

ORDINANCE 75-66

BIENNIAL ZONING REVIEW

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

SECTION 1. The following changes be made to the Zoning
Ordinance of the City of Bloomington:

20.01 TITLE AND PURPOSE

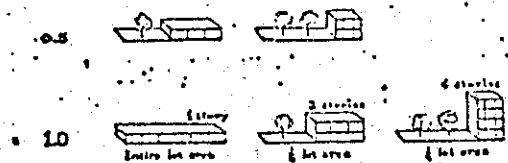
- .01.01.00 Title. This chapter and its accompany maps shall be known and may be cited as "The Zoning Ordinance of the City of Bloomington, Indiana."
- .01.02.00 Purpose.
 - 20.01.02.01 The purpose of these regulations shall be to regulate the use of land, buildings, structures for residence, commerce, industry and other uses required by the community.
 - 20.01.02.02 To regulate the location, height, size of buildings or structures, yards, courts and other open spaces, the amount of building coverage permitted in each zone and the population density.
 - 20.01.02.03 To implement the general plans of the City of Bloomington.
 - 20.01.02.04 To divide the City of Bloomington, Indiana, into zoning districts of such shape, size and number required to carry out these regulations and to provide for their enforcement.
- 1.03.00 Necessity. These regulations are necessary in order to:
 - 20.01.03.01 Provide for the most appropriate use of land.
 - 20.01.03.02 To conserve and stabilize values of property.
 - 20.01.03.03 To provide adequate open space for the passage of light and air.
 - 20.01.03.04 To enable the City of Bloomington to provide utilities and services in the most efficient manner.
 - 20.01.03.05 To regulate the distribution of the population.
 - 20.01.03.06 To promote the health, safety, and general welfare of the citizens of the City of Bloomington.
- 0.01. 04.00 Enactment. Except as hereinafter provided no building shall be erected or structurally altered; no building or premises may be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open space shall be smaller than prescribed herein; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided for any building for the purpose of complying with these regulations, shall be considered as providing a yard or other open space for any other building.
- 1.05.00 Application. This ordinance shall apply to all land use, buildings, structure for residence, commerce, industry and other uses within the incorporated City of Bloomington and any other areas contiguous to the City over which the City exercises planning control by virtue of State statute. This ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of this ordinance and the attainment of its purposes.

- 20.01.01.00 Change to read "accompanying"
- 20.01.02.01 Change to read: "residential, commercial, industrial."
Add:
- 20.01.02.05 Purpose. To encourage the development of a range of housing types at various and all price levels, particularly within the older section of the city and to encourage the development of low cost housing.
Add:
- 20.01.02.07 To lessen congestion of the streets.
- 20.01.05.00 Change to read: "residential, commercial, industrial."
Add: "and signs" after "and other uses."

PRESENT

- 20.04.01.04 APARTMENT: A suite or set of rooms with necessary appurtenances in a house, apartment building, or hotel occupied or suitable to be occupied as a dwelling unit.
- 20.04.01.11 BUILDING, NONCONFORMING: A legally existing building, structure, or dwelling which fails to comply with the regulations set forth in this chapter applicable to the district in which such building, structure or dwelling is located.
- 20.04.01.15 CEMETERY: Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- 20.04.01.16 CHURCH: A building wherein persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public ownership, together with all accessory buildings and uses customarily associated with such primary purpose.
- 20.04.01.17 COMMISSION: The City Plan Commission of the City of Bloomington.
- 20.04.01.18 COUNCIL: The Common Council of the City of Bloomington.
- 0.04.01.28 EASEMENT: A grant by the property owner for the use of land by the public.
- 20.04.01.31 FLOOR AREA RATIO (FAR): A ratio determined by dividing the total floor area of a building by the area of the lot upon which the building is located.

RATIO OF FLOOR AREA TO LOT AREA



- 20.04.01.36 HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

20.04.01.00 Definitions
Delete all numbers and list definitions in alphabetical order.
Add:
20.04.01.04 Delete "or" prior to "hotel" and add ", or motel" after "hotel."

Change:
20.04.01.11 Change title to Structure, Non-Complying

Add between
20.04.01.15 and
20.04.01.16 CHANGE IN USE: A new use which is designated on a different horizontal line in the use table than the present use.

20.04.01.17 Change: The Plan Commission of the City of Bloomington.
Add following

20.04.01.18 CULTURAL FACILITIES: Those facilities, either public or semi-public, which serve to enhance the appreciation among community residents of their cultural heritage. Such uses may include but not be restricted to museums and art galleries.

Delete:
20.04.01.28 "by the public."

Delete:
20.04.01.31 Entire lot area diagram.

Change to read:
20.04.01.36 HOME OCCUPATION: Any use conducted entirely within a dwelling or attached garage and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Add between
20.04.01.31 and
20.04.01.32 Fraternities and Sororities. An incorporated organization of persons which provides sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students in attendance at an educational institution.

New Definitions
AUTO STORAGE YARDS: A lot or a part thereof used for the temporary storage of damaged, abandoned, or impounded motor vehicles.

Recreation Facility, Outdoor. A use of land for recreational purpose, either private or public, where such use requires no structure for the principal activity. Use so defined shall include but not be limited to: golf course, outdoor tennis court, and swimming pool; but shall not include putt-putt golf, amusement parks, or other miscellaneous commercial recreation fads which shall be defined as amusement.

- 20.04.01.39 JUNK YARD: A lot or part thereof used for the storage, abandonment, processing, disassembly, reuse and resale of discarded matter, including metal, wood, glass, paper or other similar material. Auto wrecking and salvage storage yards shall be included under this definition.
- 20.04.01.40 LODGINGHOUSE, ROOMING HOUSE: A building with more than two (2) but not more than ten (10) guest rooms where lodging with or without meals is provided for compensation or a single household dwelling occupied by more than five (5) adult individuals.
- 20.04.01.42 LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets.
- 20.04.01.43 LOT, THROUGH: A lot having frontage on two parallel or approximately parallel streets.
- 20.04.01.49 PARKING SPACE, ONE OFF-STREET: The area required for parking one automobile.
- 20.04.01.50 PLAT: A map or chart indicating the subdivision or resubdivision of land intended to be filed for record.
- 20.04.01.61 YARD, FRONT: A yard extending across the full width of the lot, the depth of which shall be the least distance between the average of the front lot lines on the same side of the street within the block and the front of the main building.

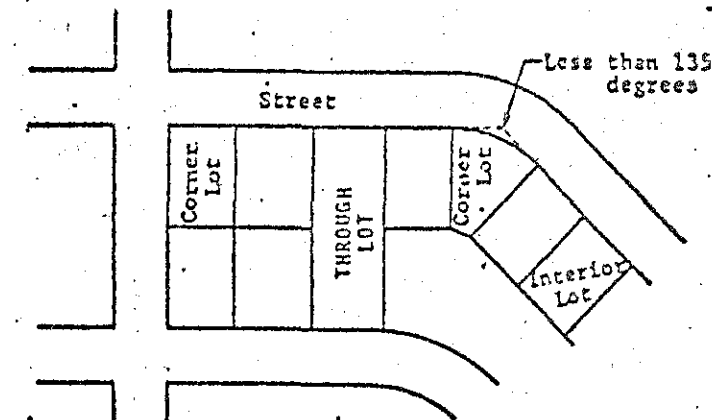
Add between
20.04.01.39
and
20.04.01.40

LANDSCAPED BUFFER STRIP: A strip of evergreen or deciduous trees at least five (5) feet in height which will continually restrict a clear view beyond such a buffer strip. A fence or wall may be substituted when a natural buffer screen is deemed impractical or inappropriate by the Plan Commission.

Change:

20.04.01.42

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets or a lot which fronts on one street with a front lot line of less than 135°.



Add between
20.04.01.42
and
20.04.01.43

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder, or a lot described by metes and bounds, the description of which has been recorded in said office at the time of adoption of the Zoning Ordinance.

Add between
20.04.01.49
and
20.04.01.50

PERSONAL SERVICE, NATURE: A business or service carried out on an individual basis. Such use shall include but not be restricted to: instruction in music, dance, arts and crafts, photographic services, beauty parlors and barber shops, tailoring, etc.

Delete
20.04.01.61
and
substitute

YARD, FRONT: Any yard extending across the full width of the lot between any parts of a building and a lot line which runs adjacent to a public street.

20.05.10.03 FL-Low Density Multi-Dwelling Districts. RL Districts may permit single detached dwellings, duplexes, fourplexes, townhouses, and low density apartments. The low density multi-dwelling unit zones are generally to be located outside the established high activity centers of the city. They are, however, to be readily accessible to the major thoroughfare and neighborhood shopping areas. Their density should not exceed 10.0 units per gross acre. The regulations of this district are intended to provide a suitable residential environment for families living in multi-dwellings in an otherwise low density area. Such a suitable environment must provide adequate green open space in proportion to dwelling area and be buffered so as not to detract from the adjacent lower density residential area.

20.05.20.02 BI-Institutional Business District. Institutional Business and Commercial districts are established to provide areas in which the principal use of land is devoted to commercial establishments which cater specifically to the needs of the population affiliated with major institutions. The primary intent of this zone is to provide districts adjacent to a major institution, and within walking distance of a significant segment of the population affiliated with that institution, which may provide facilities, personal service and professional services normally required on a regular basis. In general these districts will be oriented to the University; however, application could be made to any institutional area. Because of the very large population of Indiana University these districts will allow a broader range of uses than provided in the BI district.

20.05.60.04 Boundaries. Unless otherwise indicated, the zone boundary lines are the center line of streets, parkways, alleys or railroad right-of-way, or such lines extended. Other lines within blocks two hundred (200) feet or more wide are one hundred (100) feet distance from the less restricted side of the blocks. Other lines within blocks are rear or side lot lines, or such lines extended.

Where the boundary lines of a zone divide a lot having frontage on a street in the less restricted zone, the provisions of this chapter covering the less restricted portion of such lot may extend to the lot, but in no case for a distance of more than thirty (30) feet. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this chapter covering the more restricted portion of such lot shall extend to the entire lot.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the City Engineer shall interpret such map according to the reasonable intent of this chapter.

20.05.10.03 Delete "the major thoroughfare" and substitute "a principal or secondary arterial".

20.05.20.02 Delete in its entirety this zone, namely, BI.

20.05.40.01 SI - Special Institutional. Add "Any land zoned SI which remains under the ownership of a governmental or private non-profit service organization of a quasi-public nature may retain an SI classification."

20.05.60.04 Change to "City Engineer or designated Zoning Administrator"

20.05.60.20 Delete and replace with:

In the event of conflict in the terminology of any section or part thereof or between different sections of this Title, or wherever the requirements of another law or ordinance are applicable, the provisions of that law or ordinance which impose greater restrictions upon the use or bulk of buildings, or requires larger yards, courts, or open spaces shall govern.

