Passed
8-0
Mayer absent

ORDINANCE 00-01

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE (Amending the PRO6/RS3.5 Regulations in Section 20.07.15.01)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning," as well as the incorporated zoning maps, and Title 21, entitled "Land Use and Development"; and

WHEREAS, Section 20.07.15.01 of the new zoning ordinance created Planned Residential Overlay designations for RS3.5, RM/RT 7, and RM 15 zoning districts, which were designed to promote compact urban form, encourage amenities on the affected parcels, and assure compatibility with surrounding uses; and

WHEREAS, on November 17, 1999 the Common Council adopted Ordinance 99-47, which initiated proposed amendments to Section 20.07.15.01 of the Bloomington Municipal Code and referred them to the Planning Commission for their consideration and recommendation; and

WHEREAS, in response to said ordinance, on December 6, 1999 the Bloomington Plan Commission considered ZO-65-99, which embodied the proposed amendments, and by a vote of 6 – 2 recommended that the Bloomington Municipal Code be changed and now forwards this proposal to the Common Council for their action;

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

Section 1. Part (a) of Section 20.07.15.01 Planned Residential Overlays shall be amended to read as follows:

(a) Purpose: The Planned Residential Overlay is a series of three "performance" overlay districts intended to permit maximum residential densities recommended by the Comprehensive Plan on large sites which may be near properties previously developed to lower density standards or where such densities are appropriate with adequate buffering and mitigation of impacts. The intent of all PRO overlays is to provide higher density residential development that advances the goal of compact urban form while protecting the character of adjacent neighborhoods through density transitioning and buffering; to serve as an incentive to provide public amenities; and, where appropriate, to provide an incentive for clustered development that creates common open space and preserves sensitive environmental features. One major purpose of the PRO6 overlay is to advance the supply of owner-occupied single family housing and to promote traditional neighborhood developments, which are characterized by higher density and pedestrian scales.

Section 2. Part (c) of 20.07.15.01 Planned Residential Overlays shall be amended to read as follows:

(c) Uses Allowed Within the Planned Residential Overlays: The uses permitted within planned residential overlays shall be as follows: (1) Permitted principal and accessory uses in the underlying district shall be permitted. In the PRO6 overlay, duplexes shall also be permitted. Also in the PRO6 overlay, townhomes and apartments shall be permitted for PRO6-zoned properties that satisfy each of the following criteria: a regular-service local public bus line abuts or is located within 500 feet of the property at the time of site plan application; the property directly abuts one or more contiguous parcels comprising at least three acres that have commercial or industrial zoning (CA, CG, CL, CD, BP, IL, IG or any PUD tract with approved commercial or industrial uses)(Note: for purposes of this provision, properties that are separated by an intervening right-of-way do

not "abut" one another); and, the property has direct access on to a roadway with a functional classification of primary collector or arterial. (2) Uses allowed as conditional uses in the underlying district shall also be allowed as conditional uses in the Planned Residential Overlay.

Section 3. If any sections, sentence or provision of this ordinance, 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 ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of January, 2000.

Michael Diekhoff V.P.
TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of January, 2000.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20 day of January, 2000.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance brings forward amendments to the Bloomington Municipal Code that were initiated by the Common Council with the adoption of Ordinance 99-47. The amendments propose two sets of changes to the PRO6/RS3.5 regulations as found in Section 20.07.15.01 entitled, "Planned Residential Overlays." The first set of amendments broaden the purposes for this district to include: promoting compact urban form while preserving the character of surrounding land uses; encouraging the construction of public amenities; exploring the use of clustered housing in order to preserve green space and sensitive environmental features; and, increasing the supply of single family housing in traditional neighborhood settings. The second set of amendments restrict the employment of multifamily uses in the PRO6/RS3.5 district to areas that: have direct access to a roadway with a functional classification of primary arterial or principal collector; are located within 500 feet of the public transit service at the time the application for the site plan was submitted; and abut contiguous parcels containing at least 3 acres of commercial or industrial zoning. For purposes of the later condition, parcels separated by an intervening right-of-way would not "abut" one another.