Passed: 9-0

ORDINANCE 95-41

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE (Miscellaneous "Housekeeping" Amendments and Amendments to the "Special Flood Hazard Areas")

WHEREAS, the Bloomington Plan Commission has considered and recommended that the Bloomington Municipal Code be changed;

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

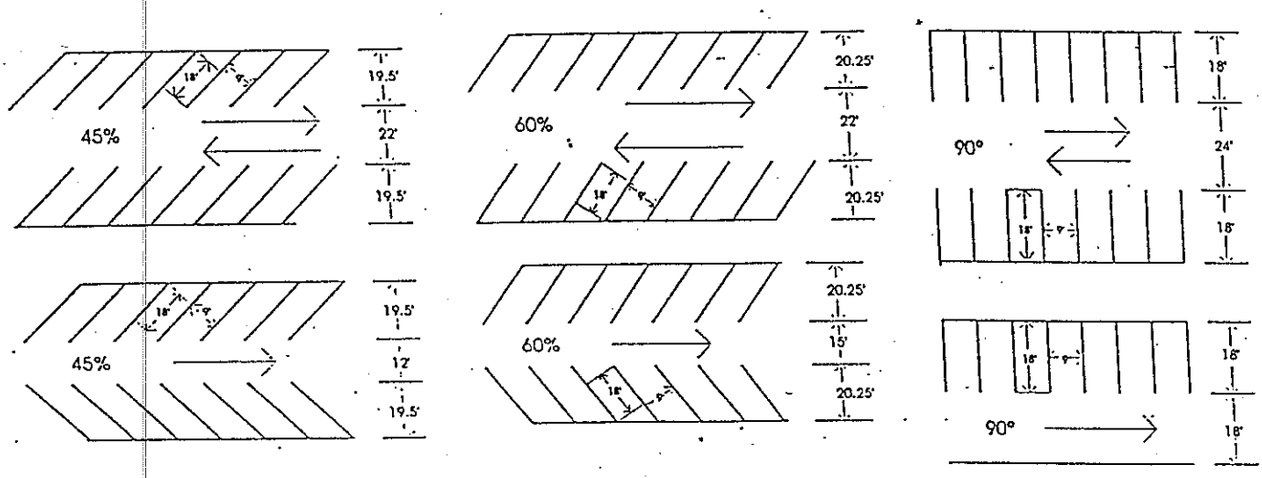
SECTION I. Section 20.06.02.02 of the Bloomington Municipal Code entitled "Required Number of Off-Street Parking Spaces" shall be amended by making the following changes to Table 6-1 "Schedule of Minimum Off-Street Parking Requirements":

A) Under the category of **Residential Uses,** the number of parking spaces for "Fraternities and Sororities" shall read: One (1) space per bedroom; and

B) Under the category of **Commercial/Retail Services Uses**, the phrase "Recreational Vehicle and Marine Sales" shall read: "Recreational Vehicle, Mobile Homes, and Marine Sales".

SECTION II. Section 20.06.02.07 of the Bloomington Municipal Code entitled "Size of Required Parking Spaces and Aisles" shall be amended by making the following changes to Table 6-2 "TABLE OF PARKING STANDARDS":

A) Substitute existing graphic with the following graphic:



B) Add the following footnote: "For purposes of measurement, drives with parking on one side only shall be considered one-way drives".

SECTION III. Section 20.06.02.08 of the Bloomington Municipal Code entitled "Design and Maintenance," Subsection "A." shall be amended to read as follows:

A. The minimum required side and rear yard setback for any parking lot, except as provided in 20.06.02.05.B., shall be as shown in Table 7-3. All street setbacks for any parking, except in single family and multi family districts, which are governed by 20.06.02.05.A., shall be at be at least ten feet greater than the minimum setback required for structures as specified in Table 7-3. Except for permitted driveways that provide access between street and parking lot, dries and aisles shall not be located within required parking setbacks.

SECTION IV. Section 20.06.04.05 of the Bloomington Municipal Code entitled "Residential Architectural Guidelines" shall be amended by deleting Subsection "C."

