

(passed 9-0)

ORDINANCE 07-06

TO AMEND TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "UNIFIED DEVELOPMENT ORDINANCE"

Re: To Correct Drafting Errors With Respect to Allowing Accessory Chicken Flocks in the Residential Core (RC) District; Establishing of Maximum Residential Density in the Business Park (BP) and Medical (MD) Districts, and Identification of Districts in Which Use of Dwelling Unit Equivalents is Permitted

WHEREAS, Ordinance 06-24 approved the Unified Development Ordinance ("UDO"), which repealed and replaced both Title 20 of the Bloomington Municipal Code entitled, "Zoning," and Title 19 of the Bloomington Municipal Code, entitled "Subdivisions;" and

WHEREAS, the development of the UDO entailed numerous drafts; one hundred thirty-nine (139) amendments to the hearing draft by the Plan Commission; and nineteen (19) amendments by the Common Council; and

WHEREAS, following final adoption of the UDO, drafting errors have been discovered that require correction in order to carry out the intent of the Plan Commission and Common Council with respect to accessory chicken flocks, multi-family uses in the Business Park (BP) and Medical (MD) Districts, and the use of Dwelling Unit Equivalents in calculating residential density;

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

SECTION I. Section 20.02.100 of the Bloomington Municipal Code entitled "Residential Core (RC); Permitted Uses" shall be amended to add "accessory chicken flocks" to the list of permitted uses and shall read as follows:

20.02.100 Residential Core (RC); Permitted Uses

* Additional Requirements refer to Chapter 20.05; §SC: Special Conditions Standards.

- accessory chicken flocks*
- artist studio*
- dwelling, single-family (detached)
- group care home for the developmentally disabled*
- group care home for mentally ill*
- group/residential care home*
- park
- utility substation and transmission facility*

SECTION II. Section 20.05.092 of the Bloomington Municipal Code entitled "SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks]" shall be amended to add references to the Residential Core [RC] District and shall read as follows:

20.05.092 SC-07 [Special Conditions; Crops and Pasturage, and Accessory Chicken Flocks] This Special Conditions Standards section applies to the following zoning districts:

RE RS RC

(a) Crops and Pasturage — RE Zoning District:

(1) Livestock shall be permitted only in a pasturage context. Pasture use shall be limited to one animal unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent (15%) shall not be considered in determining the total pasture size, and shall not be utilized for pasture purposes.

- (2) Animal units per animal shall be determined as follows:
- (A) All larger animals, including cattle, horses, swine, ponies, *etc.*, shall equal 1.0 animal unit;
 - (B) Goats, sheep, miniature horses, *etc.*, shall equal 0.5 animal unit;
 - (C) All smaller animals including fowl shall equal 0.2 animal unit; and
 - (D) All animals less than four (4) months of age shall be calculated at one-half ($\frac{1}{2}$) the unit value of their respective category above.
- (3) All other agricultural businesses involving livestock are prohibited, including but not limited to concentration points, confined feeding, feedlots, feeder pig operations, livestock auctions, livestock dealers, sale barns, stock yards, and transfer stations.
- (4) Livestock shall not be kept on any parcel of less than five (5) acres in area and three hundred (300) feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
- (5) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
- (A) Front Setback: Seventy-five (75) feet;
 - (B) Side Setback: Fifty (50) feet;
 - (C) Rear Setback: Seventy-five (75) feet.

(b) Accessory Chicken Flocks --- RE, RS and RC Zoning Districts:

(1) One chicken flock may be kept as a use accessory to a permitted residential use, provided that such use is permitted by Title 7 of the Bloomington Municipal Code, as it may hereafter be amended, and further provided that such use complies with all regulations of Title 7 of the Bloomington Municipal Code, as it may hereafter be amended. Such regulations of Title 7 of the Bloomington Municipal Code are expressly incorporated herein by reference. In areas that are subject to this Unified Development Ordinance but not within the corporate boundaries of the City of Bloomington, the Planning Department shall administer and enforce such regulations.