20.05.60.20 Conflict of Laws, Construction. This chapter shall not amend, annul or impair any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, or premises; provided, however, that wherever the terms of this chapter required a greater width or size of yards, courts or other open spaces or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of this chapter shall govern, except as provided in Section 93, Chapter 174, Acts of 1947 General Assembly of the State of Indiana as amended. Whenever the provisions of any other statute, local ordinance or regulation require a greater width or size of yards, courts or other open spaces or requires a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this chapter the provisions of such statute, local ordinance or regulation shall govern. All variances and exceptions heretofore granted by the Board shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board shall remain in effect and be binding to the same extent as if such ordinance had not been amended and such ordinance shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

20.06 NONCONFORMING USES AND STRUCTURES

- 20.06.01.00** Non-Conforming Uses. The lawful use of any building, structure, or land existing at the time of the enactment of this ordinance may be continued, although such use does not conform with the provisions of this ordinance, provided the following conditions are met:
- 20.06.01.01** Unsafe structures. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.
- 20.06.01.02** Alterations. A non-conforming building or structure may be altered, improved or reconstructed provided such work is not to an extent exceeding in aggregate cost thirty percent (30%) of the assessment value of building or structure, unless the building or structure is changed to a conforming use.
- 20.06.01.03** Extension. A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
- 20.06.01.04** Changes. No non-conforming building, structure or use shall be changed to another non-conforming use.
- 20.06.01.05** Construction approved prior to ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within nine (9) months of the date of the permit, and which entire building shall be completed according to such plans as filed within twelve (12) months from date of this ordinance.

DELETE 20.06 as presently written and replace with:

NON-CONFORMING USE AND NON-COMPLYING STRUCTURESNON-CONFORMING USES

- 20.06.01.00** Non-Conforming Uses
Any lawful use, whether of a building, structure, or tract of land existing at the time of the enactment of this ordinance which does not conform to one or more of the provisions of this Zoning Ordinance.
- 20.06.02.00** Continuance
A non-conforming use existing lawfully at the time of enactment of this ordinance may be continued except as restricted in this chapter.
- 20.06.02.01** Repairs, Alterations
Nothing in this ordinance shall be interpreted to prevent normal repair or maintenance of any building occupied by a non-conforming use. Alterations may be made in such a building when necessary in the interest of public health or safety or appearance.
- 20.06.02.02** Extension, Enlargement, or 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.
- 20.06.02.03** Changes to Other Uses
A non-conforming use may be changed to any conforming use, but shall not be changed to another non-conforming use.
- 20.06.02.04** Cessation
If, for a continuous period of six months, a non-conforming use has ceased or the furnishings of a non-conforming use are removed and not replaced, the building or land shall thereafter be used only for a conforming use.
- 20.06.02.05** Certificate of Non-Conforming Uses
Upon the effective date of this ordinance, the City Engineer shall, upon application by the landowner, issue a "Certificate of Non-Conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.
- A. In accordance with the provisions of this section, no use of land, buildings, or structures shall be made other than that specified on the "Certificate of Non-Conforming Use" unless said use shall be in conformity with the provisions of the use zone in which the property is located.

20.06.01.06 Restoration. Nothing in this ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this ordinance, wherein the expense of such work does not exceed 150% of the assessed value of the building or structure at the time such damage occurred.

20.06.01.07 Wear and Tear. Nothing in this ordinance shall prevent the reconstruction, repairing or rebuilding of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed forty percent (40%) of the assessed value of such building or structure at the time such work is done, nor prevent compliance with the provisions of the City's approved building code relative to the maintenance of buildings or structures.

20.06.01.08 Abandonment. A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:

- A. When the intent of the owner to discontinue the use is apparent, or,
- B. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show intention to resume the non-conforming use, or,
- C. When it has been replaced by a conforming use.

20.06.01.09 Displacement. No non-conforming use shall be extended to displace a conforming use.

20.06.01.10 Amortization of Land and Structures.
 The non-conforming use of land where no building is involved shall be discontinued within five years from the date of its passage except where farming is the primary use lawfully existing at the time this chapter became effective.

B. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the Plan Commission. No permit or license shall be issued for any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Plan Commission consistent with the terms of the Site Plan Ordinance of February 22, 1973, Ordinance No. 73-11.

20.06.02.06 District Changes
 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

20.06.02.07 Amortization of Land and Structures
 The non-conforming use of land where no building is involved shall be discontinued within five years from the date of its passage except where farming is the primary use lawfully existing at the time this chapter became effective.

NON-COMPLYING STRUCTURES

20.06.03.00 Non-Complying Structures
 Any structure which does not comply with one or more of the applicable district height, bulk, and density regulations or off-street parking requirements either on date of enactment of this ordinance or as a result of any subsequent amendment to this chapter.

20.06.04.00 Continuance
 The use of a non-complying structure may be continued subject to provisions of this chapter.

20.06.04.01 Maintenance, Repairs
 Nothing in this chapter shall be interpreted to prevent normal maintenance and repair when necessary in the interest of public health, safety, or appearance.

20.06.04.02 Enlargement
 A non-complying structure shall not be enlarged in any way which would either (A) create a new non-compliance or (B) increase the degree of non-compliance with respect to bulk regulations and off-street parking requirements.

20.06.04.03 Replacing Damaged Buildings
 Any non-complying building or structure damaged more than 60 percent of its then fair market value by fire, collapse, explosion, or acts of God shall not be restored or reconstructed. If damage is less than 60 percent, it may be reconstructed as before provided that a building permit is issued within six months.

20.06.01.11 Cessation--Junk and Wrecking Yards. No junk or automobile wrecking yard not within an enclosed masonry building or which has not been granted a special exception by the Plan Commission under the provisions of Chapter 20.11 of these regulations shall be operated or maintained for more than twelve (12) months after a zoning change to a use district within which such yard is not permitted, except that in a light industrial district, where the Board of Zoning Appeals determined that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the Board may permit the construction around such area of an eight (8) foot high masonry wall or substantial slightly tight or semi-tight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes.

20.06.01.12 Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this ordinance.

20.06.01.13 Certificate of Non-conforming Uses. Upon the effective date of this ordinance the City Engineer shall, upon application by the landowner, issue a "Certificate of Non-conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.

A. In accordance with the provisions of this section no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-conforming Use," unless said use shall be in conformity with the provisions of the use zone in which the property is located.

B. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the Plan Commission. No permit or license shall be issued for any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Planning Commission consistent with the terms of the Site Plan Ordinance of February 22, 1973, Ordinance No. 73-11.

20.06.01.14 District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

20.06.01.15 Application. The provisions of Chapter 20.06 of this code shall also apply to building structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter and any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such reclassification or change.

20.06.05.00 Other Provisions

20.06.05.01 Cessation, Junk, Wrecking, and Automobile Storage Yards
No junk, wrecking, or automobile storage yard not within an enclosed masonry building or which has not been granted a special exception by the Plan Commission under the provisions of Chapter 20.11 of these regulations shall be operated or maintained for more than twelve (12) months after a zoning change to a use district within which such yard is not permitted, except that in a light industrial district, where the Board of Zoning Appeals has determined that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the Board may permit the construction around such area of an eight (8) foot high masonry wall or substantial slightly tight or semi-tight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes.

20.06.05.02 Unlawful Use Not Authorized
Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this ordinance.

20.06.05.03 Application
The provisions of Chapter 20.06 of this code shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter and any time periods specified for discontinuance of non-conforming uses shall be measured from the date of such reclassification or change.

Uses Permitted	RE	RS	RL	RY	RH	DL	BG	GA	OD	ML	MG	MQ	SC	IS	SM
20.07.04.00 Residential															
A. AGRICULTURAL															
1. Crops	X											X	X		
2. Livestock	1											X	1		
3. Nurseries/Greenhouse	X							X				X	X		
4. Truck Garden	X	2	2	2	2							X	X		
B. RESIDENTIAL															
1. Single Dwelling Without Sewer	X														
2. Single Dwelling Detached	X	X	X	X	X										X
3. Duplex			X	X	X	3									X
4. Townhouse			X	X	X	3									X
5. Fourplex			X	X	X	3									X
6. Apartments			X	X	X	3			4						X
7. Rooming & Boarding Houses			X	X	X										X
8. Fraternities and Societies					X									X	
9. Mobile Homes			5	5											
10. Home Occupations	6	6	6	6	6	6			6						
11. Day Care Homes	X	X	X	X	X										
12. Planned Residential Dev.	7	7	7	7	7										
13. Commercial Uses	5	5	5	5	5										

20.07.00.00 LAND USE REGULATIONS

20.07.05.00 Delete Footnote (9) and substitute:

"Limited to a maximum of 3,000 square feet of gross floor area.

Notes for Special Conditions

- (1) Livestock permitted only on lots of 5 acres or greater.
- (2) No structure for sale of produce permitted.
- (3) Residential units may be permitted as conditional use subject to provisions of Section 20.10.09.00.
- (4) Permitted alone or in conjunction with commercial facilities in the same building provided all area and density requirements in Bulk, Height and Density Table (20.08) are met.

20.07.05.00 Add the following uses and renumber appropriately.

- A. Arts and Craft - All zones. Residential zones apply footnote 6. BL zones apply footnote 9
- A. Bicycle Shops - BG, BD, BA, ML, BL. In BL zones apply footnote 9.
- A. Small Appliance Store - BG, BD, BA, ML.
- B. Trailer Sales - BA, ML
- B. Recreation - BA, ML.

	RE	RS	RT	RM	RH	BL	BI	BG	BD	ML	MG	SC	SI	SM
20.05 BUSINESS -														
1. KITCHENWARE-RETAIL														
2. Amusement Outdoor														
3. Amusement Indoor														
4. Antiques														
5. Apparel														
6. Auto Parking														
7. Auto/Truck/Trailer Sales														
8. Auto parts/ Accessories														
9. Beer														
10. Bakery														
11. Books, Newsstands														
12. Camps & Resorts														
13. Dairy Products														
14. Department, Discount Stores														
15. Drugstore, Grocery														
16. Farm Equipment														
17. Farm Produce														
18. Florist Shop														
19. Furniture & Appliance														
20. Gift Shop														

	RE	RS	RT	RM	RH	BL	BI	BG	BD	ML	MG	SC	SI	SM
19. Grocery & Meats														
20. Hardware														
21. Jewelry														
22. Liquor Store														
23. Mobile Home Sales														
24. Motorcycle Sales														
25. Pet Shop (Domestics)														
26. Shopping Center														
27. Sporting Goods														
28. Used Merchandise														
29. Variety Store														
30. COMMERCIAL TRADE														
1. Appliance Repair (small)														
2. Auto Repair														
3. Banks (cash)														
4. Banks (branch)														
5. Bar, Tavern														
6. Business Service														
7. Business & Prof. Office														
8. Bus terminal (passenger)														

- (12) Subject to Planned commercial development regulations contained in Chapter 20.13 of these regulations.
- (13) All major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar materials, or outdoor storage of more than three wrecked or temporarily inoperable motor vehicles awaiting repairs shall be permitted.

