

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 23-27 is a true and complete copy of Plan Commission Case Number ZO-29-23 which was given a recommendation of denial by a vote of 6 Ayes, 3 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on September 11, 2023.



Date: September 19, 2023

\_\_\_\_\_  
Scott Robinson, Secretary  
Plan Commission

Received by the Common Council Office this 19th day of September, 2023.



\_\_\_\_\_  
Nicole Bolden, City Clerk

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

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

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

Cause of Request:

Planned Expenditure	_____	Emergency	_____
Unforeseen Need	_____	Other	_____

Funds Affected by Request:

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

\_\_\_\_\_  
Signature of Controller

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

Yes \_\_\_\_\_ No XX

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

Approval of case ZO-29-23 amends the Unified Development Ordinance (UDO), with amendments to Chapter 3 related to first floor nonresidential uses. There are no known major impacts on existing City appropriations, fiscal liability, or revenues with this change. This ordinance is in accordance with Indiana Code 36-7-4-600.

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

## Case # ZO-29-23 Memo

**To:** Bloomington Common Council

**From:** Jackie Scanlan, AICP Development Services Manager

**Date:** September 19, 2023

**Re:** Text Amendments to Unified Development Ordinance: First Floor Non-Residential Downtown

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The Plan Commission heard case ZO-29-23 on September 11, 2023 and voted to send the petition to the Common Council with a negative recommendation with a vote of 6-3.

The Plan Commission discussed changes to first-floor requirements in a particular portion of the Mixed-Use Downtown (MD) zoning district at its August 14, 2023 and its September 11, 2023 hearing. A previous discussion related to this topic was raised. Below is information from that discussion, which was held in March 2023.

Staff did a walking survey of the blocks marked with black lines in Figure 48 from the Unified Development Ordinance (UDO), which is the only area that would be affected by this amendment. Of the 278 non-residential spaces observed, 16 were vacant. That is a less than 6% vacancy rate for the areas affected by this amendment. While the vacant spaces included areas that have contained spaces that previously contained commercial uses, they also include such spaces as the vacant Fire station and Election Center, and a number of properties that experts in the room suspected as being held as vacant based on knowledge of the ownership or history of the site.

Linking the proposal for the allowance of reduced non-residential space to the use of incentives does a couple of things. On one hand, it can increase the value of the incentives to a developer while increasing the positives of a development to the community if the incentives are used. On the other hand, it acknowledges that a number of the projects that we have seen in the affected area already use incentives which could then take advantage of the reduced non-residential space, which seems to be the flexibility that was mentioned in August.

The Department slightly altered the proposal language below to clarify that one or both Incentives can be used.

### August Report

The Plan Commission asked the Planning and Transportation Department to review and propose an amendment to the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code, related to the requirement for nonresidential uses on the first floor in some portions of the Mixed-Use Downtown (MD) zoning district.

The Planning and Transportation Department prepared an amendment to the Unified Development Ordinance in response to the request.

That petition is as follows:

1. ZO-29-23 | UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

ZO-29-23 UDO Chapter 3, Use Regulations: 20.03.010(e)(1)

The proposed amendment, which would allow a reduced nonresidential requirement if incentives are utilized in the development, is in bold. For reference, Figure 48 is below.

Nonresidential Ground Floor Standards

A minimum of 50 percent of the total ground floor area of a building located along each street frontage identified by a black line in Figure 48 shall be occupied by nonresidential primary uses listed in Table 3-1 as Permitted or Conditional in the MD zoning district, as those Permitted or Conditional uses are modified by those prohibited uses listed in subsection (2) below. **If use of either or both of the Incentives listed in 20.04.110 is approved, the minimum percentage shall be reduced to 30 percent. At no time shall the required nonresidential use occupy less than 1,500 square feet of said ground floor area.** Enclosed parking garages shall not be counted toward the required nonresidential use.

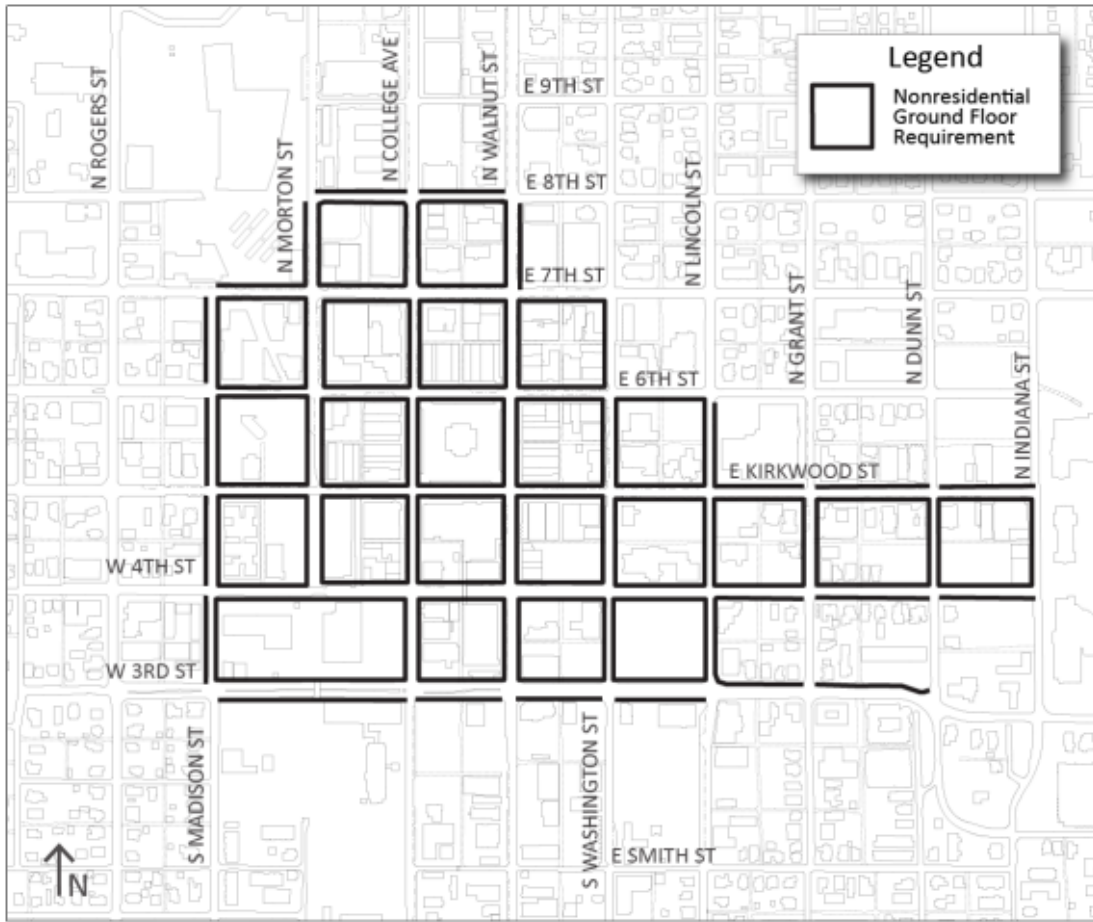


Figure 48: Downtown Nonresidential Ground Floor Requirement