SECTION III. Section 20.02.480 of the Bloomington Municipal Code entitled "Business Park (BP); Development Standards" shall be amended to add a maximum density standard and shall read as follows:

20.02.480 Business Park (BP); Development Standards

Minimum Lot Area:

- 32,670 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 130 feet

Minimum Front Building Setback:

- 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 20 feet

Minimum Rear Building Setback:

- 20 feet

Maximum Impervious Surface Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 60 feet
- Accessory Structure: 30 feet

SECTION IV. Section 20.02.560 of the Bloomington Municipal Code entitled "Medical (MD) District; Development Standards" shall be amended to add a maximum density standard and shall read as follows:

20.02.560 Medical (MD) District; Development Standards

Minimum Lot Area:

- 10,890 square feet

Maximum Density:

- 15 units/acre (2,904 square feet per dwelling unit)

Minimum Lot Width:

- 65 feet

Minimum Front Building Setback:

- 25 feet from the proposed right-of-way indicated on the Thoroughfare Plan

Minimum Side Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Minimum Rear Building Setback:

- 10 feet, plus an additional 4 feet for every story over two (2) stories if abutting a residential zoning district

Maximum Impervious Surface

Coverage:

- 60% of the Lot Area

Minimum Parking Setback:

- Front: 20 feet behind primary structure's front building wall
- Side: 10 feet
- Rear: 10 feet

Maximum Structure Height:

- Primary Structure: 80 feet
- Accessory Structure: 25 feet

SECTION V. Section 20.11.020 of the Bloomington Municipal Code entitled "Defined Words" shall be amended by amending the definition of "Dwelling Unit Equivalent (DUE)" to read as follows:

Dwelling Unit Equivalent (DUE): In the RM, RH, CL, CG, CA, BP, and MD Districts only, establishes a density value for dwelling units based upon the size of the unit and/or the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to calculate density and determine compliance with density maximums. Where allowed, the following proportions shall be used in calculating dwelling units per acre:

- (1) 3- or more bedroom unit = 1.0 unit;
- (2) 2-bedroom unit with less than 950 square feet = 0.66 of a unit;
- (3) 1-bedroom unit with less than 700 square feet = 0.50 of a unit;
- (4) Efficiency or studio unit with less than 550 square feet = 0.33 of a unit.

SECTION VI. The Clerk of the City and the City Planning Director are hereby authorized and directed jointly to make any and all non-code changes to the illustrative portions of Title 20, Unified Development Ordinance, as may be necessary or appropriate in light of the amendments made by this Ordinance, including but not limited to the following:

Residential Core (RC) District
Page 2-9

Box Entitled "Additional Development Standards that Apply" will be amended to add "SC-07.....Page 5-91" under Special Conditions (SC).

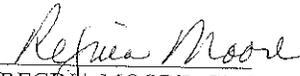
SECTION VII. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VIII. 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 other section, sentence, provision or application that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are intended and declared to be severable.

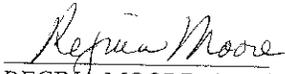
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of MAY, 2007.


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 MAY, 2007.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 30 day of MAY, 2007.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance corrects drafting errors in the recently-adopted Unified Development Ordinance ("UDO"), codified as Title 20 of the Bloomington Municipal Code, in order to carry out the intent of the Plan Commission and Common Council. The amendments address allowing accessory chicken flocks in the Residential Core (RC) District; establishing a maximum residential density standard for multi-family uses in the Business Park (BP) and Medical (MD) Districts; and amending the definition of Dwelling Unit Equivalent ("DUE") to specify the zoning districts in which DUEs may be used for density calculations.

Signed copies to
legal (10) code (2)
controller CA/EA (3)
planning clerk
file

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 07-06 is a true and complete copy of Plan Commission Case Number ZO-07-07 which was given a recommendation of approval by a vote of 7 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 5, 2007.

Date: March 9, 2007


 Thomas B. Micuda, Secretary
 Plan Commission

Received by the Common Council Office this 9th day of MARCH, 2007.


 Regina Moore, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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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.)