	RE	RS	RT	RM	RH	BL	BI	BG	BD	ML	MG	SC	SI	SM
9. Candy, confectionary														
10. Eating, drinking (not drive in)														
11. Eating, drinking (drive in and carry out)														
12. Furniture Repair														
13. Funeral Service														
14. Gasoline Service Stations														
15. Motel/Hotel														
16. Laundry, Dry-Cleaning														
17. Personal Service														
18. Printing (job, service)														
19. Radio, TV stations														
20. Schools (trade, business)														
21. Taxi Stand														
22. Telephone exchange														
23. Theater (not drive in)														
24. Tire recapping														
25. Veterinarian, Dog Kennel														

(14) Pick-up stations or self-service facilities.

	RE	RS	RL	RM	RH	RL	RI	RG	RA	RD	ML	MG	MQ	SC	SI	SM
10. Machinery, Tool & Die												X				
11. Meat, Poultry, Seafood											13	13				
12. Metal Fabrication												X				
13. Millwork, Veneer, Sawmills												X				
14. Musical Instruments												X				
15. Paper Products												X				
16. Paving & Concrete Block												X				
17. Printing							X					X				
18. Research Laboratories								X				X				
B. INDUSTRIAL NONPROCESS- ING																
1. Junk Yards												S				
2. Mining & Mineral Extraction													X			
3. Motor & Bus Terminals												X				
4. Railroad-Yards												X				
20.07.07.00 INSTITUTIONAL																
A. PUBLIC, QUASI PUBLIC																

- 20.07.05.00 Delete C6, Stock and Feed Yard.
- 20.07.05.00 Apply footnote 13 to Auto Repairs in ML column.
- 20.07.05.00 Section B, Add Auto Storage Yard for use as a Special Exception in MG and ML zones.
- 20.07.08.01 Delete "special conditions" and substitute "conditional uses."
Delete A, "Any use indicated in the table of uses."
Insert "Religious Organizations" between B and C and reletter.
- 20.07.09.01 Change B to read: "Junk, Wrecking, and Automobile Storage Yards"
Change C to read: "Day Care Centers, Nurseries, Kindergartens.
Add: K. Cemeteries and Mausoleums.
- 20.07.08.01 Delete F and add Utilities Substations to 20.07.09.01, J.

(12) Processing or freezing of dressed meat and poultry permitted in all R zones. Slaughter or dressing must receive special permission of the Plan Commission and is permitted only in the MG zone.

20.07.08.01 Uses permitted under special conditions:

- A. Any use indicated in the table of uses
- B. Civic and Community Clubs
- C. Educational Facilities
- D. Parks, Playgrounds and Recreation Facilities
- E. Temporary Uses
- F. Utility Substations

20.07.09.01 Uses which may be permitted as special exceptions:

- A. Any use indicated in the table of uses and requiring a special exception for a particular zone.
- B. Automobile wrecking and junk yards.
- C. Day care centers, nurseries and kindergartens.
- D. Drive-in theatres.
- E. Home occupations.
- F. Rehabilitative, correctional and mental health facilities.
- G. Retail commercial uses in a residential zone.
- H. Post and book clubs

7. Side and rear yards not required, building bulk governed by FAR: side and rear yards abutting residential zone shall be twenty-five (25) feet,

12. All height, area and bulk regulations for structures permitted in the SC zone are the same as those in adjacent zone. All regulations are subject to regulations in section 20.16 conservancy regulation:

8.05.23 The following structures or facilities shall be allowed to be constructed in any yard: driveways, curbs, sidewalks, fences, walls, and hedges, subject to the regulations as set forth in this section, and flagpoles, non-permanent landscape features, planting boxes, recreational equipment, parking spaces, garbage disposal equipment or composters only if adequately screened.

8.05.31 On any corner lot, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two and one-half (2½) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle on the area of the lot adjacent to the street intersections.

8.05.42 Lot of record. Any lot recorded at the time of adoption of these regulations shall be permitted to exist in its present dimensions and construction on any such lot may have reduced side yard requirements as follows:

8.05.45 Outdoor storage of materials for business or industry is permitted only in an ML, MG, or MQ zone and must be provided with a landscape or structural screen between a thoroughfare or non-manufacturing zone. No storage is permitted in a front yard nor shall it be visible from a street right-of-way.

20.08.04.00 Special Conditions

7. Change to read:

Side and rear yards not required, building bulk governed by FAR: side and rear yards abutting residential zone shall provide a landscape screen twenty-five (25) feet in width.

12. Change to read:

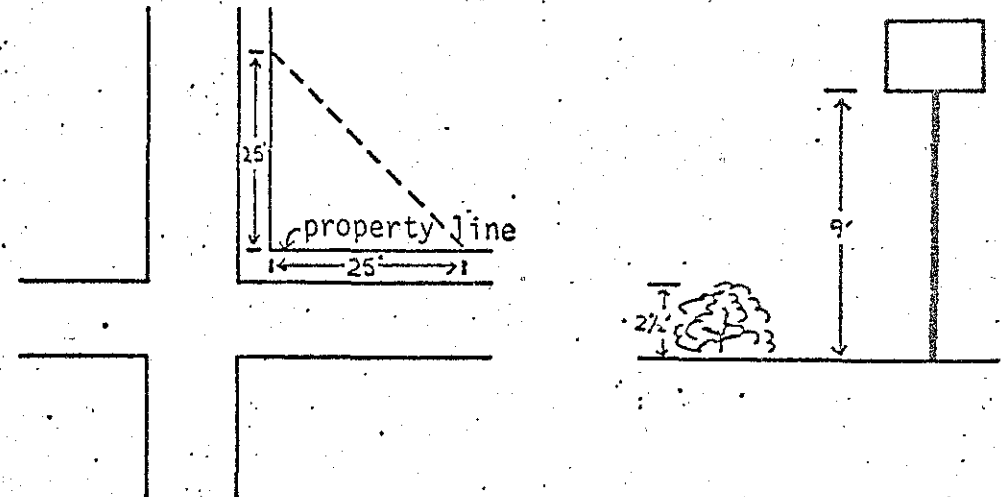
All height, area and bulk regulations for structures permitted in the SC zone are the same as those in the most restrictive adjacent zone.

15. See below.

20.08.05.23 Delete "parking spaces."

20.08.05.31 Change to read:

On any corner lot or curb cut, no wall, fence, structure, parking space or any plant growth which obstructs sight lines at elevations between two and one-half (2½) feet and nine (9) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area twenty-five (25) feet along each of the intersecting streets to be measured from the property line.



20.08.05.42 Change line 1 to read: "Any substandard lot of record recorded at the time of adoption..."

20.08.04.00 Add:

15. No alley, street or railroad right-of-way shall be considered in determining whether a business or manufacturing property abuts a residential zone.

NO PREVIOUS SECTION

20.09.00.00 HISTORIC BUILDINGS AND STRUCTURES

Add:

20.09.07.00 Use Regulations

In order to preserve and protect historic buildings, structures, and districts, the Plan Commission may allow certain uses and conditions to be applied to buildings and districts granted an historic certificate of appropriateness.

- A. In buildings designated as historic, the Plan Commission may permit the following uses and/or conditions provided such action will not adversely affect surrounding neighborhoods and is required for preserving the building.
1. A reduction in off-street parking requirements.
 2. Professional/Business offices to locate in any zone.
 3. Apartments/Fraternities and cultural facilities to locate in any zone.
 4. Arts and craft shops and personal services to locate in any zone.
 5. Other light traffic generating retail use (such as defined in Section 20.14.02.00) to locate in any zone.
- B. In a district designated as historic, the Plan Commission shall rezone the area to SH-Special Historic and permit the following uses:
1. All uses listed in 20.09.07.00 A.
 2. Public assembly, bandstand
 3. Museums, art galleries
 4. Temporary displays
 5. Continuation of any existing retail or residential uses.

20.10.02.00 Accessory Uses. Accessory uses shall be permitted in any zones provided such accessory use is related to its principal use as indicated by the following table.

Use Accessory To	Accessory Use	HT	Front Yard Feet	Side Yard Feet	Rear Yard Feet	
Agricultural Use	Barns & Outbuildings *		40	10	10	
	Residential Dwellings	Pethouse	10	35	5	5
		Playhouse	10	35	5	5
		Play-Equipment	-	-	-	-
		Swimming Pool	-	35	5	5
		Garage/Carport	15	*	5	5
		Storage Shed	10	35	5	5
Churches; Temples	Parsonage	*	*	8	10	
	Education Buildings	*	35	12	30	
Schools	Teachers' Quarters	*	*	8	10	
	Dorms	*	35	12	25	
	Power Plants	*	35	12	30	
	Athletic Fields	-	35	-	-	
	Stadium	-	35	12	30	
Hospitals	Staff Quarters	*	*	8	10	
	Chapel	*	35	12	10	
	Medical Instruction Buildings	*	35	12	10	
Industrial Use	Caretaker Quarters	*	25	8	10	

*Subject to requirements of zone in which located.

20.10.02.00 Move this table between 20.08.05 and 20.08.06.

20.10.03.01 Add: "outdoor" following "recreational facilities."

20.01.03.02 Correct numbering to 20.10.03.02.

20.10.03.01 The Plan Commission may issue a conditional permit for schools, parks, playgrounds or recreational facilities in any zones after first holding a public hearing to determine compatibility with the surrounding development and conformities.

20.01.03.02 Each site or facility must be proposed in accordance with the general plan for Bloomington.

20.10.03.04 Temporary Uses. The following uses are deemed temporary and shall be subject to conditions listed below.

20.10.03.04 Change numbering to 20.10.04.00 and underline Temporary Uses.

Add a new horizontal line entitled "Temporary Retail or Wholesale Activity" permitted only in BA zone, permit duration 15 days, parking, circulation, and sign regulations must be met.

Change Christmas Tree Sales to allow them in any zone.
Add:

Yard/Garage Sales. Permitted only in residential zones, duration of permit 3 days, subject to the condition of a limit of one permit every four (4) months per residence and that all signs must be removed within five (5) days.

20.10.05.00 Utility Substations. Utility substations may be permitted in any zone provided that:

A. The utility company shows a need for the substation at the location proposed and further shows that locations proposed will best serve the planned development of the area which it is intended to serve.

B. All utility substations shall be screened from adjacent uses with a permanent landscape screen.

20.10.05.00 Change title to: Utility Substations and Water Tower/Tanks and remove from 20.10.05 and include in 20.11 as renumbered.

20.10.07.00 Add: D. The civic or community club is organized as a not-for-profit, service-oriented association.

20.10.07.00 Civic or Community Clubs. The Plan Commission shall hold a public hearing before issuing a conditional permit for civic or community clubs. Such hearing shall determine that:

A. The design of the structure is compatible with the surrounding neighborhood.

B. Off-street parking meets requirements in Chapter 20.14.

C. Adequate access is provided to a major thoroughfare or collector street and traffic is not required to travel through a residential neighborhood. Principal access is prohibited to local neighborhood streets.

