND Class=RE AND Date Range=08/01/2015-08/31/2019 AND Price<200000 AND Board=BBOR

**Market Absorption Rate  
Indiana Regional MLS, Inc.  
Aug 2015 - Aug 2019**



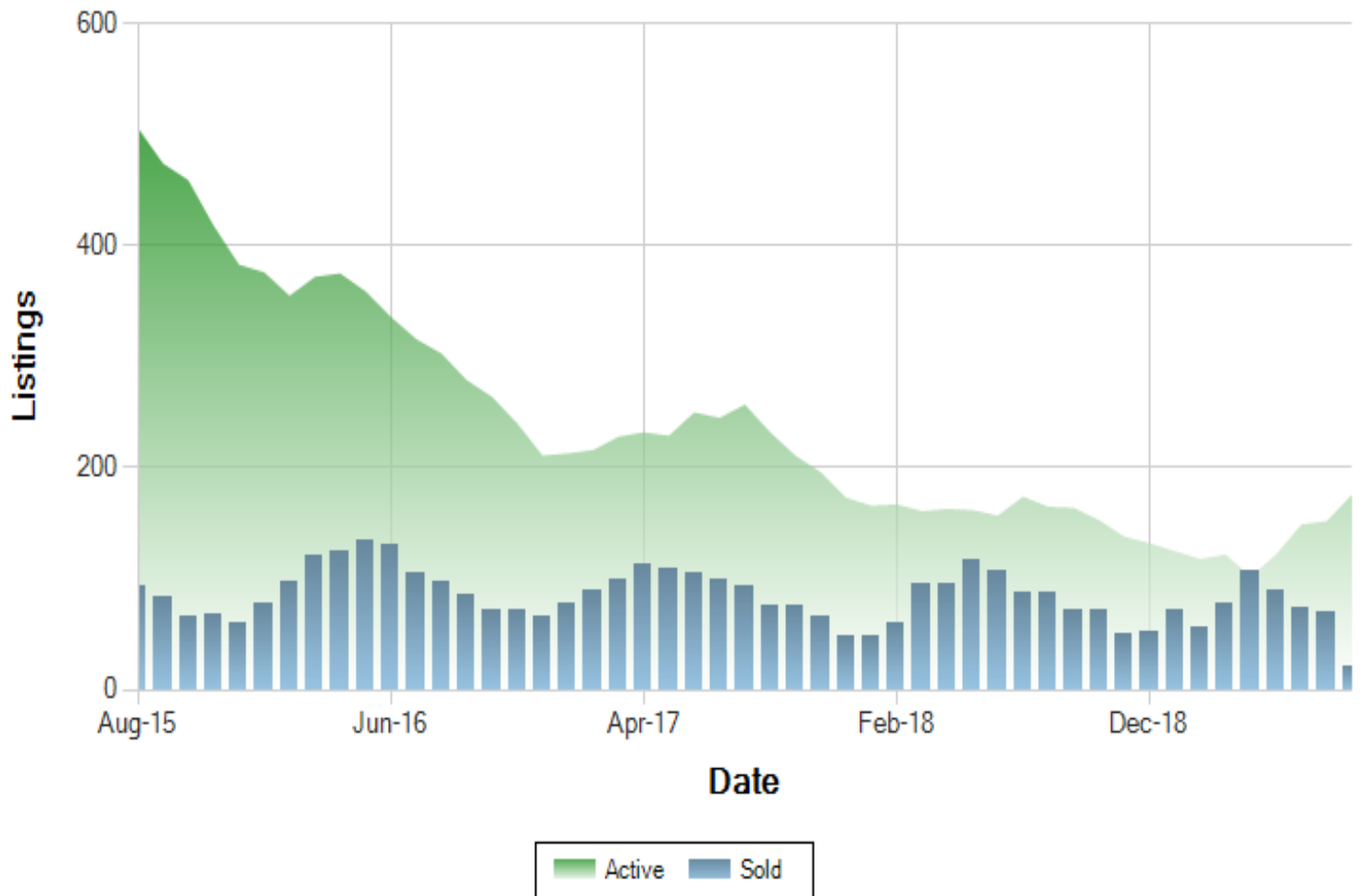
Date Created: 8/28/2019

Source: Indiana Regional MLS, Inc.

