

*Withdrawn, replaced
by 75-20*

An Ordinance to Amend
"The Zoning Ordinance of
the City of Bloomington, Indiana

WHEREAS, The City of Bloomington Indiana adopted on June 22, 1973 a new City Zoning Ordinance incorporated in the Bloomington Municipal Code as Title 20, and

WHEREAS, The City Planning Department which is responsible in part, for the administration of said Zoning Ordinance, has recommended to the City Plan Commission that the regulations governing the BL-Limited Business District be amended, and

WHEREAS, The City Plan Commission has duly considered said proposed amendments pursuant to the regulations contained in Section 20.05.60.10 Amendments, Procedure and the requirements of IC 18-7-5-1 et. seg. and has recommended that said proposed amendments do pass.

NOW, THEREFORE, BE IT ORDAINED BY
THE COMMON COUNCIL OF THE CITY OF
BLOOMINGTON, INDIANA.

Section 1. That the present Establishment and Purpose of Zone Section 20.05.20.01 of Title 20 of the Bloomington Municipal Code regulating the BL-Limited Business District classification be deleted in its entirety and, that the following section 20.05.20.01 be substituted therefor, to wit:

This zoning district intended to permit the lowest intensity of commercial use of all business districts in Bloomington's zoning jurisdiction. BL districts may be established adjacent to residential districts to furnish desired neighborhood convenience goods and services or in such other areas of the community where commercial facilities are clearly appropriate but limitations upon the traffic generating capacity or intensity of use is desirable. In addition to providing neighborhood services, the BL districts may be established to provide a transition between zoning districts which may otherwise be incompatible by either use or intensity. It is further the intent of the Limited Business District to be designed to have bulk and height regulations comparable to those established for residential districts of the community.

Section 2. That Chapter 20.07 Land Use Regulations be amended as follows in accordance with the instructions included in Section 20.07.02.00, to-wit:

A. That Section 20.07.05.00, the Tabular Summary of Land Use Regulation for Business be amended by adding the following permitted use in the BL Limited Business District column as indicated:

- (1) Use A. 8 Bakery add note (8).
- (2) Use A. 9 Books and Newstand add X.
- (3) Use A. 16 Florist Shop add note (9)
- (4) Use A. 18 Gift Shop add X.
- (5) Use A. 21 Jewelry add X.
- (6) Use B. 7 Business or Professional Offices- add note (9)

B. That Section 20.07.05.00, the Tabular Summary of Land Use Regulation for Business be amended by deleting or changing the following permitted uses in the BL-Limited Business District column as indicated:

(1) Use B. 4 Banks (branch) delete X

(2) Use B. 10 Eating, Drinking (not drive-in) change X to note 9.

Section 3. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington Indiana on _____ day of _____, 19 ____.

President, Common Council

ATTEST:

Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the _____ day of _____, 19 ____.

Grace Johnson, City Clerk

WITHDRAWN

ZONE PERMITTED USESEXISTINGPROPOSEDCOMMENTS

RESIDENTIAL

Apartments (3)
Home Occupations (6)

Apartments (3)
Home Occupations (6) No Change

BUSINESS-COMMERCIAL RETAIL

Apparel
Dairy Products
Drugstore Sundry (9)
Grocery & Meats (9)
Hardware (9)
Shopping Center (12)
Variety Store (9)

Apparel
Dairy Products
Drugstore Sundry (9)
Grocery & Meats (9)
Hardware (9)
Shopping Center (12)
Variety Store (9)
Bakery (8)
Books & Newstand
Florist Shop
Gift Shop
Jewelry
Business or Professional
Offices (9)

Addition of several commercial uses of low intensity. Professional offices limited to 3,000 sq. ft. as presently existing along 3rd Street added.

COMMERCIAL TRADE

Appliances
Banks
Candy Confectionary
Eating & Drinking (Not Drive-In)
Laundry & Dry Cleaning (14)
Personal Services

Appliances
Candy Confectionary
Eating & Drinking (Not Drive-In) (9)
Laundry & Dry Cleaning (14)
Personal Services

Banks deleted, eating and drinking establishments limited to 3,000 sq. ft.

