ORDINANCE 81-31

To Amend Various Sections of Title 19 of the Bloomington Municipal Code, Entitled "Subdivisions"

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT THE FOLLOWING SECTIONS OF TITLE 19 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "SUBDIVISIONS", BE AMENDED TO READ AS FOLLOWS:

SECTION I. Section 19.04.130, entitled "Subdivision", shall be amended to read as follows:

19.04.130 Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or intersests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, or other recorded instrument. However, this regulation shall not apply to the following:

(a) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

(b) A division of land into two or more tracts for an agricultural use, of ten or more acres, not involving any new street or easement of access.

(c) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.

(d) The unwilling sale of land as a result of legal condemnations as defined and allowed in Indiana state law.

(e) Widening of existing streets to conform to the comprehensive plan.

(f) The acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan.

(g) The exchange of land between owners of adjacent property provided that such exchange does not serve to reduce lot size or other dimensions below required minimums.

SECTION II. Section 19.08.010, entitled "Plats-Recording", shall be amended to read as follows:

19.08.010 Plats--Recording. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the Bloomington City Plan Commission. No land within said jurisdiction shall be subdivided until:

(a) A plat conforming to these regulations has been approved and certified by the Commission;

(b) The owner of the land being subdivided and/or any party having a contract interest in said land, if different from the applicant, has filed an affidavit of consent to all terms of the Commission's approval on an approved form; and

(c) The approved final plat has been filed with the County Recorder.

SECTION III. Section 19.08.090, entitled "Variance and Modification", shall be amended to read as follows:

19.08.090 Variance and Modification. (a) Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance

with these regulations and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. Financial hardship shall not constitute grounds for a variance.

(4) The variance will not in any manner vary the provisions of the zoning ordinance, comprehensive plan, or thoroughfare or major street plan.

(b) Where the variance has an impact on design and construction of public facilities, all appropriate public agencies will be given ample time to comment in writing to the Commission.

(c) In approving variances, the Commission may require such conditions as will, in its judgment, substantially secure the objectives of these regulations.

(d) A petition for variance shall be submitted in writing by the subdivider prior to approval of the preliminary plat by the Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.

(e) It shall not be within the jurisdiction of the Board of Zoning Appeals to grant variances to these regulations.

(f) The Commission may permit modifications to the standards and procedures of this title as may be warranted by the specialized nature of the following: subdivisions not involving any new streets, planned developments under the provisions of Chapter 20.13, commercial or industrial subdivisions, and condominium plats. Such modifications need not comply with subsections 19.08.090(a)(2) and 19.08.090(a)(3).

SECTION IV. Section 19.08.200, entitled "Storm drainage", shall be amended to read as follows:

<u>19.08.200 Storm drainage</u>. No land shall be subdivided until a storm water drainage plan has been approved by the Commission. The storm water drainage plan shall conform to the following criteria:

(1) Except as provided below, the drainage system shall consist of concrete curbs and gutters along all streets and of storm water sewer pipe and appurtenances, including inlets, catch basins and culvert headwalls, where required by the Commission.

(2) The existing natural drainage system shall be utilized to the maximum extent possible. The development shall not adversely affect the natural drainage system.

(3) Except for required storm water retention and sedimentation control facilities, or approved decorative and recreational ponds, finished land grades shall be such that there is no ponding of water and that surface water will not cause erosion.

(4) The natural vegetation shall be utilized where possible to prevent the concentration of surface water runoff.

anned drainage construction shall be integrated into the
ge pattern of surrounding properties.

for swales used to carry drainage to storm sewer inlets,
drainage ways, and storm water retention facilities, the
ction of open ditches shall be prohibited.

rm drainage system shall be designed to accommodate the 10-year
interval storm. Structures shall be protected from the 100-year
interval storm.

rease in rate of discharge from the site shall be consistent
e capacity of downstream drainage facilities.

Section 19.12.020, entitled "Charges", shall be amended to read

harges. At the time of the filing of an application for approval
plat, the application shall be accompanied by a fee as provided
s "Administrative Rules and Procedures".

Section 19.08.095, entitled "Appeals", shall be added to read

peals. (a) Any person aggrieved by a decision of the Commission
plat or replat may apply in writing to the Commission prior
r monthly meeting for modification of the action complained
cation shall be considered by the Commission.

on of the Commission may be reviewed by certiorari. Any person
ision of the Commission may present to the circuit or superior
unty a verified petition setting forth that the decision is ille-
part and specifying the grounds of the illegality. The petition
to the court within thirty days after the entry of the decision
being challenged.

ll not be within the jurisdiction of the Board of Zoning Appeals
termination or decision made pursuant to this title.

