Passed 9-0

ORDINANCE 15-06

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"
(Amending Sections 20.05.110 & 20.05.111 Regarding Temporary Uses and Structures)

Whereas, the Mayor and Common Council are concerned for the health, safety, peace and welfare of the citizens of the City of Bloomington; and

Whereas, to that end and in order to protect the unique character of the City of Bloomington, the City finds it necessary to regulate solicitors, pushcarts, and mobile vendor units inside of the City's jurisdictional limits within Title 4 of the Bloomington Municipal Code (Business Licenses and Regulations) ; and

Whereas, the changes to Title 4 of the Bloomington Municipal Code directly impact portions of the Temporary Use and Structure regulations found in Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code, therein requiring Title 20 to also be amended; and

Whereas, in reviewing changes to the Temporary Use and Structure Standards, the City noted that it would be appropriate to review and update other relevant portions of these Standards; and

Whereas, the Mayor and Common Council believe the seasonal sale of farm produce enhances the Bloomington community and should be expanded from a maximum of sixty days to one hundred and eighty days; and

Whereas, the last several years have seen an increase in book buyback programs in the City limits during the end of Indiana University semesters and, in an effort to better regulate this growing program, the City believes set guidelines are needed; and

Whereas, the City of Bloomington Plan Commission approved the aforementioned changes to Title 20 in October 2014 but, due to the tabling of the associated changes to Title 4, the Council rejected them at a Special Session on December 10, 2014; and

Whereas, after resubmittal of changes to Title 4 to the Common Council, the City of Bloomington Plan Commission again approved the aforementioned changes at their regularly scheduled monthly meeting on March 9, 2015 and certified its positive recommendation of those proposed amendments to the Bloomington Common Council on March 16th 2015.

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

SECTION 1. Subsection 20.05.110(b), regarding exemptions to the permit requirement for temporary uses and structures, shall be amended in two ways:

First, by adding the words "from the Permit Requirement" after the word "Exemptions" at the beginning of part (b); and

Second, by creating a new division (3), which shall read as follows:

(3) Any business activity licensed by Title 4 of the Bloomington Municipal Code.

SECTION 2. Section 20.05.111, entitled "TU-02 [Temporary Uses and Structures --- Commercial and Industrial] shall be amended to add two additional zoning districts in the section heading. The new section heading shall read as follows and also replace the one appearing in the Table of Contents for Chapter 20.05 (Development Standards):

"20.05.111 TU-02 [Temporary Uses and Structures --- Commercial, Industrial, Business Park, and Institutional]"

SECTION 3. Section 20.05.111 shall be amended to insert the zoning districts "IN" and "CL" in the list of such districts which appears after the first sentence.

SECTION 4. Subsection 20.05.111(a)(2) shall be amended to add a new sentence to the end of said section. The new sentence shall read as follows:

> "No property shall be issued more than one (1) Temporary Use Permit in a calendar year."

SECTION 5. Subsection 20.05.111(b). entitled "Farm Produce," shall be amended in two ways. First, the phrase "sixty (60)" as it appears in the first sentence shall be deleted and replaced with the phrase "one hundred and eighty (180)". Second, a new subsection (1) shall be added and shall read as follows:

> "(1) The Bloomington Community Farmers' Market and any other approved Farmers' Market shall be exempt from this requirement."

SECTION 6. Section 20.05.111 shall be amended by adding a new subsection (c), entitled "Book Buyback," and relettering all remaining subsections accordingly. The new subsection (c) shall read as follows:

> "(c) Book Buyback: The temporary buyback of higher education books shall require a Temporary Use Permit. Such permit shall be valid for a maximum of two (2) periods of seven (7) consecutive days or one period of fifteen (15) consecutive days. No property shall be issued more than one (1) such Temporary Use Permit in a calendar year."

SECTION 7. 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 8. 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 1st day of APRIL, 2015.

DAVE ROLLO, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of APRIL, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2ND day of April, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance does three things. First, it aligns the Unified Development Ordinance with the newly amended Title 4 by making it clear that those solicitors, mobile food vendors, and pushcart operators licensed by the City only need to obtain a license, they no longer need to obtain both a license and a Temporary Use Permit. Second, it extends the period of time seasonal farm produce can be sold under a Temporary Use Permit from sixty days to one hundred and eighty days. Third, it regulates book buybacks in that property owners must obtain a Temporary Use Permit to hold such a sale, and those sales are limited to no more than two times per year, with each time lasting no more than seven days (or one single sale per year that lasts no more than fifteen consecutive days).

Signed copies to:
Legal (5)
Controller (1)
Plan/Trans
Clerk (1)
BMC (1)