Passed 9-0

ORDINANCE 12-14

TO AMEND THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ORDINANCE AND PRELIMINARY PLAN
- Re: 223 W. Dodds Street
(Neighborhood Solutions, petitioner)

WHEREAS, Ordinance 06-24, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled, "Zoning", including the incorporated zoning maps, and incorporated Title 19 of the Bloomington Municipal Code, entitled "Subdivisions", went into effect on February 12, 2007; and

WHEREAS, the Plan Commission has considered this case, PUD-18-12, and recommended that the petitioner, Neighborhood Solutions, be granted an amendment to the approved PUD district ordinance and preliminary plan approval. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Through the authority of IC 36-7-4 and pursuant to Chapter 20.04 of the Bloomington Municipal Code, the PUD District Ordinance and preliminary plan shall be amended for the approved PUD on the property located at 223 W. Dodds St. The property is further described as follows:

Lots Number 4,5,6,7 and 8 in Lowe's Addition to the City of Bloomington, Indiana; Also a part of Lots Number 3 and 9 in Lowe's Addition as recorded in Plat Cabinet B, Envelope 6; Also that portion of Park Avenue in said City of Bloomington, Indiana, in Seminary Lot Number 64; Also a part of the West half of Section 4, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, all being recorded in the Office of the Recorder, Monroe County, Indiana, more particularly described as follows:

Commencing at the northwest corner of Seminary Outlot 64 and the northwest corner of said Lot 9; Thence on the north line of said seminary outlot and said Lot 9 South 89 degrees 52 minutes 27 seconds East 132.00 feet; Thence leaving the north line of said seminary outlot and on the east line of said Lowe's Addition South 00 degrees 12 minutes 50 seconds East 13.50 feet to the true point of beginning;

Thence continuing on said east line South 00 degrees 12 minutes 50 seconds East 509.05 feet; Thence leaving said east line and bisecting Lot 3 North 89 degrees 33 minutes 16 seconds West 121.61 feet; Thence South 68 degrees 08 minutes 36 seconds West 26.24 feet to a point that is 14.00 feet west of the west line of said Lowe's Addition; Thence parallel to said west line North 00 degrees 12 minutes 50 seconds West 518.19 feet; Thence leaving said parallel line and on a line parallel with said north line of seminary outlot 64 and Lot 9 South 89 degrees 52 minutes 27 seconds East 146.00 feet to the Point of Beginning containing within 1.71 acres, more or less.

SECTION 2. This amendment to the District Ordinance and the Preliminary Plan shall be approved as attached hereto and made a part thereof.

SECTION 3. 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 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 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 20th day of June, 2012.

TIMOTHY MAYER, 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 21st day of June, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of June, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance would amend the list of permitted uses and development standards, as well as approve a new District Ordinance and preliminary plan to develop a mixed-use development on a PUD originally approved in 2009.

On 20 June 2012, the Council adopted two reasonable conditions to the Lot Development Standards for the Single-Family Home Component of the Petitioner's Statement:

- *Reasonable Condition 01 allowed for a reduction of the sideyard setback for the bay structures on the south side of the single-family structures;*
- *Reasonable Condition 02 allowed the owners of the single-family properties to forego parking.*

Signed copies to:
legal — petitioner
controller — CA/CA
planning — clerk (2)