

To Amend A Sub-Section of Section 20.06.02 and to Add a Section to Chapter
20.11 of Title 20 of the Bloomington Municipal Code

AYES: 1
NAYS: 6

BE IT HEREBY ORDAINED by the Common Council of the City of Bloomington, Monroe County, Indiana, that the following sections of Title 20 of the Bloomington Municipal Code be amended to read as follows:

ABSENT:
Olcott
Merrison

SECTION I. Subsection 20.06.02.02 entitled "Extension--Enlargement--Relocation" shall be amended to read as follows:

20.06.02.02 Extension--Enlargement--Relocation. A non-conforming use shall not be extended, enlarged, or placed on a different portion of the lot occupied by such use on date of enactment of the ordinance codified in this title, unless such extension or enlargement has been approved by the Board of Zoning Appeals pursuant to section 20.11.12.

SECTION II. Section 20.11.12.00 entitled "Expansion of Non-Conforming Use" shall be added as follows:

20.11.12.00 Expansion of Non-Conforming Use

20.11.12.01 Location. An expansion of a non-conforming use may be permitted by the Board of Zoning Appeals in any zoning district.

20.11.12.02 Site Plan. Any proposal for an expansion of a non-conforming use shall be accompanied by a site plan showing all ingress, egress, existing and proposed building site, external road system, patterns of surface water runoff, utilities (public and private), parking and loading areas, any outdoor storage, signs, lighting, and architecture of proposed new construction or alterations, and such other details as may be required by the Board of Zoning Appeals.

20.11.12.03 Compliance with dimensional and parking requirements. The proposed expansion shall conform to all applicable dimensional requirements of Chapter 20.08 and parking requirement of Chapter 20.14 of Bloomington City Zoning Ordinance.

20.11.12.04 Area Limitations. (a)The Board may approve an expansion of a non-conforming use which may not exceed either of the following area limitations, whichever is greater:

- (1) An expansion that results in total floor area of the structure, including expansion, of a maximum of 3,000 square feet; or
- (2) An expansion that results in a maximum of 100% increase in total floor area of the existing structure, or which results in a maximum of a 100% increase in lot area occupied by the existing use and its parking, loading, and storage areas;

(b)The terms "total floor area" and "lot area" as used in this section shall be defined as the total floor area and lot area existing at the time the property was rendered non-conforming;

(c)The limitations above shall apply to the sum of all expansions permitted pursuant to this section so that the cumulative total expansion of a non-conforming use shall not exceed the limitations imposed by this section.

20.11.12.05 Site Expansion Prohibited. The Board shall not approve an expansion onto any property which was not in the same ownership as the site of the existing non-conforming use at the time it was rendered non-conforming.

20.11.12.06 Detrimental Effect on Surrounding Area. The Board shall not approve any enlargement or expansion which, in the Board's judgement, would be more detrimental or objectionable than the existing use to its surroundings or to the public health, safety, or welfare. Elements to be considered in determining objectionable or detrimental conditions shall include but not be limited to the following factors, to the extent that they relate to problems specific to the site in question: noise, in terms of frequency, intensity, and duration; increased levels of artificial illumination; increased levels of odor; expanded hours of operation; increased traffic generation in terms of volume or duration; increased rate of storm water discharge; increased volume of sewage discharge; architectural character which is incompatible with surrounding area;

outside storage which is incompatible with surroundings; general incompatibility with adjoining properties, with references to site development standards designed for their mutual protection and the environmental harmony of the district.

20.11.12.07 Mitigation of adverse effects. The Board may impose such conditions as it deems appropriate to mitigate the adverse effects of the existing non-conforming use and its expansion.

20.11.12.08 Written findings. Before any expansion of a non-conforming use shall be issued, the Board shall make written findings certifying compliance with the requirements listed in this section.

SECTION III. The 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 _____ day of _____, 1983

Katherine Dilcher, President
Bloomington Common Council

ATTEST:

Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 1983.

Patricia Williams, City Clerk

SIGNED and APPROVED by me upon this _____ day of _____, 1983.

Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This ordinance, submitted by the Plan Commission, amends the zoning Title in its treatment of Non-Conforming uses. Now, a use legally established in advance of current zoning and not permitted by the present zoning may not be expanded. The amendment creates a new Special Exception category under which the Board of Zoning Appeals may approve an expansion. The amendment includes criteria and size limits.

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 83-5, is a true and complete copy of Plan Commission Case Number MP-46-82, which was given a recommendation of Approval by a vote of Ayes: 9, Nays: 0, Abstentions: 0, by the Bloomington City Plan Commission on January 10, 1983.

Date: January 19, 1983.

Tim Mueller, Director
Planning Department

Received by the Common Council Office on this 18 day of January, 1983.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

FISCAL IMPACT STATEMENT

Appropriation Ordinance # _____	Ordinance # _____	Resolution # _____
<u>Type of Legislation:</u>		
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 X

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

The changes that would be allowed with adoption of this ordinance would not alter requirements for City services.

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)