ORDINANCE 82-36

TO AMEND CHAPTERS 20.04 "DEFINITIONS"; 20.07 "LAND USE REGULATIONS"; 20.08 "BULK, DENSITY, HEIGHT AND AREA PROVISIONS"; AND 20.19 "BOARD OF ZONING APPEALS", OF THE BLOOMINGTON MUNICIPAL CODE

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

SECTION I. Subsection 20.04.01.00 "Definitions" of Chapter 20.04 is amended to add the following definitions:

"Manufactured home" means a dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq,) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space.

"Occupied space" means the total area of earth horizontally covered by the structure, excluding assessory structures such as, but not limited to, garages, patios, and porches.

SECTION II. Subsection 20.04.01.00 "Definitions" of Chapter 20.04 is amended to read as follows:

"Mobile home" means any factory-fabricated portable structure, residential or non-residential, designed to be towed or transported on its own chassis for placement on a temporary or permanent foundation, or on its own structure or elements thereof, without the aid of house moving equipment or other specialized but separate supporting apparatus, and which is not a "Manufactured home" as defined by this chapter. "Mobile home" shall include double-wide mobile homes of two such units designed to be used in combination at a building site. This definition is not intended to apply to other modular housing or prefabricated housing panels, trusses or other subelements, not any other dwelling unit which is defined as a "Manufactured home" by this chapter.

SECTION III. Subsection 20.07.04.00 of Chapter 20.07 "Land Use Regulations" is amended to add 20.07.04.00.B.14 as follows:

USES PERMITTED	CLASS OF USE	RE	RS	RL	RM	RH	BL	BG	BA	BD	ML	MG	MQ	SI	SM
20.07.04.00 RESIDENTIAL															
14. MANUFACTURED HOME		21	21	21	21	21									21

SECTION IV. "Notes for Special Conditions" of Chapter 20.07, "Land Use Regulations" is amended to add subsection (21) as follows:

(21) A manufactured home as defined in 20.04.01.00 for single or multi-family occupancy shall be permitted on any individual lot on which any other type of residential dwelling is permitted, subject to the following:

(a) The home shall comply with all of the same zoning regulations as other types of residential dwellings including, but not limited to, bulk, density, height, minimum lot area provisions, minimum yard area provisions, setbacks, parking and aesthetic requirements.

(b) The home shall be attached and anchored to a permanent foundation in conformity with Section 17.04.060 of the Bloomington Municipal Code. Hitches and exposed undercarriage parts shall be removed.

(c) The home shall comply with all utility connection standards as required by Section 17.04.060 of the Bloomington Municipal Code.

(d) A manufactured home may be placed in a mobile home park, or a mobile home subdivision approved pursuant to Section 20.13.04.00 of this code, without compliance with (a) through (c) above.

SECTION V. The Title of Chapter 20.08, "Bulk, Density, Height and Area Provisions" is amended to read as follows:

CHAPTER 20.08

BULK, DENSITY, HEIGHT, AREA AND AESTHETIC REQUIREMENTS

20.08.01.00 Aesthetic Requirements

20.08.02.00 Interpretation to chart and notes

20.08.03.00 Height, bulk, and density table

20.08.04.00 Special conditions for bulk, density, height, area, and aesthetic requirements

20.08.05.00 General exceptions to bulk, density, height, area, and aesthetic requirements

20.08.05.10 Height exceptions

20.08.05.20 Yard, building setback and open space exceptions

20.08.05.30 Safety and vision

20.08.05.40 Special requirements

20.08.06.00 Accessory uses

20.08.07.00 Special court regulations

SECTION VI. Subsection 20.08.01.00, "Area Provisions, generally" is repealed.

SECTION VII. Subsection 20.08.01.00, shall read as follows:
Aesthetic Requirements No residential building structure or enlargement except for units placed in mobile home parks or mobile home subdivsions, shall be erected or placed unless such building, structure, or enlargement conforms with the following aesthetic requirements.

(a) Siding Materials. Siding materials used on residential dwelling units shall consist of any of the following: horizontal lap siding; V-grooved tongue and groove siding; woodgrained vertical siding materials in a board and batten or reverse batten pattern; cedar or other wood shakes; stucco; masonry or glass. Siding materials permitted above, or a combination of such siding materials, shall extend from roofline to grade and completely enclose all underfloor space.

(b) Roofing Materials. Roofing materials used on residential dwelling units shall consist of the following: shingles; shakes or tile materials. Rain guttering and downspouts shall be required.

SECTION VIII. Subsection 20.19.08.04 is added to section 20.19.08.00, "Standards for Variances", to read as follows:

20.19.08.04 Variances to the terms of the regulations for aesthetic requirements may be granted only when the materials are consistent with the intent of the aesthetic requirements and the materials or the overall architectural design is of an equivalent or superior quality to that specified in Section 20.08.01.00; variances granted pursuant to this section need not meet the criteria set out in 20.19.07.03.

SECTION IX. Severability. If any section of this ordinance or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions.

SECTION X. 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 16 day of June, 1982.

Patrick J. Murphy, President
Bloomington Common Council

ATTEST:

Patricia Williams, City Clerk

PRESENTED by me to the Mayor upon this 17 day of June 1982.

Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this 21 day of June, 1982.

Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance, submitted by the Plan Commission, establishes a new land use category of "manufactured home" and regulations for the placement of manufactured homes wherever other dwelling types are permitted, and also establishes new requirements for roofing and siding materials for all residential buildings. The ordinance is submitted in order to bring the Bloomington Municipal Code into conformity with IC 36-7-4-1106.

****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 82-36, is a true and complete copy of Plan Commission Case Number MP-18-82, which was given a recommendation of (Pending) by a vote of Ayes:____, Nays:____, Abstentions:____, by the Bloomington City Plan Commission on _____, 1982.

Date:_____, 1982.

Tim Mueller
Tim Mueller, Director
Planning Department

Received by the Common Council Office on this 2 day of June, 1982.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

FISCAL IMPACT STATEMENT

Appropriation Ordinance # _____ 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	Code Amendment

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 X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

Any impact would depend on the assessed value of a manufactured house relative to the assessed value of the conventional house that might otherwise be built in any location. Since either type covers a broad and overlapping range of values, this change per se has no impact.

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)

Agency Submitting legislation: Plan Commission
BY: Tim Mueller DATE: Pending