20.11 REGULATIONS FOR SPECIAL EXCEPTIONS

20.11.00.00 The following regulations are provided to establish specific criteria and conditions which shall be met before the Board of Zoning Appeals may grant a special exception for any uses in this section.

20.11.01.00 Home Occupations Regulations.

20.11.01.01 Purpose. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes.

20.11.01.02 Permit License. A special permit issued by the Plan Commission or its agent is required for the conduct of a home occupation. No business license for a home occupation shall be issued unless such a special permit is granted.

20.11.01.03 Permit not Transferable. A special permit for a home occupation is not transferable. A new permit must be applied for.

20.11.01.04 Limitation on type of home occupation. A home occupation shall be limited to an office, a business of a personal service nature for the creation and/or sale of arts and crafts.

20.11.01.05 Use confined to residents of dwelling. Such use shall be confined to the residents of the dwelling unit and shall not exceed two persons engaged therein.

20.11.01.06 No products or processing. Except for the creation and production of arts and crafts there shall be no goods, samples, materials, or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation of any home occupation.

20.11 REGULATIONS FOR SPECIAL EXCEPTIONS

20.11.00.00 The following regulations are provided to establish specific criteria and conditions which shall be met before the Board of Zoning Appeals may grant a special exception for any uses in this Chapter.

20.11.01.00 GENERAL REGULATIONS AND CONDITIONS

20.11.01.01 Investigation. The Board of Zoning Appeals shall request a recommendation from the Plan Commission or their agent which shall investigate each proposed use to determine that it is properly related to adjacent land uses and with other uses permitted in the zone.

20.11.01.02 Hearing. The Board of Zoning Appeals shall hold a public hearing on each requested use.

20.11.01.03 Special Conditions. The Board of Zoning Appeals may impose such conditions and restrictions deemed necessary to insure compatibility with the surrounding area.

20.11.01.04 Landscaping. The Board of Zoning Appeals shall determine that adequate landscaping and buffering are provided where appropriate.

20.11.01.05 General restrictions. Those uses which in the judgment of the Board of Zoning Appeals would constitute an objectionable use of property due to potential noise, increased pedestrian and vehicular traffic or any other conditions which might interfere with the general welfare of the surrounding area should not be granted special exceptions.

20.11.01.06 Abatement. If, at any time, the person who has been issued a special exception carries on an operation which is not in accord with the above standards or interferes with the general welfare of the surrounding area, the Board of Zoning Appeals shall have cause to terminate this special permit.

20.11.02.00 JUNK, WRECKING, AND AUTOMOBILE STORAGE YARDS

20.11.02.01 Location. Because of the nature and character of junk, wrecking, and automobile storage yards, the Board of Zoning Appeals may issue special exceptions for such uses in the ML or MG zones.

20.11.02.02 Processing. No processing of metal salvage shall be permitted in the ML zones. All other waste processing shall be entirely within an enclosed building. No processing operation shall be permitted closer than three hundred (300) feet from any established residential district.

PRESENT

PROPOSED CHANGES

- 20.11.01.07 Limitation on area. Not more than 10% of the total ground floor area of the dwelling unit shall be used in connection with any home occupation.
- 20.11.01.08 Signs. One nameplate or identification sign not to exceed two (2) square feet in area is permitted.
- 20.11.01.09 Must be in main building. Home occupations shall be confined to the main building.
- 20.11.02.00 Home occupations prohibited. Under no circumstances shall a home occupation be permitted for the conduct of any of the following.
- 20.11.02.01 Non-compliance. Those which do not meet the provisions of subsection three above.
- 20.11.02.02 No products or processing. Those which entail the repair, manufacture, processing or alteration of goods, materials, or objects, provided, however, this section shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.
- 20.11.02.03 Kennels. Those which entail boarding, training, or raising of dogs, cats, birds, or other animals.
- 20.11.02.04 Auto repair. Body and fender repairing.
- 20.11.02.05 General restrictions. Those which in the judgment of the Plan Commission would constitute an objectionable use of residentially zoned property due to potential noise, increased pedestrian and vehicular traffic or any other conditions which might interfere with the general welfare of the surrounding residential area.
- 20.11.02.06 Off-street parking shall be provided in accordance with requirements of Chapter 20.14.
- 20.11.02.07 Abatement. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, said home occupation may be terminated and the business license thereof revoked.
- 20.11.05.00 Cemetery and Mausoleum Regulations
- 20.11.05.01 Any proposal for a cemetery or mausoleum shall be accompanied by a site plan showing all ingress and egress, building sites, external road system and such other information as may be required by the Board.
- 20.11.05.02 A cemetery or mausoleum may be granted a special exception by the Board to locate in any residential or
- 20.11.02.03 Screening. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front, side, and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street, or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
- 20.11.02.04 Parking. Parking facilities required by this ordinance have been provided. See 20.14 for parking requirements.
- 20.11.02.05 Access. One access driveway shall be permitted on any single street frontage.
- 20.11.03.00 DAY CARE CENTERS, NURSERIES, KINDERGARTENS
- 20.11.03.01 Location. A day care center, nursery, kindergarten, or may be granted a special exception in any zone.
- 20.11.03.02 Site Plan. Any proposed day care center, nursery, kindergarten, or day care home shall provide a site plan showing all ingress and egress, parking, structure site, and playing area.
- 20.11.03.03 Total area. The total lot area of any day care center, nursery, or kindergarten shall not be less than 15,000 square feet.
- 20.11.03.04 Play area. All day-care centers, nurseries, and kindergartens shall provide a fenced play area of one thousand (1,000) square feet for the first ten (10) children with seventy-five (75) additional square feet for each additional child. No portion of the play area shall be closer than thirty-five (35) feet from any public street.
- 20.11.03.05 Parking. Parking facilities required by this ordinance have been provided (see further 20.14).
- 20.11.03.06 Other regulations. Any state and local regulations for day care centers, nurseries, kindergartens, and day care homes have been complied with.
- 20.11.04.00 DRIVE-IN THEATRES
- 20.11.04.01 Location. Drive-in theatres may be permitted in SC, RE, BA or M zoning districts.

20.11.10.00 Board Findings. Before granting such special exception the board shall first hold a public hearing to determine that:

- 20.11.10.01 The proposed use is entirely compatible with adjacent and surrounding land uses.
- 20.11.10.02 All regulations, federal, state or local, governing the establishment and maintenance of cemeteries and mausoleums have been met.
- 20.11.10.03 Access to the proposed site is adequate so that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations.
- 20.11.10.04 Any accessory uses included on the site are clearly defined and that all such accessory uses are compatible with surrounding uses and are no more objectionable than the principal use.
- 20.11.10.05 Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 20.11.10.06 All structures including but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than thirty-five (35) feet from any property line or street right-of-way line.
- 20.11.10.07 All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way.
- 20.11.10.08 All required yards shall be landscaped and maintained.

20.11.15.00 Private Day Care Centers, Nurseries and Kindergartens

- 20.11.15.01 A day care center or kindergarten may be granted a special exception in any zone.
- 20.11.15.02 Any proposed day care center shall provide a site plan showing all ingress and egress, parking, structure site and playing area.

20.11.16.00 Board Findings for Private Day Care Centers, Nurseries and Kindergartens. Before granting a special exception the board shall determine that:

- 20.11.16.01 The total lot area of any day care center is not less than 15,000 square feet.
- 20.11.16.02 A fenced play area of 1000 square feet is provided for the first ten (10) children with seventy-five (75) square feet additional for each additional child.

20.11.04.02 Access. The site must have direct access to an arterial road as identified on the functional street classification map. In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.

20.11.04.03 Screening and visibility. The theatre viewing screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.

20.11.04.04 Stacking and loading. Loading space for patrons waiting for admission to the theatre shall be equal to twenty (20) percent of the capacity of the theatre. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.

20.11.04.05 Accessory sales. Sale of refreshments shall be limited to patrons of the theatre. Amusement parks or kiddylands shall be accessible only to patrons of the theatre.

20.11.04.06 Lighting. All parking areas and access ways shall be adequately lighted, provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.

20.11.04.07 Noise. No central loudspeakers shall be permitted.

20.11.05.00 HOME OCCUPATIONS

20.11.05.01 Purpose and location. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes. Such permits may be granted in any zoning district where residences are permitted.

20.11.05.02 Permit. A special permit issued by the Board of Zoning Appeals or its agent is required for the conduct of any home occupation. No business license for a home occupation shall be issued unless such a special permit is granted.

20.11.05.03 Permit, not transferable. A special permit for a home occupation is not transferable. A new permit must be applied for whenever there is a change in the occupation and/or occupant.

ZONING ORDINANCE REVIEW

PRESENT

PROPOSED CHANGE

- 20.11.16.03 No portion of the play area shall be closer than thirty-five (35) feet from any public street.
- 20.11.16.04 All off-street parking facilities required by this ordinance have been provided.
- 20.11.16.05 Any state and local regulations for day care centers have been complied with.
- 20.11.20.00 Tire Recapping. The Board may grant a special exception for recapping of tires in the BG or ML zones providing a public hearing has first been held to determine that:
- 20.11.20.01 The recapping operation is compatible with other uses on the adjacent or surrounding properties.
- 20.11.20.02 The air pollution standards, state, federal, and local can be met.
- 20.11.20.03 Before granting a special exception the Board shall also require the following conditions be met:
- 20.11.20.04 All operations shall be conducted entirely within an enclosed building.
- 20.11.20.05 No outside storage of tires, scrap rubber or any usable or waste materials shall be permitted.
- 20.11.2100 Automobile Wrecking and Junk Yards. Because of the nature and character of junk and salvage yards the Board may issue special exceptions for such uses in the ML or MG zones.
- Before issuing such permits the Board shall determine the following conditions have been met.
- 20.11.21.01 No processing of metal salvage shall be permitted in the ML zones.
- 20.11.21.02 All other waste processing shall be entirely within an enclosed building. No operation shall be permitted closer than three hundred (300) feet from any established residential district.
- 20.11.21.03 Screening. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, designed to obscure the view of any wrecked cars from the road. Such fence or wall shall be constructed on or inside the front side and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street, or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
- 20.11.05.04 Limitation on type of home occupation. A home occupation shall be limited to an office, a business of a personal service nature, and the creation or creation and sale of arts and crafts.
- 20.11.05.05 Use confined to residents of dwelling. Such use shall be confined to the residents of the dwelling unit and shall not exceed two persons engaged therein.
- 20.11.05.06 Limitation on area. Not more than ten (10) percent of the total ground floor area of the dwelling unit shall be used in connection with any home occupation.
- 20.11.05.07 Signs. One nameplate or identification sign not to exceed two (2) square feet in area is permitted.
- 20.11.05.08 Location. Home occupations shall be confined to the main building or attached garage.
- 20.11.05.09 Parking. Parking facilities required by this ordinance have been provided (see further 20.14.), and shall not alter the residential character of the lot.
- 20.11.05.10 No products or processing. Except for the creation and production of arts and crafts there shall be no goods, samples, materials, or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation of any home occupation, provided, however, this Chapter shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.
- 20.11.05.11 Kennels. Those uses which entail boarding, training, or raising of dogs, cats, birds, or other animals shall be prohibited.
- 20.11.05.12 Auto repair. Body and fender work, repairing, wrecking or hauling of motor vehicles is prohibited.
- 20.11.06.00 REHABILITATION AND CORRECTIONAL AND MENTAL FACILITIES
- 20.11.06.01 Location. Rehabilitation, correctional and mental facilities may be permitted by special exception of the Board of Zoning Appeals in the following zones:
- Rehabilitative facilities in any zone.
Correctional facilities in BD, BA, or BG zones.
Mental health facilities in RE, SI, SM, BA, BG.