Section 19.08.060, entitled "Lots", shall be amended to read

ots. (a) The minimum width and area for lots shall conform
its of Section 20.08.03.00 of the Zoning Ordinance. For zoning
ch no minimum lot size is specified, lot size and frontage
discretion of the Commission which shall give due consideration
ble dimensional, parking, and site planning requirements, and
purpose of the development.

oth to width ratio of the usable area of a lot shall be a
point zero to one.

nes of lots shall be at right angles or radial to street lines
nted otherwise to preserve existing features.

ot shall abut on a street except non-residential developments
shared private drives and/or parking facilities. The Commis-
the means of control of such shared private access.

lots having frontage on two parallel or approximately parallel
be permitted except where required to minimize access to a

where alleys are provided for the purpose, each lot shall have
tility lines along the rear lot line and along the side lot
ary. No easement shall be less than six feet wide on each lot,
easement width of twelve feet.

s for sanitary sewers and water distribution shall be provided
by the Utility Engineer.

SECTION VIII. Subsection 19.08.100(e), entitled "Location and arrangement", shall be amended to read as follows:

(e) Except where justified by extreme conditions, alleys shall be prohibited.

SECTION IX. Section 19.08.170, entitled "Streets and alleys", shall be amended to read as follows:

19.08.170 Streets and alleys. (a) Streets and alleys shall be completed to grades shown on plans and profiles prepared by the subdivider and approved by the Commission.

(b) The streets shall be paved for a minimum width as specified in the master thoroughfare plan for arterial and collector streets, and thirty-one feet for local streets.

(c) The pavement shall be constructed according to the specifications required by the Board of Public Works, but in no case shall the pavement consist of less than 110 pounds per square yard of bituminous surface, 220 pounds per square yard of bituminous base and seven inches of compacted stone, all as specified in the current standard specifications of the Indiana State Highway Department.

(d) Combined cement concrete curbs and gutters shall be constructed along all streets. The curbs and gutters shall be of a design approved by the Board of Public Works and shall be constructed in accordance with the Standard Specifications of the Indiana State Highway Department for concrete curbs and gutters.

(e) Concrete sidewalks shall be constructed according to specifications prepared by the Engineering Department of the City on both sides of all streets except culs-de-sac of 300 feet or less as measured along the centerline from the center of the turn-around to the right-of-way line of the intersecting street. Such sidewalks shall be at least four feet in width except when located on a collector or arterial street or on a street abutting a school, park, or site zoned for business use, in which case the sidewalk shall be at five feet in width. All sidewalks shall be installed one foot within the street right-of-way, parallel to the property line, unless approved otherwise due to contraints of topography, vegetation, or right-of-way width.

SECTION X. Section 19.08.180, entitled "Sewers", shall be amended to read as follows:

19.08.180 Sewers. (a) In areas where a public sanitary sewer is reasonably accessible as determined by the Commission, the subdivider shall provide the subdivision with a complete public sanitary sewer system designed to the specifications of the Utilities Service Board and dedicated to the City.

(b) In areas where the Commission determines that a public sanitary sewer is not reasonably accessible, the subdivider shall provide either a private central sewage system designed in conformance with applicable state and county regulations, or an individual on-site septic system. Where individual on-site septic systems are proposed, the subdivider shall obtain, prior to preliminary plat approval by the Commission, the written approval of the County Health Department. The lot dimensions shall be adequate to accommodate such systems in conformance with County Health Department requirements but in no case shall any such lot be less than 37,500 square feet in area.

(c) Where the subdivision lies in reasonable proximity to an anticipated extension of public sanitary sewer service as determined by the Commission, the Commission may require that a complete sanitary sewer system be installed, including all sewer lines, laterals, and mains, designed to Utilities Service Board specifications and dedicated to the City for future connection to a public sanitary sewer system.

(d) Where in the opinion of the Commission environmentally sensitive areas, steep slopes, questionable percolation rates, or questionable depth to bedrock are involved, the Commission may require additional soil borings, percolation tests, or other engineering studies or assurances as it deems necessary.

SECTION XI. Section 19.08.190, entitled "Water", shall be amended to read as follows:

19.08.190 Water. (a) In areas where a public water distribution system is reasonably accessible as determined by the Commission, the subdivider shall provide the subdivision with a complete water main supply system designed to Utilities Service Board specifications and dedicated to the City.

(b) In areas where the Commission determines that a public water distribution system is not reasonably accessible, the subdivider shall provide either a central private water main supply system or a private water supply for each lot to be installed in accordance with applicable state and county regulations. The subdivider shall obtain, prior to preliminary plat approval by the Commission, the written approval of all regulating agencies, and shall install such systems in conformance with applicable regulations of such agencies.

(c) Where the subdivision lies in reasonable proximity to an anticipated extension of public water distribution service as determined by the Commission, the Commission may require that a complete water supply system be installed including all lines, mains, and laterals, designed to Utilities Service Board specifications and dedicated to the City for future connection to a public water supply system.

SECTION XII. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance 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 chapter are declared to be severable.

SECTION XIII. This ordinance shall be in full force and effect from 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 1st day of July, 1981.

Alfred I. Towell, President
Bloomington Common Council

ATTEST:

Nora M. Connors, City Clerk

PRESENTED by me to the Mayor upon this 2nd day of July, 1981.

Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 6th day of July, 1981.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance, submitted by the Plan Commission, would amend various sections of Title 19 of the Bloomington Municipal Code, entitled "Subdivisions".