(NOTES RELATED TO USE TABLE)

- (3) Permitted in upper stories of neighborhood commercial facility
- (6) Subject to regulations governing home occupations in Chapter 20.11 of this ordinance.
- (8) Retail sales of baked goods. Incidental baking of goods to be sold on premises permitted.
- (9) Limited to 3000 square feet of retail floor space.
- (12) Subject to planned commercial development regulations contained in Chapter 20.13 of these regulations.
- (14) Pick-up stations or self-service facilities.

The proposed change in the BL zone is intended to maintain the small business character of the BL zone and eliminate auto intensive uses. The additional uses added are quieter commercial uses and the additional restrictions proposed are primarily intended to limit large operations, thus the elimination of large eating establishments and banks from the BL zone will foster the use of the zone as a transition from mere intensive commercial zones to residential zones.

20.05.20.01 EXISTING

BL- Limited Business District. This business zone is established within or adjacent to residential areas to furnish neighborhood convenience goods and services. Other business compatible with allowed businesses may be permitted. It is desired that structures developed in this business zone should be designed in such a manner as to be compatible with uses and properties in the surrounding area and adjacent neighborhood areas. It is the intent that these limited shopping areas be so designed to meet regulations comparable to those established for residential districts regarding area, height, and placement of structure. BL districts established by these regulations should provide a logical grouping of convenience facilities rather than single lots for commercial purposes although some small commercial lots may be pre-existing in some neighborhoods and will be designated BL.

20.05.20.01 PROPOSED

This zoning district intended to permit the lowest intensity of commercial use of all business districts in Bloomington's zoning jurisdiction. BL districts may be established adjacent to residential districts to furnish desired neighborhood convenience goods and services or in such other areas of the community where commercial facilities are clearly appropriate but limitations upon the traffic generating capacity or intensity of use is desirable. In addition to providing neighborhood services the BL districts may be established to provide a transition between zoning districts which may otherwise be incompatible by either use or intensity. It is further the intent of the Limited Business District to be designed to have bulk and height regulations comparable to those established for residential districts of the community.

In the Council Chambers of the Municipal Building, Bloomington, Indiana on Monday April 22, 1974 at 7:30 p.m., with Clem Blume presiding.

CITY PLAN COMMISSION
CITY OF BLOOMINGTON
BLOOMINGTON, INDIANA

Members Present: Bill Sturbaum, Danna D'Esopo, Mary Pryor, Sherwin Mizell, Mary Alice Gray, Clem Blume, Tom O'Brien, Rasoul Istrabadi, Mary Alice Dunlap.
Absent: Bill Morrow, Archie Dees and Bob Snoddy.

ROLL CALL

The minutes with one amendment were approved by a unanimous vote.

MINUTES

Ms. Gray asked if a progress report would be presented in the near future on the Thoroughfare Study.

REPORTS

Mr. Crossman stated that we are behind schedule on the Study, but we are planning on arranging a work session for the Study. Most of the field work has been done, and we have arrived at some policy and objective goal setting.

Mr. Mizell asked about zoning signs to identify parcels of land that are up for rezoning.

Mr. Crossman stated that we had planned on getting the signs up, but we did not get it done.

Mr. Mizell asked about the construction going on at the K-Mart parking lot.

Mr. Crossman stated it is a gas pumping facility that K-Mart has with their store. They brought in a site plan to the Plan Department. They had two options; to isolate the gas facility and develop it. We suggested, in our opinion, that it could be a re-evaluation of their site. They agreed to place landscaping on their parking lot.

Mr. Mizell asked why it was not brought before the Plan Commission.

Mr. Crossman stated that it was a single existing structure on a single lot, and according to the Plan Commission request the staff had the authority to review that.

Mr. Mizell asked by what authority the Plan Commission evaluate the placement of gasoline storage tanks before we reviewed the site plan.

Mr. Crossman stated that all service stations prior to the site plan ordinance required the Plan Commission site review. He stated that it was in the former zoning ordinance which set site plan review for service stations.

Mr. Crossman stated that the plan is for tree plantings along the street and planting bays at the end of each parking aisle.

Mr. Mizell asked if this is sufficient landscaping.

Mr. Crossman stated it is an improvement over what is there at the present time. Since the lot was already existing, we had no authority to demand that they do anything to the existing facility and anything we could get would be an improvement.

Mr. Crossman stated that the Plan Dept. rejected K-Mart's first plan, but the third plan was accepted.