PRESENT

PROPOSED CHANGES

- 20.11.21.03 Off-street parking. As regulated by parking requirements of these regulations.
- 20.11.21.04 Ingress and egress. One access driveway shall be permitted on any single street frontage.
- 20.11.25.00 Rehabilitation and Correctional and Mental Facilities.
Rehabilitation, correctional and mental facilities may be permitted by special exception of the Board in the following zones:
- 20.11.25.01 Rehabilitative facilities in any zone.
- 20.11.25.02 Correctional facilities, BD, BA, BG.
- 20.11.25.03 Mental health facilities, RE, SI, SM, BA, BG.
- 20.11.26.00 Prior to issuance of the permit the Board shall hold a public hearing to determine that the following conditions have been met:
- 20.11.26.01 The use is compatible with adjacent and surrounding uses.
- 20.11.26.02 Adequate access is provided and the use is located on a street designated at least as a collector.
- 20.11.26.03 The safety of surrounding areas will not be impaired.
- 20.11.30.00 Retail Uses in Residential Zones.
- 20.11.30.01 The Board may grant a special exception for retail uses in any residential district providing only uses listed below may be permitted and only if the following conditions are met.
- 20.11.30.02 Retail uses permitted as a special exception shall be limited to: bakery products, dairy products, drugs and sundries, groceries and meats, florists, variety stores, and beauty or barber shops.
- 20.11.30.03 All retail uses so permitted shall have principal access from at least a collector street.
- 20.11.30.04 No retail use shall be permitted in a structure exceeding 3000 square feet.
- 20.11.30.05 The metes and bounds of any such residential district to be served by special exception retail use shall be determined by the Plan Commission. The procedure for gaining a special exception retail use shall be as follows:
- 20.11.06.02 Access. Adequate access is provided and the use is located on a street designated at least as a collector.
- 20.11.06.03 Safety. The safety of the surrounding area will not be impaired and the use is compatible with adjacent and surrounding uses.
- 20.11.06.04 Parking. Parking facilities required by this ordinance have been provided (see further 20.14).
- 20.11.07.00 RETAIL USES IN RESIDENTIAL ZONES
- 20.11.07.01 Location. The Board of Zoning Appeals may grant a special exception for certain retail uses in any residential district.
- 20.11.07.02 Permitted uses. Retail uses permitted as a special exception shall be limited to: bakery products, dairy products, drugs and sundries, groceries and meats, florists, variety stores, and beauty or barber shops.
- 20.11.07.03 Access. All retail uses so permitted shall have principal access from at least a collector street.
- 20.11.07.04 Floor area. No retail use shall be permitted in a structure exceeding three thousand (3,000) square feet.
- 20.11.07.05 Zone boundary. The metes and bounds of any such residential district to be served by special exception retail use shall be determined by the Plan Commission.
- 20.11.07.06 Procedure. The procedure for gaining a special exception retail use shall be as follows:
- A. The petitioner must request that the Plan Commission determine the metes and bounds description of the residential district to be served by the proposed retail use. Such request shall be made in the form of a resolution to the Plan Commission and must be approved by an affirmative vote of the Commission at a regular or special meeting.
- B. After the Plan Commission has determined the boundaries of said residential district (neighborhood) the petitioner shall have thirty (30) days to present a petition to the Secretary of the Plan Commission signed by at least thirty-eight (38) percent of the residents (as distinguished from owners) of the residential district.
- C. Upon receipt of said petition, the Secretary of the Plan Commission shall cause legal notice to be published in a newspaper of general circulation in Monroe County, describing the petition and the proposed retail use. The cost of said advertisement shall be paid by the proponent-petitioners.

20.11.30.05 continued...

- A. The petitioner must request that the City Plan Commission determine the metes and bounds description of the residential district to be served by the proposed retail use. Such request shall be made in the form of a resolution to the Plan Commission and must be approved by an affirmative vote of the Commission at a regular or special meeting.
- B. After the Plan Commission has determined the boundaries of said residential district (neighborhood) the petitioner shall have thirty (30) days to present a petition to the Secretary of the Plan Commission signed by at least 38% of the residents (as distinguished from owners) of the residential district.
- C. Upon receipt of said petition, the Secretary of the Plan Commission shall cause legal notice to be published in a newspaper of general circulation in Monroe County, describing the petition and the proposed retail use. The cost of said advertisement shall be paid by the proponent-petitioners.
- D. Remonstrators shall have thirty (30) days from the date of publication of said petition to present an opposing petition to the Secretary of the Plan Commission.
- E. In the event no opposing petition is filed with the Secretary of the Plan Commission, or, where the opposing petition contains the signatures of less than 38% of the residents of the residential district (neighborhood), the Secretary of the Plan Commission shall certify the residential district to the Board of Zoning Appeals which will proceed in hearings of the special exception in accordance with 20.19 of this Title.
- F. In the event that the opposing petition contain a greater number of signatures than the petitioners of proposal, the Secretary shall not certify, the petition shall be considered defeated, and the proponents may not repetition for a period of one (1) year.

20.11.30.06 Not more than one-half ($\frac{1}{2}$) of one (1) percent of the land area as determined by the geographic boundaries covered by the petition in section 20.11.62.04 above may contain structures devoted to retail uses.

- D. Remonstrators shall have thirty (30) days from the date of publication of said petition to present an opposing petition to the Secretary of the Plan Commission.
- E. In the event no opposing petition is filed with the Secretary of the Plan Commission, or, where the opposing petition contains the signatures of less than thirty-eight (38) percent of the residents of the residential district (neighborhood), the Secretary of the Plan Commission shall certify the residential district to the Board of Zoning Appeals which will proceed in hearings of the special exception in accordance with Chapter 20.19.
- F. In the event that the opposing petition contain a greater number of signatures than the petitioners of proposal, the Secretary shall not certify, the petition shall be considered defeated, and the proponents may not re-petition for a period of one (1) year.

- 20.11.07.07 Area. Not more than one-half ($\frac{1}{2}$) of one (1) percent of the land area as determined by the geographic boundaries covered by the petition in Section 20.11.07.06 above may contain structures devoted to retail uses.
- 20.11.07.08 Construction. No commercial structure permitted under these regulations shall have exposed block or construction walls. All exterior surfaces shall be faced with an architectural siding.
- 20.11.07.09 Design. In any single family residential district any permitted commercial structure shall have a roof pitch equal to the average roof pitch of the structures on the same block.
- 20.11.07.10 Hours. To insure neighborhood compatibility, business hours for retail uses permitted under these regulations shall be between 6:00 a.m. and 9:00 p.m.
- 20.11.07.11 Parking. Since one purpose of neighborhood business facilities is to provide services within walking distance of dwellings, parking requirements may be reduced to one-half ($\frac{1}{2}$) normal requirements; however, no parking may be provided in front yards and all front yard setbacks shall be landscaped.
- 20.11.07.12 Lot coverage. All yard and lot coverage provisions shall be the same as for residential uses in the zone in which the special exceptions are granted.
- 20.11.08.00 ROD AND GUN CLUB, SKEET RANGE
- 20.11.08.01 Location. The Board of Zoning Appeals may issue a special exception for Rod and Gun Club or Skeet Range in the RE zone.

ZONING ORDINANCE REVIEW

PRESENT

PROPOSED CHANGE

- 20.11.30.07 No commercial structure permitted under these regulations shall have exposed block or construction walls. All exterior surfaces shall be faced with an architectural siding.
- 20.11.30.08 In any single family residential district any permitted commercial structure shall have a roof pitch equal to the average roof pitch of the structures on the same block.
- 20.11.30.09 To insure neighborhood compatibility business hours for retail uses permitted under these regulations shall be between 6:00 am and 9:00 pm.
- 20.11.30.10 Since one purpose of neighborhood business facilities is to provide services within walking distance of dwellings parking requirements may be reduced to one half (1/2) normal requirements.
- 20.11.30.11 No parking may be provided in front yards and all front yard setbacks shall be landscaped.
- 20.11.30.12 All yard and lot coverage provisions shall be the same as for residential uses in the zone in which the special exceptions are granted.
- 20.11.35.00 Drive-In Theatres
- 20.11.35.01 The site must have direct access to a major public road.
- 20.11.35.02 In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.
- 20.11.35.03 The theatre viewing screen shall not be visible from any public street within fifteen hundred (1,500) feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six (6) feet in height.
- 20.11.35.04 Loading space for patrons waiting admission to the theatre shall be equal to twenty (20) percent of the capacity of the theatre. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.
- 20.11.35.05 Sale of refreshments shall be limited to patrons of the theatre.
- 20.11.35.06 No central loudspeakers shall be permitted.
- 20.11.08.02 Site Plan. A site plan shall show all property boundaries, building location, and shooting ranges.
- 20.11.08.03 Noise. Adequate data shall be provided relative to noise level produced by the activity.
- 20.11.08.04 Access. Access shall be at least to a collector road and adequate parking shall be provided.
- 20.11.08.05 Additional restrictions. The Board of Zoning Appeals may impose such restrictions as are deemed necessary to protect surrounding uses from any offensive noise or traffic.
- 20.11.09.00 TIRE RECAPPING
- 20.11.09.01 Location. The Board of Zoning Appeals may grant a special exception for recapping of tires in the BG or ML zones.
- 20.11.09.02 Compatibility. The recapping operation must be compatible with other uses on the adjacent or surrounding properties.
- 20.11.09.03 Pollution. The air pollution standards, state, federal, and local must be met.
- 20.11.09.04 Processing. All operations shall be conducted entirely within an enclosed building.
- 20.11.09.05 Storage. No outside storage of tires, scrap rubber, or any usable or waste materials shall be permitted.
- 20.11.10.00 UTILITY SUBSTATIONS AND WATER TOWERS/TANKS
- 20.11.10.01 Location. Utility substations and water/towers/tanks may be permitted in any zone as a special exception.
- 20.11.10.02 Need. The utility company shall show a need for the substation or water tower/tank at the location proposed and further show that locations proposed will best serve the planned development of the area which it is intended to serve.
- 20.11.10.02 Screening. All utility substations shall be screened from adjacent uses with a permanent landscape screen.

