

MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Ash Kulak, Deputy Administrator / Deputy Attorney

Date: November 15, 2024

Re: Resolution 2024-25 – To Initiate A Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Single-Room Occupancy Residential Buildings as a Permitted Use

Synopsis

This resolution, sponsored by Councilmember Piedmont-Smith, directs the Plan Commission to prepare amendments to the Unified Development Ordinance to add Single-Room Occupancy buildings as a permitted use in the City, with further guidance as to what should be considered regarding the definition, location, and use of such structures.

Relevant Materials

- Resolution 2024-25
- Sponsor memo from Councilmember Piedmont-Smith

Summary

Resolution 2024-25 would initiate a proposal process to amend the text of the city's Unified Development Ordinance ("UDO") by directing the Plan Commission to add a new permitted use in the City for "Single-Room Occupancy" (SRO) buildings. The resolution asks the Plan Commission to pay special attention to the following, when adding such a new permitted use:

1. Allow flexible building types, including conversion of hotels, single-family houses, and commercial spaces;
2. Distinguish between the existing "Residential Rooming House" use and an SRO, or replacing Residential Rooming House with SRO, while allowing uses that would fall under the RRH definition as well as under the SRO definition;
3. Allow SROs as a permitted use in multiple zoning districts, including residential zoning districts, perhaps with use-specific standards;
4. Not require owner-occupancy for SROs in any zoning districts;
5. Encourage a diversity of residents including those who need ongoing support and those just seeking a low-cost, simple housing option. SROs should not become another form of group care housing or supportive housing, as those are already defined and allowed in the UDO;
6. Allow SRO units to be integrated into a mixed-use building with other housing types and/or commercial/office space; and
7. Allow two people per SRO.

The resolution was created in response to a deliberative session held by the Council on September 11, 2024, in which the SRO model was discussed. The [packet addendum](#) for the

September 11 Consensus Building Activity meeting contains the issue overview sheet that includes a long term action to revise the UDO by adding SROs as an allowed use. Group notes from that meeting can be found in the [October 1 Regular Session Packet](#).

Fiscal Impact

There is no direct fiscal impact associated with this legislation.

UDO Text Amendment Process

[Indiana Code \(IC\) 36-7-4-602\(b\)](#) allows either the Plan Commission or the Common Council to initiate this process to amend the text of the UDO. When the Council wishes to consider a text amendment, it may initiate the proposal via resolution and require the Plan Commission to prepare it. This resolution directs the Plan Commission to prepare and recommend UDO amendments in response to the resolution and within 90 days from its effective date.

Upon passage of [Resolution 2024-25](#), the Plan Commission will begin the process of preparing the proposal and its recommendation, which entails drafting the text changes, providing required notices to property owners, and holding the required public hearing on the proposal. Once the Plan Commission determines its recommendation on the proposal, it will certify the proposal to the Council. At this point, the process normally followed by the Council for UDO text amendments will begin. Proposals to amend the text of the UDO are governed by state law under IC 36-7-4 in the "[600 Series – Zoning Ordinance](#)".

As a threshold matter, state law provides that the purpose of the local planning and zoning laws are "to encourage units to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end:

1. that highway systems be carefully planned;
2. that new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
3. that the needs of agriculture, forestry, industry, and business be recognized in future growth;
4. that residential areas provide healthful surroundings for family life; and
5. that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds."

Further, in considering UDO text amendments, both state and local codes require the legislative body to pay reasonable regard to:

1. the Comprehensive Plan (<https://bloomington.in.gov/planning/comprehensive-plan>);
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of sensitive environmental features (a local criteria)
5. the conservation of property values throughout the jurisdiction; and
6. responsible development and growth.



[IC 36-7-4-607](#) provides the following procedure that applies to a proposal to amend or partially repeal the text of the UDO.

- After the Plan Commission determines its recommendation on a proposal, it certifies the proposal to the Council with either a favorable recommendation, an unfavorable recommendation, or no recommendation. The Council must consider the recommendation before acting on the proposal.
- At the first regular meeting of the Council after the proposal is certified (or at any subsequent meeting within 90 days after the proposal is certified), the Council may adopt, reject, or amend the proposal. The Council must post and give notice at least 48 hours in advance of its intention to consider the proposal at a meeting.
- If the Council fails to act on a proposal that received a positive recommendation within 90 days after certification, the proposal would take effect as if it had been adopted (as certified) 90 days after certification.
- Assuming the Council does act within the 90 days after a proposal is certified to it, the Council can adopt, reject or amend the proposal. If the Council amends or rejects a proposal, the Council must return that proposal to the Plan Commission along with a written statement of the reasons for the amendment or rejection. Doing so would start a 45-day period for the Plan Commission to consider the Council's amendment or rejection.
- If the Plan Commission approves of the Council's amendment(s) or fails to act within 45 days, the ordinance would stand as passed by the Council. If the Plan Commission disapproves of the amendment(s) or rejection, the Council's action on the original amendment or rejection stands only if confirmed by another vote of the Council within forty-five (45) days after the Plan Commission certifies its disapproval.

These detailed procedures may seem cumbersome, but are designed to ensure that there is a dialogue between the Plan Commission and the Council.

Contacts

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