Mr. Blume suggested that the Plan Commission review the site plan ordinance.

Ms. D'Esopo asked if the Plan Commission had the authority to demand tree plantings along the street.

Mr. Mizell stated that tree plantings are to go along all public streets.

Mr. Crossman stated that the structure and the lot already existed so we could not apply the site plan ordinance retroactively to the entire K-Mart site. What we got we had to negotiate for.

Ms. Gray asked if it would be legally possible to amend the site plan ordinance.

Mr. Crossman stated that unless we have an ordinance that the city's legal staff will support, to apply present regulations retroactively to facilities that already exist, then all we can do is negotiate.

Mr. Blume suggested putting more control on what the staff can approve, as far as site plan review is concerned.

Ms. Dunlap suggested communication with the Plan Department to work this type of thing out before or after the hearings so that uninterested parties will not have to set through them.

Mr. Crossman stated there was no record existing in the City, which indicated that K-Mart agreed to landscaping and K-Mart denied that they had ever agreed to landscaping in the past.

Mr. Blume requested a report on the sign ordinance.

Mr. Crossman explained that the hearing on the sign ordinance went well, and that most people present were members of the sign industry and business owners who were concerned with their signs. He informed the Commission that as of yet, no commentaries had been received and that a two week limit had been set on the commentaries.

The Plan Commission expressed concern on the fact that more local citizens did not attend the hearing on the sign ordinance.

Mr. O'Brien recommended that all candidates be notified about hanging posters on trees and light posts and that all posters be taken down right after the primary election.

RECOMMENDATIONS

Mr. Richardson stated that there is an ordinance which prohibits tacking posters to trees and light posts.

CU-7-74. Conditional use approved contingent upon site plan review. A bath and racquet club.

Mr. Clendening illustrated the site plan to the Commission informing them that the petitioner did intend to place sidewalks around the perimeter of the property.

Discussion followed concerning the traffic flow that would be created by the club.

Mr. Sturbaum stated that traffic flow is usually a general objection to any development, and asked if the Plan Commission would have the power to close the club if a great traffic problem developed.

Mr. Crossman stated that we are discussing specifically the conditions under which the conditional use was permitted, one condition being a resolution to the traffic problem. He stated that the traffic count for this addition was lower than normal.

Mr. Crossman stated that the conditional use permit was approved with the exceptions of 1) that the lights in the parking lot be of low profile, mushroom type not to exceed three (3) ft., 2) to provide that all curb parking on Longview be restricted, The Traffic Engineer recommends that it is not the purview of the developer to restrict parking on what is presently a public street.

A member of the audience stated her concern over the traffic hazard this club could cause.

Mr. Sturbaum made a motion that the present site plan be excepted with the conditions that Longview, if it should be the access, and should cause a traffic problem, the developer will close the access and divert it to Kingston at the time the additional building permit is applied for.

Mr. O'Brien seconded the motion.

Ms. D'Esopo stated that with this motion the Plan Commission would have to wait until the second building permit was issued and the problem would not be able to be corrected sooner.

The motion failed by a 5-3 vote. Sturbaum-yes, D'Esopo-no, Pryor-no, Mizell-no, Gray-no, Blume-yes, O'Brien-yes, Istrabadi-no, Dunlap-yes.

Mr. Istrabadi made a motion that the site plan be accepted with the condition that the entrance be on Kingston instead of Longview.

Mr. Mizell seconded the motion.

The motion was then approved by a unanimous vote.

The Plan Commission decided by a unanimous vote to place the amendments to the Historic Preservation ordinance to the end of the meeting.

AMENDMENTS TO THE BL ZONE

Mr. Crossman read the amendments of the BL to the Plan Commission.

Mr. Sturbaum made a motion that the amendments be accepted as proposed.

Ms. Pryor seconded the motion.

The motion was then accepted by a unanimous vote.

AMENDMENTS TO CONDITIONAL USE

After the reading of the amendments to the conditional use Ms. Dunlap made a motion that the amendments be accepted.

Mr. Istrabadi seconded the motion.

The motion was approved by a unanimous vote.

Z0-5-74. A request for a change of zone from RS to BA on Arlington Road.

