

RESOLUTION 2024-23

TO INITIATE A PROPOSAL TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE) OF THE BLOOMINGTON MUNICIPAL CODE Re: Preparation of a Proposal to Amend Chapter 20.04.110 (Incentives).

- WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and
- WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”) in order to implement the vision for community development put forward in the Comprehensive Plan; and
- WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and
- WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and
- WHEREAS, the UDO has since been revised by action of the Plan Commission and the Common Council seven times; and
- WHEREAS, the current affordability tiers set out in the UDO Chapter 20.04.110 (c)(2) have resulted in housing units priced at the maximum amount allowable based on the Area Median Income (AMI) for the City of Bloomington¹; and
- WHEREAS, this has resulted in the use of affordability incentives by housing developments that do not actually create affordable units²; and
- WHEREAS, pursuant to IC 36-7-4-602, the Common Council may initiate a proposal to amend or partially repeal the text of the UDO and require the Plan Commission to prepare it;
- WHEREAS, the Common Council wishes to initiate a proposal to amend the UDO to modify the Affordable Housing Incentives in order to create truly affordable units; and
- WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council shall pay reasonable regard to:
- 1) the Comprehensive Plan;
 - 2) Current conditions and character of current structures and uses in each district;
 - 3) the most desirable use for which land in each district is adapted;
 - 4) the conservation of property values throughout the jurisdiction; and
 - 5) responsible development and growth.

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

SECTION 1. Pursuant to IC 36-7-4-602(b), the Common Council directs the Plan Commission to prepare a proposal consistent with this resolution to amend the text of the UDO (BMC 20.04.110(c)(2)) (Eligibility) to include an Area Median Income (AMI) requirement within Tier 1 and Tier 2 Affordable Housing Projects, as follows:

Tier 1 Affordable Housing Projects to include at least some units to be priced below 90% of AMI, using whole percentages for each tier.

¹ See City of Bloomington 2024 Workforce Rental Housing Limit Calculations, <https://bloomington.in.gov/housing/workforce>.

² “A major theme during public engagement was on the lack of rental units priced below \$900.” Regional Opportunity Initiatives, *Indiana Uplands Regional Housing Study Addendum 2.H Monroe County*, (2023 Update), 131, <https://regionalloppportunityinc.org/src-content/uploads/2024/01/Indiana-Uplands-Housing-Study-Addendum-2.H-Monroe-County.pdf>.

Tier 2 Affordable Housing Projects to include at least some units priced below 70% of AMI, using whole percentages for each tier.

SECTION 2. The Common Council further directs the Plan Commission to prepare a proposal to amend the text of the UDO (BMC 20.04.110(c)(5)) (Affordable Housing Incentives) to assess the incentive structure and consider creating additional incentives for affordable housing, including but not limited to expected owner-occupied unit development.

SECTION 3. The Common Council further directs the Plan Commission to prepare a proposal to amend the text of the UDO (BMC 20.04.110(c)(7)) (Payment-in-Lieu) to require housing developments that use the “Payment-in-Lieu” option to accept housing vouchers.

SECTION 4. Upon passage of this resolution, the Plan Commission shall review and recommend UDO amendments to the Common Council in response to this resolution.

SECTION 5. If any section, sentence or provision of this legislation, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this legislation which can be given effect without the invalid provision or application, and to this end the provisions of this legislation are declared to be severable.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED by me upon this _____ day of _____, 2024.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This resolution, sponsored by Councilmember Stosberg, initiates a proposal to amend Title 20 (the Unified Development Ordinance or “UDO”) of the Bloomington Municipal Code. The resolution directs that a UDO text amendment proposal be prepared by the Plan Commission to make changes to the affordable housing incentive structure.