- 20.11.35.07 All parking areas and access ways shall be adequately lighted, provided however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.
- 20.11.35.08 Amusement parks or kiddylands shall be accessible only to patrons of the theatre.
- 20.11.40.00 Rod and Gun Club, Skeet Range
- 20.11.41.00 The BZA may issue a special exception for Rod and Gun Club or Skeet Range in the RE zone.
- 20.11.42.00 The development standards for a Rod and Gun Club or Skeet Range are as follows:
- 20.11.42.01 A site plan shall show all property boundaries, building location and shooting ranges.
- 20.11.42.02 Adequate data shall be provided relative to noise level produced by the shooting.
- 20.11.42.03 Access shall be at least to a collector road and adequate parking shall be provided.
- 20.11.42.04 The BZA may impose such restrictions as are deemed necessary to protect surrounding uses from any offensive noise or traffic.
- 20.11.50.00 Abatement. Failure to operate a shooting range of any type in accordance with the above standards or operation of such facility in an undesirable manner interfering with the general welfare of the surrounding area shall be cause for termination of the special permit.
- 20.11.11.00 CEMETERIES AND MAUSOLEUMS
- 20.11.11.01 Location. A cemetery or mausoleum may be granted a special exception by the Board of Zoning Appeals to locate in any residential or BA zone.
- 20.11.11.02 Site plan. Any proposal for a cemetery or mausoleum shall be accompanied by a site plan showing all ingress, egress, building sites, external road system, and such other information as may be required by the Board of Zoning Appeals.
- 20.11.11.03 Accessory uses. Any accessory uses included on the site must be clearly defined and all such accessory uses must be compatible with the surrounding uses and be no more objectionable than the principal use.
- 20.11.11.04 Area. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 20.11.11.05 Setback. All structures including but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than thirty-five (35) feet from any property line or street right-of-way line and all graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way.
- 20.11.11.06 Landscaping. All required yards shall be landscaped and maintained.
- 20.11.11.07 Compatibility. The proposed use must be entirely compatible with adjacent and surrounding land uses.
- 20.11.11.08 Access. Access to the proposed site must be adequate in order that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations.

20.13.01.01 Purpose. The purpose of the Planned Unit Development Chapter of the City Zoning Ordinance is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve design, character and quality of new developments; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic features of open areas alongside major development.

20.13.00.00 PLANNED DEVELOPMENTS

20.13.01.02 Change "Planned Unit Development" to "Planned Developments" in this section and other sections under 20.13.01.

20.13.01.07(B) Insert after "conduct", "a reading and".

20.13.01.09 Line 2, delete "direct" and add after "shall":
"pass an ordinance directing"

B. The City Council shall publish notice, as required by Indiana Law, and conduct a public hearing on the Planned Unit Development application. Such hearing is to be held not more than thirty days after the receipt of the Plan Commission's report and recommendations.

20.13.01.09 Amendment to Zoning Map. When the Council has approved the outline plan, it shall direct the City Engineer to amend the zoning map to designate as a Planned Unit Development the area covered by the outline map. If the outline plan is approved with modifications, the Council shall not direct the engineer to amend the zoning map until the applicant has filed with the Council a written consent to the plan as modified. If the applicant does not accept all of the modifications, the outline plan shall be deemed denied. The City Engineer shall not issue any building permits within the area covered by the zoning of the area unless it otherwise would be permitted by the zoning of the area until the development plan has been approved by the Plan Commission.

20.13.02.02 Definition. A "planned unit development" is a group of buildings constructed for residential use and ancillary commercial use, located on a lot or contiguous group of lots held under single, joint, or common ownership, covering at least twenty (20) acres.

20.13.02.05 Ratio of Use. In any planned unit development the mixture of uses included as permitted in Chapter 20.13.02 should include the following ratios:

In PS PUD at least 75% of the residential units shall be single household detached dwellings.

In RL PUD at least 50% of the residential units shall be single household detached dwellings.

In RH PUD at least 25% of the residential units shall be single household detached dwellings.

20.13.03.06 The following bulk and area regulations will be met:

A. Lot Size. Minimum lot size for a planned commercial development shall be 5 acres. Minimum lot size for a planned industrial development shall be 30 acres.

B. Setback. Minimum setback for any structure shall be 50 feet from any existing street or road.

C. Lot Coverage. Maximum lot covered by buildings or structures shall be 50% at the ultimate expansion potential.

D. Height. In general, height shall be limited to 45 feet. However, to permit the greatest flexibility of design the Plan Commission may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.

20.13.02.07 Commercial Uses. Commercial uses permitted by the Plan Commission shall be limited to those permitted in the neighborhood business districts. No planned unit development containing less than 300 dwelling units shall include commercial uses. Not more than five percent (5%) of the gross planned unit development area may be devoted to commercial use.

20.13.03.12 Signs.

A. No flashing or intermittent illumination shall be permitted.

B. One business ground sign identifying the commercial or industrial park at each entrance shall be permitted.

C. Where a single tenant is to occupy a building lot one business ground sign or building mounted business sign identifying the structure or business may be permitted on each such lot.

D. Where a group of tenants are to occupy a single building, or are located within a building grouping, each such tenant shall be permitted an appropriate identifying sign; provided, the conditions and design of such signs are stated in the protective covenants of the project.

E. No general advertising billboards, pole signs, or temporary signs will be permitted, except that temporary signs advertising the tract of land for sale shall be permitted as governed by these regulations.

20.13.04.06(G) C. Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

20.13.02.02 Last line, change "20" to "10" acres.

20.13.02.06 Delete present section and substitute:
Unit

Ratio of Use. In any Planned Development, the mixture of uses permitted should include at least two or more different residential types.

20.13.03.06 Change to read:

Bulk and Area Regulations.

A. Lot Size. Minimum lot size for a planned commercial development shall be five (5) acres, except in BD and BG zones.

B. Setback. Minimum setback for any structure shall be the setback required in the zone.

C. Lot Coverage. Maximum lot covered by buildings or structures shall be fifty (50) percent at ultimate expansion potential except in BD and BG zones.

20.13.02.07 Delete "neighborhood business districts." Substitute: "BL zone."

20.13.03.12 Delete this section.

20.13.04.06(G) Add: "and not greater than 110 feet in length" following "in width."

- 20.14.01.00 Parking Required in Various Zoning Districts. In all districts there shall be provided adequate off-street parking areas in accordance with the following requirements.
- 20.14.01.03 Because of its close proximity to the normal retail market, parking required for commercial facilities in the BI district shall be one half ($\frac{1}{2}$) that specified in the table of required parking.
- 20.14.01.04 Parking for any business shall be in a Business (C) zoning district; parking for any industrial use shall be in an Industrial (M) district; parking for any medical or institutional district use shall be in the same district as the principal use or in a Business (B) district. No commercial parking may be permitted in any residential district. All required parking shall be provided on the same site as the principal use or within two hundred (200) feet of such site, and within the same block as the principal use.
- 20.14.01.00 Change to read:
 - Parking Required in Various Zoning Districts. In all districts there shall be provided adequate off-street parking areas in accordance with the requirements of this chapter whenever there is an addition or enlargement of an existing building, change of use, or number of employees, or increase in FAR.
- 20.14.01.03 Delete this section.
- 20.14.01.04 Add to end of section: "and shall not be across an arterial street."
- 20.14.01.05 When the parking requirements specified under these regulations for any new structure proposed for business use shall be less than 3.0 spaces per 1,000 square feet of gross floor area, then an undeveloped landscaped land area shall be provided which is equal to the difference between the required parking and the area which would be required for parking at 3.0 spaces per 1,000 square feet of floor area.

20.14.02.00 Table of Required Parking

20.14.02.00 Table of Required Parking

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Uses	Basic Spaces	Requirement Per
Auto Salvage Yard	10.0	1,000 sq. ft. floor area
Auto Truck Repair	4.0	1,000 sq. ft. service area
Auto Sales	1.25	1,000 sq. ft. land & Building
Barber/Beauty Shop	3.0	Chair
Boarding & Rooming House	1.0	Each guest
Bowling Alleys	5.0	Alley
Churches	1.0	Four seats or 50 sq. ft. where removable seats are used
Mortuaries	1.0	Four seats when fixed or when removable per 32 sq. ft. of Parlor Space and Assembly Rooms
Coin Laundry/Dry Cleaner	5.0	1,000 sq. ft. floor area
Car Wash - Coin	4.0	Wash Bay
Car Wash - Conveyor	1.0	Five feet of tunnel
Commercial Trade School	4.0	Each ten (10) students
Country Club	2.0	Each ten (10) members
Dormitories	1.0	Each three (3) residents
Dry Cleaning Collection Station	3.0	1,000 sq. ft. floor area
Dwellings	2.0	Dwelling
Furniture/Appliance	2.0	1,000 sq. ft. display area
Gasoline Station	5.0	1,000 sq. ft. floor/ser. area
Hospitals	1.0	Each two beds
Hotel	1.0	Each two rooms
Industrial Establishment	1.0	Each two (2) employees (combined two largest shifts)
Medical Offices & Clinics	10.0	Per doctor
Dental Offices & Clinics	5.0	Per dentist
Motels	1.0	Per room
	4.0	1,000 sq. ft. of sales area
Schools - Elementary and Junior High	1.0	Each fifteen (15) students
- High School	1.0	Each four (4) students
- Kindergarten	1.0	Per teacher
Shopping Center Complexes up to 200,000 sq. ft.	5.5	1,000 sq. ft. leasable floor area
over 200,000 sq. ft.	5.25	1,000 sq. ft. leasable floor area
Stadiums/Arenas	1.0	Each six (6) seats
Swimming Pools	1.0	Thirty (30) sq. ft. of water
Theatres/Auditoriums	1.0	Each three (3) seats
Union Hall/Lodges/Clubs	1.0	Each three (3) members
Wholesale Business	30.0	1,000 sq. ft. customer service area

Uses not specified: For any commercial district use not specified above, the requirements for off-street parking for a specified use to which said use is most similar shall apply.

5. That Section 20.14.02.00, the Table of Required Parking, be amended changing the basic parking spaces required for the uses indicated below to read as follows:

Uses	Basic Spaces	Requirement Per
Bank and Branch Banks	5.0	1,000 sq. ft. gross floor area
Business and Professional Offices	3.0	1,000 sq. ft. gross floor area
Restaurant/Bar/Laverna	8.0	1,000 sq. ft. gross floor area plus one (1) space per five (5) customer seats outside the principal structure
Library	2.0	1,000 sq. ft. gross floor area
Retail Uses (Heavy), generating heavier auto traffic including, but not limited to supermarkets, other food stores, ice cream parlors, bakeries, drug stores, dine stores	6.0	1,000 sq. ft. gross floor area
Retail Uses (Light), generating lighter auto traffic including, but not limited to jewelry stores, gifts, hardware, appliance stores and the like, personal service shops, household or equipment repair shops, clothing or shoe repair shops, interior decorating shops, and wearing apparel	3.0	1,000 sq. ft. gross floor area
Dwelling - Residential Apartments	1.5	dwelling unit plus 0.5 per bedroom for each bedroom over one (1)

Add:

Tennis Courts - 4 spaces per court.
Trailer/Marine Sales - .5 spaces per 1,000 square feet of land and building.