Z0-5-74

Mr. Crossman stated that this is an addition to the Agenda, and that this case was postponed from a previous hearing upon the applicant's request. He stated that the use and zoning requested was generally compatible. He stated that the main concern was the providing of sewers to this facility.

Mr. Riggins described the property to the Plan Commission. He stated that Mr. Cowden wanted to build an 80 x 80 metal building on his property for storage and repair of his trucks.

Mr. Mizell stated that this is a pre-existing nonconforming use and that the Plan Commission is not in the practice of allowing building without sewage.

Mr. Riggins stated that bath facilities exist in the present office building.

Mr. Sturbaum made a motion that Z0-5-74 be granted.

Ms. Pryor seconded the motion.

The motion was approved by a 8-1 vote. Sherwin Mizell voting against the case.

Z0-9-74.

Z0-9-74

A request for a change of zone from RM to BL for property located on W. Kirkwood.

Mr. Crossman stated that the present structure has contained originally three commercial uses. One of the three businesses went out and the request is for a floral shop to go into this site.

Ms. Pryor stated that the Westside PAC approved this request.

Ms. Pryor made a motion that Z0-9-74 be approved.

Mr. O'Brien seconded the motion.

The motion that Z0-9-74 be approved was passed by a unanimous vote.

Z0-10-74. Request for evaluation of BA for property presently zoned RH located on Gourley Pk. immediately S. of Ind. 46 bypass inbound on the South and West by Gourley Pike. An alternative request included for amendments to § 20.07.09.01 BMC and the addition of sec. 20.11.60 to the Bloomington Municipal Code specifying appropriate restoration for funeral service uses.

Mr. John Baker, representing the petitioner, stated that the first request was that the area be considered for BA zoning and the second request was for amendment so that this will be permitted. Gourley Pk, and the by-pass cause limited access and the traffic in this area would be at limited times and under controlled circumstances.

Mr. Crossman stated that any decision made on a conditional use for this property will be contingent upon the Common Councils decision.

Mr. Mizell made a motion that Z0-10-74 be approved as a conditional use.

Ms. D'Esopo seconded the motion.

Mr. Mizell added that this case be subject to site plan coming back to the Plan Commission.

Ms. D 'Esopo then accepted the amendment.

The motion was approved by a unanimous vote.

Z0-11-74. A request for rezoning of property located at 800 and 804 S. Rogers Street from RS to BL.

Mr. Crossman explained that the question is whether the original zoning of this property was a mistake. The staff report indicates that this was a mistake. It was discovered that all properties to the South on Rogers is being used for residential purposes and the properties to the East are of a commercial nature and the properties on the West of Rogers are residential in nature.

Ms. Mink, the petitioner, explained that her property is located in Hillcrest Additon, and that she felt

her zoning of the property is wrong.

Mr. Jim Davis, speaking for his mother who is an adjacent property owner, spoke in opposition to the request rezoning.

Ms. Mink stated she was not notified when her property was rezoned to RS.

Mr. Crossman stated that the public was notified by newspaper, radio and television.

Ms. Gray made a motion that this case be denied.

Mr. Mizell seconded the motion.

The motion was approved by a 6-3 vote. Blume-no, Istrabadi-no, Dunlap-no, (other members voting in favor of the petition).

Mr. Mizell made a motion that the Planning Staff be instructed to make a petition and notify property owners, with consideration being that W. of Rogers St. now zoned BL be rezoned RS and that as much of the property East of Rogers in BL zone also be zoned either RS or RM.

Ms. Gray seconded the motion.

The motion was approved by a unanimous vote.

HISTORICAL PRESERVATION

Mr. O'Brien made a motion that 20.09.05.03 and 20.09.04.01 be accepted.

Mr. Richardson offered two other possible amendments, 1) 20.09.03.00 the procedure for establishment of historical preservation and practices 20.09.04.00, establishment of a study committee change in 20.09.03.00 establishes provided in section 20.09.04.00 changes to read districts, instead of district.

Mr. Richardson stated that our city is one of the first in the state to develop a study committee for historic preservation, and therefore we can expect to receive help with this.

Mr. O'Brien made a motion to accept amendments 20.09.05.03 and 20.09.04.01 for changes in the body of this historical preservation ordinance 20.09.03.00 title of section 20.09.04.00 and line 9 and 4 of 20.09.03.00

Mr. Istrabadi seconded the motion.

