Passed 8-1 (Wisler)

ORDINANCE 09-12

TO AMEND
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, "UNIFIED DEVELOPMENT ORDINANCE"
(Amendments to the Text and Maps as a Result of a Periodic Review of the Title)

WHEREAS, the Common Council, by its Resolution 02-19, approved a substantial update to the Comprehensive Plan for the City of Bloomington, which took effect on December 19, 2002; and

WHEREAS, the Common Council, by its Ordinance 06-24, repealed and replaced Title 20 of the Bloomington Municipal Code, now entitled the "Unified Development Ordinance," and the incorporated zoning maps; and

WHEREAS, the Plan Commission has undertaken a periodic review of Title 20 and, after having provided notice and held public hearings as required by law, has forwarded amendments to the text and maps for the Common Council to consider; and

WHEREAS, in preparing and considering these amendments, the Plan Commission and Council have paid reasonable regard to:

1) the Comprehensive Plan;
2) current conditions and character of current structures and uses in each district;
3) the most desirable use for which land in each district is adapted;
4) conservation of property values throughout the jurisdiction; and
5) responsible development and growth;

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

SECTION 1. The Common Council hereby adopts amendments to the text and incorporated maps of Title 20 entitled, "Unified Development Ordinance." These amendments are attached hereto and incorporated by reference into this ordinance and consist of the following documents:

(a) Amendments to the text of Title 20 as well as to the maps incorporated into Title 20 which were forwarded by the Plan Commission to the Common Council with a positive recommendation and which were adopted by the Common Council (hereinafter Attachment A); and

(b) Amendments to the text of Title 20, which were forwarded by the Plan Commission to the Council either with a positive recommendation and subsequently revised or amended by the Common Council or with a negative or no recommendation and subsequently approved or amended by the Common Council (hereinafter "Attachment B").

SECTION 2. Incorporation by Reference. Two copies of the zoning maps and other material that are incorporated into Title 20 by reference are on file in the office of the City Clerk for public inspection.

SECTION 3. 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 4. This ordinance shall be in full force and effect following its passage by the Common Council, approval by the Mayor, action by the Plan Commission, and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of SEPTEMBER, 2009.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of SEPTEMBER, 2009.

REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 18th day of SEPTEMBER, 2009.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends both the text of, and maps incorporated into, Title 20 (Unified Development Ordinance) as a result of a periodic review of that title by the Plan Commission and Common Council.

Note: The Common Council considered this ordinance and related amendments over a series of evenings in July, August and September of 2009 that comprised one, long Special Session. At the conclusion of this Special Session, the Common Council adopted Ord 09-12 as it was amended by the Council. Under I.C. 36-7-4-607(e) and (f), the Common Council must return this ordinance with a written statement of reasons for the amendments to the Plan Commission who will have forty-five (45) days to adopt, reject or fail to act upon the Council's amendments. A copy of the Plan Commission's report will be attached to this ordinance. Then, under I.C. 36-7-4-610, the changes will go into effect once the printed text of the amendments have been made available to the public in the Office of City Clerk.

Legal (10)
Planning
Public Works
Plan Commission

CA/CA (2)
Clerk (2)

17