Information provided is deemed reliable but not guaranteed.

Criteria: Area (Minor)=Monroe AND Class=RE AND Date Range=08/01/2015-08/31/2019 AND Price<200000 AND Board=BBOR

# Inventory and Sales Indiana Regional MLS, Inc. Aug 2015 - Aug 2019



Date Created: 8/28/2019

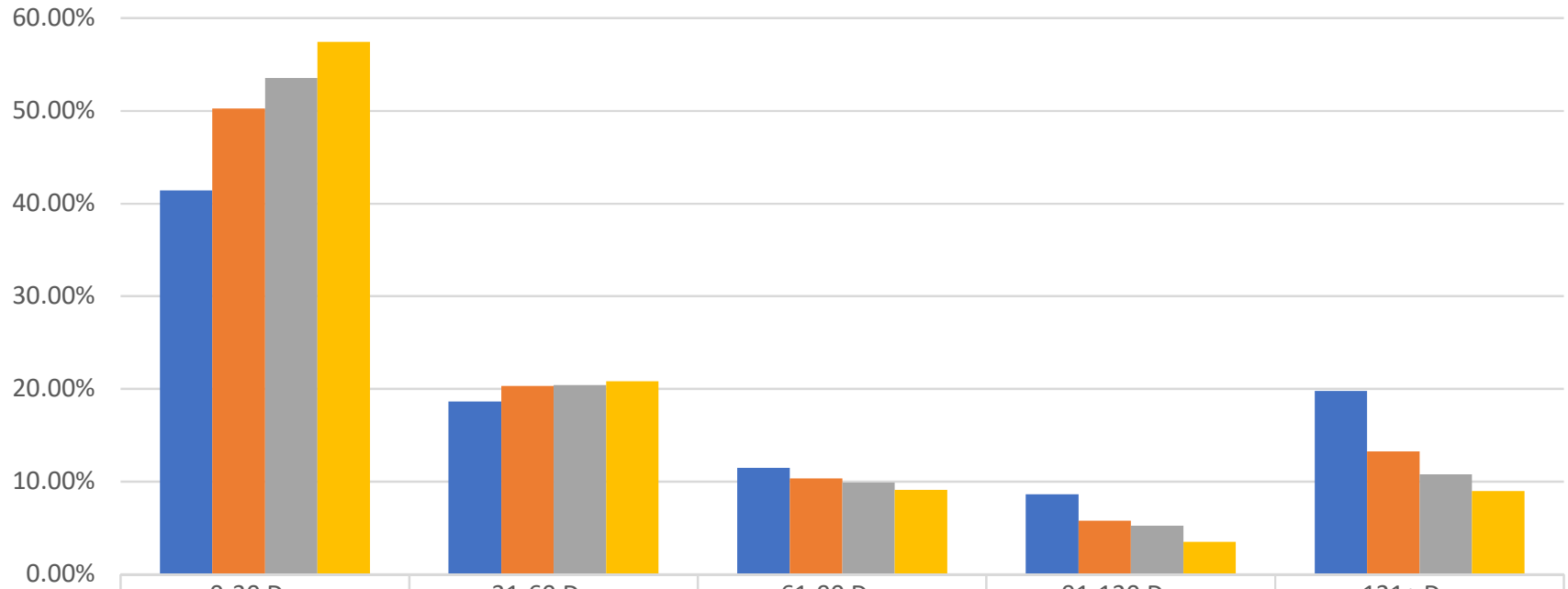
Source: Indiana Regional MLS, Inc.

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Criteria: Area (Minor)=Monroe AND Class=RE AND Date Range=08/01/2015-08/31/2019 AND Price<200000 AND Board=BBOR

## Days on Market Aug 2015-Aug 2019

Monroe County Sold Under 200,000



	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Days
■ 2015-2016	41.40%	18.66%	11.49%	8.64%	19.81%
■ 2016-2017	50.28%	20.32%	10.36%	5.78%	13.25%
■ 2017-2018	53.56%	20.46%	9.92%	5.27%	10.80%
■ 2018-2019	57.47%	20.85%	9.13%	3.53%	9.02%

■ 2015-2016   ■ 2016-2017   ■ 2017-2018   ■ 2018-2019