Mr. Mizell made a motion that the motion to be amended that the question be divided, be considered in series.

Mr. O'Brien withdrew his motion.

Mr. O'Brien then made a motion that 20.09.05.03 be amended to 20.09.05.03 be accepted.

The motion was approved by a unanimous vote.

Mr. Mizell made a motion that 20.09.04.01 be amended to include after representative of Monroe County Historical Society one member shall be a representative of the Council of Neighborhood Organizations.

Mr. O'Brien seconded the motion.

The motion was approved by a 6-2 vote.
Sturbaum-no, Blume-no.

A motion was then made that the changes be approved.

The motion was accepted by Mr. O'Brien.

The motion was approved by a unanimous vote.

Mr. Mizell made a motion that the Plan Commissions resolution include 20.09 be approved as amended.

Mr. O'Brien seconded the motion.

The motion was approved by a unanimous vote.

The meeting was then adjourned.

WITHDRAWN

May 16, 1974

74-36

Dear Member of the City Council:

Although the Parkridge Association (which encompasses both Parkridge and Parkridge East additions) understands the need felt by Mr. Crossman, of the Planning Department and the Planning Commission to upgrade the definition of the B2 "Limited Business" zone so that it will conform with properties already under that zone, the Parkridge Association disagrees with the vague wording in the proposed ordinance and the allowing of the additions of the bakery, florist shop and professional and business offices to that zone. These businesses generate a great deal of traffic.

We would also like to see the thoroughfare study completed before zoning definitions are changed so radically; especially since, this ordinance won't be a year old until June 22. But since this proposed ordinance is before you, may we point out our objections step by step.

In the proposed ordinance, where the new section describes what would be substituted for the original we feel the wording is very vague in the following sections:

1. Sentence two from: "and services or in such other areas of the community where commercial facilities are clearly appropriate but limitations on the traffic generating capacity or intensity of use is desirable.
2. Sentence three "In addition to providing neighborhood services, the B2 districts may be established to provide transition between zoning districts which may otherwise be incompatible by either use or intensity.

The Parkridge Association can also see where those two sentences can again start the spot type of zoning the Comprehensive Zoning Ordinance was designed to stop.

If you accept sentence two of the proposed ordinance, then you must also limit the traffic that could be generated from the B2 zone. Because the traffic could easily be in some residential areas with the acceptance of sentence three.

According to 20:14:02:00 Table of Required Parking (floral shops, bakeries and business and professional offices which we assume would include doctors and dentist offices) supposedly generate 8.0 parking spaces per 1000 sq. ft. This of course doesn't tell us often there are different cars within an hour using those spaces.

The doctors and dentist offices in a B2 zone that aren't on an arterial thoroughfare should not be allowed just on the basis that it creates a hazard to children and adults in the area who walk, ride or play near those offices.

The Parkridge Association would like you to restate sentences 4 and 6 of the original B2 zoning ordinance under 20:05:20:01. They are:

1. Sentence 4 "It is desired that the structures developed in this business zone should be designed in such a manner as to be compatible with uses and properties in the surrounding area and the adjacent neighborhood areas."
2. Sentence 6 "B2 districts established by these regulations should provide a logical grouping of convenience facilities rather than a single dots for commercial purposes although some small commercial dots may be preexisting in some neighborhoods and will be designated B2."

Thank you for listening.

Sincerely,
Roma Jensen
Secretary of the Parkridge Association

ZO-16-74. Consideration of BL-Limited Business zoning classification for the area of South Rogers Street.

ZO-16-74

Mr. Reller explained that the Plan Commission and Plan Department decided to examine this area when a request for rezoning was denied last month.

Mr. Crossman explained that this is on the Agenda so that a study can be prepared for the final hearing. He stated it has been properly advertised and that all adjacent property owners will be notified before the final hearing.

Mr. Morrow made a motion that property owners within and adjoining the BL zone be notified of the consideration for rezoning.

Ms. Gray seconded the motion.

The motion was approved by a unanimous vote.

Ms. Gray made a motion that the consideration of the BL zone be placed on the Agenda.

Ms. D'Esopo seconded the motion.

The motion was approved by a unanimous vote.

The meeting was then adjourned.

WITHDRAWN