

ORDINANCE 06-24

*Added 7-2
(subsequent wislen)*

TO REPEAL AND REPLACE
TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED, "ZONING", INCLUDING THE INCORPORATED ZONING MAPS,
AND TITLE 19 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
"SUBDIVISIONS"

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 Plan Commission has initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled "Zoning", including the incorporated zoning maps, and Title 19 of the Bloomington Municipal Code, entitled "Subdivisions"; and

WHEREAS, this proposal would replace the aforementioned Titles of the Bloomington Municipal Code with a single "Unified Development Ordinance" including incorporated zoning maps, to be codified as Title 20; and

WHEREAS, the Plan Commission certified the proposal to the Common Council with a favorable recommendation on November 17, 2006, after having provided notice and held public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, 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; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Council have received information and evidence related to the secondary effects of sexually oriented businesses, and have made findings based upon such information and evidence and in support of regulations contained within this Proposal that place restrictions upon the location and concentration of such businesses;

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

SECTION I. Title 19, entitled "Subdivisions" is repealed.

SECTION II. Title 20, entitled "Zoning", including the incorporated zoning maps, is repealed.

SECTION III. A replacement zoning and subdivision ordinance, entitled "Title 20, Unified Development Ordinance", including the zoning maps and other material that are incorporated therein by reference, is hereby adopted, such replacement ordinance consisting of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) Adoption Draft (Draft F), Bloomington Unified Development Ordinance, released September 1, 2006 (hereinafter "Attachment A"); and
 - (B) Proposed Zoning Maps incorporated in Attachment A (consisting of the "UDO Zoning Districts" map and the "UDO Downtown Overlay Districts" map, collectively "Attachment B"); and
 - (C) Plan Commission Amendments to Attachments A and B (hereinafter

- “Attachment C”); and
2. The Common Council’s amendments to Attachments A, B and C (hereinafter “Attachment D”).

SECTION IV. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section III into a single text document and one or more incorporated map documents for codification.

SECTION V. The Common Council hereby ratifies, accepts, and adopts as its own findings, the Plan Commission’s Findings on Adverse Secondary Effects of Sexually Oriented Businesses, which are attached hereto and incorporated herein as Attachment E.

SECTION VI. 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 VII. 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.

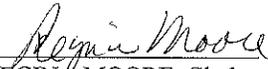
SECTION VIII. This ordinance shall be in full force and effect from and after February 12, 2007, following its passage by the Common Council, approval by the Mayor, action by the Plan Commission, and promulgation by law; provided, however, Section 20.05.095 “SC-08 [Special Conditions; Dwelling, Multifamily] [CD]”, and Section 20.05.098 “SC-11 [Special Conditions]; Dwelling, Upper Floor Units] [CD]”, concerning fire sprinkler requirements for certain residential uses in the Commercial Downtown District, shall take effect on February 12, 2007, or upon its approval by the Fire Prevention and Building Safety Commission of the Indiana Department of Homeland Security, whichever occurs later.

SECTION IX. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

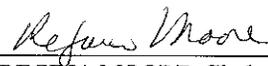
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of DECEMBER, 2006.


CHRIS STURBAUM, President
Bloomington Common Council

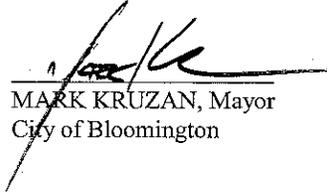
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of DECEMBER, 2006.


REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ~~2nd~~ day of ~~December~~ 2006.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals Title 20 of the Bloomington Municipal Code, containing the existing zoning ordinance and its incorporated zone maps, and Title 19, containing the related Subdivision regulations, and adopts a replacement, combined zoning and subdivision ordinance, entitled "Unified Development Ordinance", including the zoning maps and other material that have been incorporated into the ordinance by reference.

Note: The Common Council amended this ordinance over a course of three weeks in December 2006. Indiana Code §36-7-4-606(g) directs the Council to 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. Council Amendment 30 anticipates this review process and delays the effective date of this ordinance until February 12, 2007. A copy of the Plan Commission's report will be attached to this ordinance.

Signed copies:
legal (10) CA/CA (3)
planning clerk
plan commission file
 BUC (2)

****ORDINANCE CERTIFICATION****

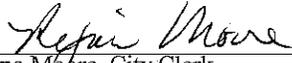
In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 06-24 is a true and complete copy of Plan Commission Case Number ZO-22-06 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on November 13, 2006.

Date: November 17, 2006



 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 17th day of NOVEMBER, 2006.



 Regina Moore, 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 _____
 Unforeseen 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.)