14.04.02 Parking stalls and drive widths. Each parking area shall provide parking stalls of minimum width and length and drive area of minimum width as indicated in the following table:

For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.

14.04.03 Parking Surface. All parking surfaces shall be constructed to meet the following standards:

A. All areas devoted to off-street parking as required under this section shall be of a paved surface construction such as plant mix asphalt, penetrating asphalt or concrete paving.

B. The parking lot shall be drained to eliminate surface water.

20.14.04.02 Insert "painted" following "provide."

20.14.04.03 Add: C. Concrete bumper blocks shall be provided, where practical, in all parking stalls.

Change A. Substitute "Chapter" for "Section".

16.05.00 Review of Drainage Plans. The Monroe County Soil and Water Conservation District shall be asked to review the storm water drainage plans. Petitioner shall furnish a set of the storm water drainage plans to that agency, within two (2) days after filing application for approval of any proposed subdivision or planned unit development. Recommendations of that agency may be presented at the public hearing or submitted in writing to the Department of Planning prior to the hearing. Approval of the Commission will be based upon, but not limited to, consideration of the following items:

20.16.06.02

C. Review and approval by the Commission as a special exception.

20.16.05.00 Delete "Monroe County Soil and Water Conservation District" and substitute "City Engineer."

20.16.06.02(C) Delete "special exception" and substitute "special condition."

- 20.19.06.00 Appeal from Board Decisions. Any person jointly or severally aggrieved by any decision of the Board may proceed in the manner prescribed in Section 82, Chapter 174, Acts of the 1947 General Assembly of the State of Indiana.
- 20.19.07.00 Powers and Duties. The powers and duties of the Board of Zoning Appeals shall be:
- 20.19.07.01 To hear and determine or review determinations made by an administrative official or Board charged with the enforcement of any regulations or restrictions set forth in this chapter.
- 20.19.07.02 To permit and authorize exceptions in particular situations specified in this chapter.
- 20.19.07.03 To hear and decide special exceptions to the terms of this chapter upon which the Board is required to act under this chapter.
- 20.19.07.04 To authorize upon appeal in certain cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be preserved and substantial justice done, but, in no case shall the Board have the power to grant a change in use.

- 20.19.06.00 Renumber this section to 20.19.09.00. Add following "State of Indiana":
provided however that any such appeal shall be initiated within thirty (30) days of a Board decision.
- 20.19.07.00 Renumber this section to 20.19.06. Also, change all references from "chapter" to "title."
- ADD:
- 20.19.07.00 Requirements. The following requirements must be met for appeals, special exceptions, and variances:
- 20.19.07.01 Appeals from Administrative Decisions. An appeal to the Board may be taken by any person aggrieved by any decision of the Zoning Administrator or any other official or body made in the course of enforcement of this ordinance. Such appeal must be taken within ten (10) working days after said decision has been made
- 20.19.07.02 Granting Special Exceptions. The Board may grant special exceptions if it finds in each individual case that the following conditions are present:
1. The use or value of the area adjacent to the property will not be adversely affected.
 2. The exception is consistent with regulations outlined in Chapter 20-11.
- 20.19.07.03 Granting Variances. Variances from strict application of the physical requirements and provisions of this ordinance may be granted if the Board finds, where applicable, the following conditions are present:
1. The use of the area adjacent to the property included in the proposed variance will not be adversely affected.
 2. The variance arises from some condition which is not ordinarily found in the immediate area, such as exceptional topographical or other conditions.
 3. Strict application of the terms of this chapter will constitute unnecessary hardship upon the property owner.

4. The grant of the variance does not interfere substantially with the metropolitan comprehensive plan for the City of Bloomington.
5. The variance will not be injurious to the public health, safety, morals, and general welfare of the community.

20.19.08.00 Standards for Variances. In granting a variance the Board shall ascertain that the following criteria are met:

20.19.08.01 Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the Board, do not apply generally in the district.

20.19.08.02 Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

20.19.08.03 For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.

20.19.08.02 Delete from this section, renumber and insert as 20.19.10.00.

20.19.08.03 Renumber as 20.19.08.02.

20.21 ADMINISTRATION AND ENFORCEMENT

20.21.00 Delete in entirety and substitute:

- 20.21.01.00** Duty of City Engineer: Powers. It shall be the duty of the City Engineer to enforce the provisions of this chapter in the manner and form and with the powers provided in the laws of the State and in the Code or other ordinances of the city.
- 20.21.02.00** Permit--Requirements, Applications, Display, Requirements for Issuance Generally. It shall be a requirement that no soil removal, grading, filling or dredging may be undertaken; no sign shall be erected and no building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the enforcement officer. Such permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
- 20.21.03.00** Same--Site Plan to Accompany Application. Every application for a zoning permit shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards and buildings, together with location, size and use of any and all buildings not on the lot but within fifty (50) feet from the boundaries thereof, unless separated therefrom by a street, together with such other information as may be necessary to the enforcement of this chapter.
- 20.21.04.00** Fees.
- 20.21.04.01** Zoning Permit. Every application for a zoning permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.02** Change of Zone. Every application for a change in zone shall be accompanied by a fee as established by the Plan Commission.
- 20.21.04.03** Change of Grade. Every application for a grading permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.04** Occupancy Permit. Every application for an occupancy permit shall be accompanied by a fee as established by the enforcement officer.
- 20.21.04.05** Home Occupation Permit. Every application for a home occupation permit shall be accompanied by a fee as established by the enforcement officer.

20.21 ADMINISTRATION AND ENFORCEMENT

- 20.21.01.00** Duty of City Engineer: Powers
It shall be the duty of the City Engineer to enforce the provisions of this title in the manner and form and with the powers provided in the laws of the State and in the Code or other ordinances of the City.
- 20.21.02.00** Site Plan to Accompany Application
Every application for a permit shall be accompanied by a site plan, drawn to scale, showing the lot and the building site, and the location of existing buildings on the lot, accurate dimension of the lot, yards, and buildings, together with location, size, and use of any and all buildings not on the lot but within fifty (50) feet from the boundaries thereof, unless separated therefrom by a street, together with such other information as may be necessary to the enforcement of this title.
- 20.21.03.00** Permits
- 20.21.03.01** Zoning Permit
No building or structure shall be erected, reconstructed, enlarged, or moved until the zoning and the site plan has been verified by the enforcement officer.
- 20.21.03.02** Grading Permit
No soil removal, grading, filling, or dredging may be undertaken until a grading permit shall have been issued by the enforcement officer.
- 20.21.03.03** Certificate of Occupancy
A certificate of occupancy must be issued by the enforcement officer before any of the following can occur:
- A. Occupancy and use of a building hereafter erected or enlarged.
 - B. Change in use of an existing building.
 - C. Occupancy and use of vacant land except for the raising of crops.
 - D. Change in the use of land except for the raising of crops.
- 20.21.03.04** Temporary Certificate of Occupancy
Pending the issuance of such certificate, a temporary certificate of occupancy may be issued by the enforcement officer for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the city relating to the use of occupancy of the

- 20.21.05.00** Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this chapter for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other buildings. The lot or yard areas of buildings existing at the time this chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.
- 20.21.06.00** Reconstruction of Unsafe Walls. Nothing in this chapter shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State.
- 20.21.07.00** Certificate of Occupancy. A certificate of occupancy shall be required for any of the following:
- 20.21.07.01** Occupancy and use of a building hereafter erected or enlarged.
- 20.21.07.02** Change in use of an existing building to a use of a different classification.
- 20.21.07.03** Occupancy and use of vacant land except for the raising of crops.
- 20.21.07.04** Change in the use of land to a use of a different classification except for the raising of crops.
- 20.21.07.05** Any change in use of a nonconforming use.
- 20.21.07.06** No such occupancy use or change of use shall take place until a certificate of occupancy therefore shall have been issued by the enforcement officer.
- 20.21.07.07** Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged, shall be made at the same time as the application for the zoning permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for a zoning permit; for all other certificates or for copies of any original certificates, there shall be a charge established by the enforcement officer. Such certificate shall be issued within five (5) days after a written request for it has been made to the enforcement officer after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this chapter.

- land or building, or any other matter covered by this title, and such temporary certificate shall not be issued unless:
- A. A valid building permit as required in Chapter 17.04 of the Municipal Code shall have been issued for construction upon or development of the property.
- B. A site plan has been approved for development of the property.
- C. The temporary certificate of occupancy would not violate the intent of this title.
- D. The required improvements which are to be made after temporary occupancy shall be guaranteed by a sworn affidavit from the property owner or guaranteed by a valid contract with a reputable vendor for completion of such required improvements.
- 20.21.03.05** If the proposed use and structure is in conformance with all the provisions of this title (i.e. zoning and site plan) the certificate of occupancy shall be issued within three (3) days after the application for it has been made. Each certificate of occupancy shall state that the building or proposed use of building or land complies with all provisions of this title.
- 20.21.03.06** A record of all certificates and permits shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- 20.21.03.07** Posting
Permits shall be posted in a prominent place on the visible exterior prior to and during the period of erection, reconstruction, or enlargement.
- 20.21.03.08** Fees
All applications for a permit or certificate under this chapter shall be accompanied by a fee to be determined by the enforcement officer.
- 20.21.04.00** Interpretation
In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience, or the general welfare. The Plan Commission or their agent is responsible for all interpretations. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.

75-66-*Biennial Zoning Review*

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PRESENT

PROPOSED CHANGE

- 20.21.05.00 Interpretation. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this chapter for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other buildings. The lot or yard areas of buildings existing at the time this chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.
- 20.21.06.00 Reconstruction of Unsafe Walls. Nothing in this chapter shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State.
- 20.21.07.00 Certificate of Occupancy. A certificate of occupancy shall be required for any of the following:
 - 20.21.07.01 Occupancy and use of a building hereafter erected or enlarged.
 - 20.21.07.02 Change in use of an existing building to a use of a different classification.
 - 20.21.07.03 Occupancy and use of vacant land except for the raising of crops
 - 20.21.07.04 Change in the use of land to a use of a different classification except for the raising of crops.
 - 20.21.07.05 Any change in use of a nonconforming use.
 - 20.21.07.06 No such occupancy use or change of use shall take place until a certificate of occupancy therefore shall have been issued by the enforcement officer.
 - 20.21.07.07 Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged, shall be made at the same time as the application for the zoning permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for a zoning permit; for all other certificates or for copies of any original certificates, there shall be a charge established by the enforcement officer. Such certificate shall be issued within five (5) days after a written request for it has been made to the enforcement officer after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this chapter.