SECTION V. Section 20.06.04.06 of the Bloomington Municipal Code entitled "Miscellaneous Site Development Standards" shall be amended by adding Subsection "F." which shall read as follows:

F. When the rear of a building, other than a single family detached dwelling, is visible from a street or visible from public circulation areas of adjacent development, the architecture of the rear of the building shall be compatible with the architecture of the front and sides of the building.

SECTION VI. Section 20.06.06.04 of the Bloomington Municipal Code entitled "General Sign Regulations," Subsection "D" regarding "Total sign allocations based upon building mass and street frontage in business, industrial, and special zoning districts." shall be amended in the following manner:

A) Sub-Subsection 20.06.06.04.D.4. shall be amended to read as follows:

4. In any commercial, industrial, or special district, one (1) ground sign shall be permitted for each street frontage. The maximum permitted square footage of sign surface is sixty (60) square feet each side for a double-faced sign of more than ten (10) feet in height, and seventy-two (72) square feet for a ground sign of ten feet (10) or less in height.

B) A new Sub-Subsection 20.06.06.04.D.5. shall be inserted that reads as follows:

5. Pole signs shall be permitted only as follows: In any commercial or industrial district where the property has frontage on an arterial or primary collector street, one (1) pole sign shall be permitted for each street frontage, but only in the event that no ground sign is provided for that street frontage. The maximum permitted square footage of sign surface for a pole sign is sixty (60) square feet each side of a double-faced sign.

C) The existing Sub-Subsections 20.06.06.04.D.5. and D.6. shall be renumbered accordingly.

SECTION VII. Section 20.07.08.02 of the Bloomington Municipal Code entitled "Permitted Uses (in the CG district)" shall be amended to add "Schools, Trade and Business" to the list.

SECTION VIII. Section 20.07.09.05 of the Bloomington Municipal Code entitled Bulk Controls (in the CA district)," Subsection "E." entitled "Minimum Yard Requirements," Sub-Subsection "3.b." entitled "Rear Yard: Parking," otherwise referred to as Section 20.07.09.05.E.3.b., shall be amended to read as follows:

b. Parking: The parking rear yard shall be a minimum of six (6) feet if adjacent to a non-residential district and a minimum of ten (10) feet if adjacent to a residential district. Such rear yard shall be measured from the property line."

SECTION IX. Section 20.07.15.04 of the Bloomington Municipal Code entitled "Special Flood Hazard Areas," Subsection "I" entitled "Development Requirements in Special Flood Hazard Areas," otherwise referred to as Section 20.07.15.04.I, shall be amended in the following manner:

A) Insert a new Sub-Subsection "4." which shall read as follows:

4. Upon receipt of an application for a site plan review and/or a certificate of zoning compliance, the Planning Department shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined, including but limited to those areas designated as UF, RF, FF, or FP overlay districts on the official zoning map.

   a. If the site is in an identified floodway, the Planning Department shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

      Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc., undertaken before the actual start of construction of the building.

      No action shall be taken by the Planning Department until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, and provided the applicant has received approval as necessary from the Board of Zoning Appeals under Section 20.07.15.04.H or 20.07.15.04.J of this zoning ordinance, the Planning Department may issue a certificate of zoning compliance provided the provisions of this zoning ordinance have been met. The certificate of zoning compliance and standards of site plan review may not be less restrictive than the permit issued by the Natural Resources Commission.

   b. If the site is located in an identified floodway fringe, the Planning Department may issue a certificate of zoning compliance provided the provisions of this zoning ordinance, and particularly the provisions of Section 20.07.15.04.G.2, have been met. The key provision is that the tope of the lowest floor of any new or improved structure shall be at or above the flood protection grade.

   c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Planning Department shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

      No action shall be taken by the Planning Department until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended flood protection grade has been received from the Department of Natural Resources.

