Passed: 7-0

ORDINANCE 93-06
TO AMEND THE TEXT OF
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "ZONING"
Re: Shifting Authority for Approving Conditional Uses from the Plan Commission to the Board of Zoning Appeals

WHEREAS, the 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. In Section 20.07.02.00 (f), Determination in which zone a specific use is permitted, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION II. In Section 20.07.08.00, Conditional Uses, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION III. In Section 20.07.08.02, Procedures for granting conditional permit, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION IV. In Section 20.10.00.00, Regulations for Conditional Uses, Purpose, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION V. In Section 20.10.01.00, Regulations for Conditional Uses, General Regulations and Conditions, subsections 20.10.01.01 through 20.10.01.05, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION VI. In Section 20.10.02.00 Schools, parks, playgrounds and related facilities, Subsection 20.10.02.01, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION VII. In Section 20.10.04.00, Religious organizations, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION VIII. In Section 20.10.05.00, Civic or community clubs, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION IX. In Section 20.10.06.00, Funeral services, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION X. In Section 20.10.07.00 Duplex in residential single (RS) zone, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION XI. In Section 20.10.08.00, Accessory gasoline sales in limited business zones, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION XII. In Section 20.10.09.00, Higher density residential development, and in subsection 20.10.09.00(d), the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION XIII. In Section 20.15.06.00, Conditional uses in flood hazard districts, the words "Board of Zoning Appeals" shall replace the words "Plan Commission".

SECTION XIV. 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 parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION XV. This ordinance shall be in full force and effect form and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of February, 1993.

JACK W. HOPKINS, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of February, 1993.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 5th day of February, 1993.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the text of the zoning code to transfer approval authority for conditional uses from the Plan Commission to the Board of Zoning Appeals. The format and criteria for conditional uses is not changed.

Signed copies to:
BSMC
CA/CA + Clerk
Planning
Legal (4)
Code Enforcement
BZA

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 93-06 is a true and complete copy of Plan Commission Case Number ZO-76-92 which was given a recommendation of approval by a vote of 8 Ayes, 2 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 11, 1993.

Date: January 12, 1993

Timothy A. Mueller
Planning Director

Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this 12th day of January, 1993,

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution #_____

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_____
Unforseen 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_____

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

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.)