- land or building, or any other matter covered by this title, and such temporary certificate shall not be issued unless:
 - A. A valid building permit as required in Chapter 17.04 of the Municipal Code shall have been issued for construction upon or development of the property.
 - B. A site plan has been approved for development of the property.
 - C. The temporary certificate of occupancy would not violate the intent of this title.
 - D. The required improvements which are to be made after temporary occupancy shall be guaranteed by a sworn affidavit from the property owner or guaranteed by a valid contract with a reputable vendor for completion of such required improvements.
- 20.21.03.05 If the proposed use and structure is in conformance with all the provisions of this title (i.e. zoning and site plan) the certificate of occupancy shall be issued within three (3) days after the application for it has been made. Each certificate of occupancy shall state that the building or proposed use of building or land complies with all provisions of this title.
- 20.21.03.06 A record of all certificates and permits shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- 20.21.03.07 Posting
Permits shall be posted in a prominent place on the visible exterior prior to and during the period of erection, reconstruction, or enlargement.
- 20.21.03.08 Fees
All applications for a permit or certificate under this chapter shall be accompanied by a fee to be determined by the enforcement officer.
- 20.21.04.00 Interpretation
In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience, or the general welfare. The Plan Commission or their agent is responsible for all interpretations. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.

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- 20.21.07.08 Pending the issuance of such certificate, a temporary certificate of occupancy may be issued by the enforcement officer for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- 20.21.07.09 Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the enforcement officer.
- 20.21.07.10 If the proposed use is in conformity with the provisions of the chapter the certificate of occupancy therefore shall be issued within three (3) days after the application for it has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.
- 20.21.07.11 A record of all certificates of occupancy shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- 20.21.07.12 No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.
- 1.08.00 Review of the Zoning Ordinance. Upon adoption of these regulations the Plan Commission shall periodically review both the text of this ordinance and the accompanying maps.
- 20.21.08.01 Such periodic review shall be on a regular schedule by the Plan Commission, but not less frequently than once every two years.
- 20.21.08.02 Upon review of the text and maps the Plan Commission shall recommend all appropriate changes to the Zoning Ordinance. Such changes shall be presented to the City Council as proposed amendments to the Zoning Ordinance.
- 20.21.05 00 Reconstruction of Unsafe Walls
Nothing in this title shall prevent the reconstruction of a wall or other structural parts of a building declared unsafe by the State Fire Marshal or the Administrative Building Council of the State.
- 20.21.06.00 Amending the Zoning Map
The Plan Commission may recommend a change of zone to the Common Council if, after a public hearing, it determines that the new zone requested meets all established criteria. The fee for a change of zone application shall be established by the Plan Commission.
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- 20.21.08.00 Rules of Procedure
Upon adoption of these regulations, the Plan Commission and Board of Zoning Appeals shall review their Rules of Procedure.
- 20.21.08.01 Such review shall be on a regular schedule to assure that the administrative rules of both the Plan Commission and the Board are consistent with the intent and purpose of these regulations and state statutes. The regular review of administrative rules of procedure shall not be less frequent than once every two years.
- 20.21.09.00 Enforcement Generally
All departments, officials, and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for any use, building, or purpose if it would be in conflict with the provisions of this title. Any permit or license issued in conflict with the provisions of this title shall be null and void.
- 20.21.10.00 Violation: Proceeding to Abate
The erection, construction, enlargement, conversion, moving, or maintenance of any building or structure and the use of any land or building which is continued, operated, or main-

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ZONING ORDINANCE REVIEW

CHANGE

- 20.21.07.08 Pending the issuance of such certificate, a temporary certificate of occupancy may be issued by the enforcement officer for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use or occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- 20.21.07.09 Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the enforcement officer.
- 20.21.07.10 If the proposed use is in conformity with the provisions of the chapter the certificate of occupancy therefore shall be issued within three (3) days after the application for it has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.
- 20.21.07.11 A record of all certificates of occupancy shall be kept on file in the office of the enforcement officer, and a copy shall be forwarded on request to any person having proprietary or tenancy interest in the building or land affected.
- 20.21.07.12 No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.
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- 20.21.09.00 Enforcement Generally
All departments, officials, and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for any use, building, or purpose if it would be in conflict with the provisions of this title. Any permit or license issued in conflict with the provisions of this title shall be null and void.
- 20.21.10.00 Violations: Proceeding to Abate
The erection, construction, enlargement, conversion, moving, or maintenance of any building or structure and the use of

- 20.21.09.00 Rules of Procedure. Upon adoption of these regulations the Plan Commission and Board of Zoning Appeals shall review their Rules of Procedure.
- 20.21.09.01 Such review shall be on a regular schedule to assure that the administrative rules of both the Plan Commission and the Board are consistent with the intent and purpose of these regulations and state statutes. The regular review of administrative rules of procedure shall not be less frequent than once every two years.
- 20.21.10.00 Enforcement Generally. All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if it would be in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.
- 20.21.11.00 Violation: Proceeding to Abate. The erection, construction, enlargement, conversion, moving, or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any of the provisions of the chapter is hereby declared to be a violation of this chapter and unlawful. The city attorney shall immediately upon any such violation having been called to his attention by the enforcement officer institute injunction, abatement or any other appropriate action in his discretion to prevent, enjoin, abate, or remove such violation. Civil suit against any violator of this ordinance may also be instituted by any property owner who may be especially damaged by any violation of this chapter.
- The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- 20.21.12.00 Penalties. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this ordinance. Any person, firm, association or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provisions of this ordinance shall be subject to the same penalty as provided in Chapter 1.01.130 of the Bloomington Municipal Code; and every day of violation shall constitute a separate offense.
- 20.21.13.00 Validity. No invalidity of any part of these regulations shall affect the validity of any remaining part, it being declared that all such remaining parts would have been passed irrespective of the validity or invalidity of any part found to be invalid.

hereby declared to be a violation of this title and unlawful. The City Attorney shall immediately, upon any such violation having been called to his attention by the enforcement officer, institute injunction, abatement, or any other appropriate action in his discretion to prevent, enjoin, abate, or remove such violation. Civil suit against any violator of this ordinance may also be instituted by any property owner who may be especially damaged by any violation of this title.

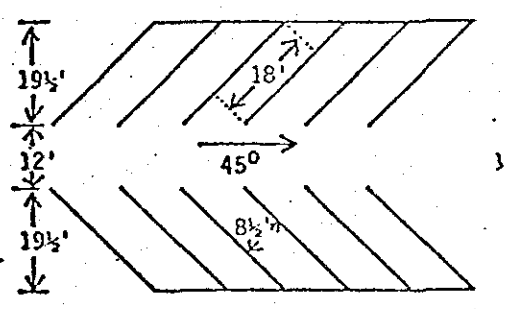
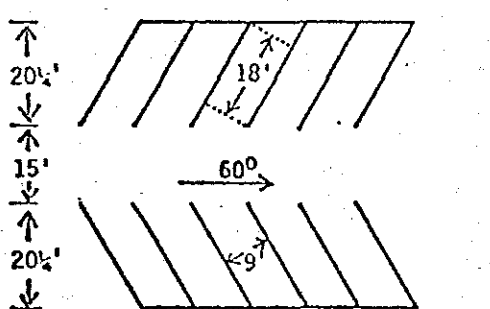
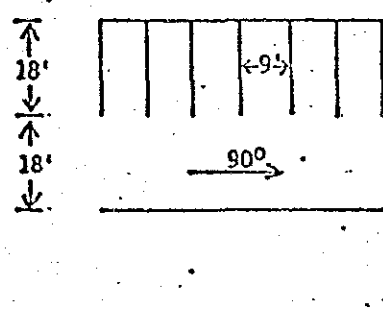
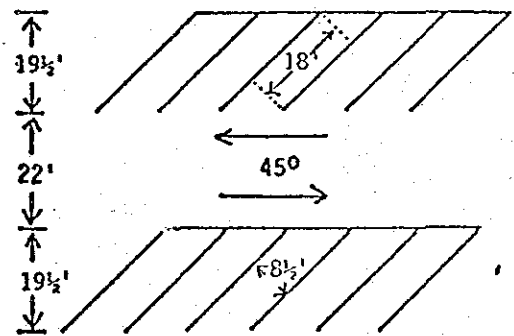
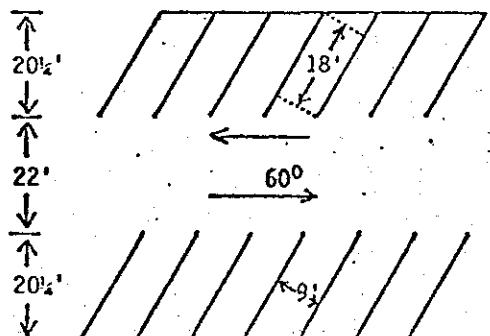
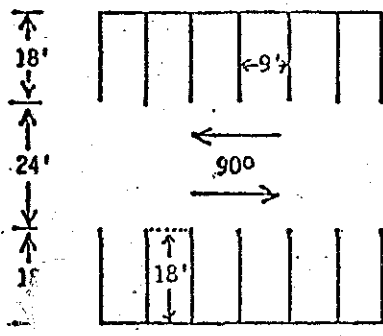
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- 20.21.12.00 Validity
No invalidity of any part of these regulations shall affect the validity of any remaining part, it being declared that all such remaining parts would have been passed irrespective of the validity or invalidity of any part found to be invalid.

TABLE OF PARKING STANDARDS

Angle of Parking	Stall Width	Length	Drive Two Way	Drive One Way
61° - 90°	9'	18'	24'	18'
46° - 60°	9'	18'	22'	15'
0 - 45°	8½'	18'	22'	12'
Parallel	8'	22'	22'	12'




SECTION 2. 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, Indiana, this 18 day of December, 1975.



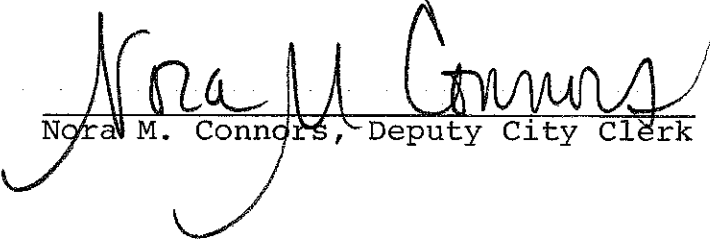
Brian E. De St. Croix, President
Bloomington Common Council

ATTEST:



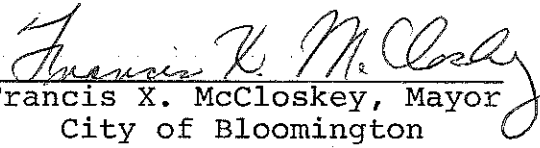
Karel Dolnick, City Clerk

Presented by me to the Mayor of the City of Bloomington, Indiana this 19 day of December, 1975.



Nora M. Connors, Deputy City Clerk

This Ordinance was approved and signed by me this 23 day of December, 1975.



Francis X. McCloskey, Mayor
City of Bloomington