Once a permit or letter of recommendation has been issued by the Natural Resources Commission, and provided the applicant has received approval as necessary from the Board of Zoning Appeals under Section 20.07.15.04.H. or 20.07.15.04.J of this zoning ordinance, the Planning Department may issue a certificate of zoning compliance provided the provisions of this zoning ordinance have been met. The certificate of zoning compliance and standards of site plan review may not be less restrictive than the permit issued by the Natural Resources Commission.

d. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Planning Department shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

Once the Planning Department is satisfied that the proposed development will not cause any increase in the elevation of the regulatory flood, staff may issue a certificate of zoning compliance provided the provisions of this zoning ordinance have been met.

B) The existing Sub-Subsection "4." shall be renumbered as Sub-Subsection "5."

SECTION X. Section 20.07.16.02 of the Bloomington Municipal Code entitled "Summary of District Regulations," Table 7-3 entitled "Special Conditions," shall be amended in the following manner:

A) Note (11) shall now read:

(11) In any residential district, the minimum required street setback shall be the greater of the street setbacks of the buildings on the adjacent lots on the same block face.

B) Note (15) shall now read:

(15) In the RT7 district, minimum rear parking setback is one-half (½) the building setback requirement or five (5) feet, whichever is greater. In the RM7 and RM15 districts, minimum side and rear parking setbacks shall be one-half (½) the building setback requirement or five (5) feet, whichever is greater.

SECTION XI. Section 20.07.16.03 of the Bloomington Municipal Code entitled "Special Bulk, Height, Area, and Aesthetic Requirements," Table 7-4 entitled "Bulk, Density, Height, Area, and Aesthetic Requirements," Subsection "F." shall be amended in the following manner:

A) The entry in the table that begins with the phrase "Balconies, steps, decks, and porches" shall be amended by adding the words "patios, and uncovered open" after the word "and" so that it now reads:

Balconies, steps, decks, and patios, and uncovered
open porches may extend into the require setback by:

B) Insert a new entry into the table in alphabetical order that reads as follows:"Handicap ramps may project into the required setback by:" and insert the following setback distances in the appropriate column of the table: 20' (front), 8'

(side), and 8'(rear).

SECTION XII. Section 20.08.02.03 of the Bloomington Municipal Code entitled "Changes to Nonconforming Structures in flood Hazard Areas," Subsection "A." regarding the "Floodway," shall be amended by striking the word "substantial" before the word "modifications" as it appears in the second line of that subsection so that it now reads:

A. Floodway: In any floodway district, a lawful nonconforming use or structure may undergo modifications on a one-time only basis after a permit is issued by the Department of Natural Resources. Such modification may not increase the value of the structure, excluding the value of land, by more than forty percent of its pre-improvement market value unless such structure is brought into compliance.

SECTION XIII. Section 20.08.02.03 of the Bloomington Municipal Code entitled "Changes to Nonconforming Structures in flood Hazard Areas," Subsection "B." regarding the "Floodway Fringe," shall be amended to read:

B. Floodway Fringe: A lawful nonconforming use may undergo modification provided such modification is on a one-time-only basis and further provided that such modification does not increase the value of the building by more than forty percent of its pre-improvement market value, excluding the value of land, unless such structure is brought into compliance.

SECTION XIV. Section 20.08.02.03 of the Bloomington Municipal Code entitled "Changes to Nonconforming Structures in flood Hazard Areas," Subsection "C." regarding the "Floodplain," shall be amended by replacing the words "substantial modifications" with the word "modification" as it appears in the second line of that subsection so that it now reads:

C. Floodplain: A lawful nonconforming use in a floodplain district may undergo modification on a one-time-only basis after a permit is issued by the Department of Natural Resources. Such modification may not increase the value of the structure, excluding the value of land, by more than forty percent of its pre-improvement market value unless such structure is brought into compliance.

SECTION XV. Severability. If any section, 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 XVI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of September, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of September, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 21st day of September, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance makes several "housekeeping" amendments to the zoning ordinance, which went into effect May 1, 1995, including amendments to the "Special Flood Hazard Areas," which are being made at the request of the Department of Natural Resources.

Signed copies to:
Planning
DNR
File
CAC/Clerk