

Repealed

ORDINANCE OF THE CITY OF BLOOMINGTON
COUNTY OF MONROE, STATE OF INDIANA

ORDINANCE NO. 73-85

AN ORDINANCE TO AMEND THE BLOOMINGTON
ZONING MAPS, DATED JUNE 22, 1973

WHEREAS, the Common Council of the City of Bloomington, Indiana passed a zoning ordinance amendment and adopted new incorporated zoning maps on June 21, 1973, and

WHEREAS, said zoning ordinance and maps are now incorporated in the "Bloomington Municipal Code" as Title 20 of said Code, and

WHEREAS, the City Plan Commission has recommended said Bloomington Zoning Maps be amended by the rezoning of certain property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, UNDER AUTHORITY OF CHAPTER 174 OF THE 1947 ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO:

SECTION 1. That the incorporated map number 9, of June 22, 1973, be amended to require the following described land in the two-mile fringe unincorporated area which is contiguous to the City of Bloomington which is under the jurisdiction of the City Plan Commission and the Common Council from its present RS-Single Dwelling Residential District to an RH-High Density Multi-dwelling zoning classification;

to wit: The East one-half of the Southeast quarter of the Northwest quarter of Section Thirty-five (35), Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, EXCEPTING THEREFROM the following described real estate, to wit: Beginning at the Southwest corner of the East one-half of the Southeast quarter of the Northwest quarter of said Section Thirty-five (35), running thence North Three Hundred Ninety-six (396) feet, thence East Two Hundred Twenty- (220) feet, thence South Three Hundred Ninety- six (396) feet, thence West Two Hundred twenty (220) feet to the place of beginning. Containing 18 acres, more or less.

SECTION 2. 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

This ordinance approved and signed by me on the _____
day of _____, 19____, at the hour of _____
o'clock _____ m.

Francis X. McCloskey, Mayor
City of Bloomington, Indiana

ATTEST:

Grace Johnson, City Clerk

Re: Ordinance 73-85

REZONING REQUEST INFO

The following points should be considered in a rezoning request, (Although all of these points will not be appropriate for any single request).

1. What does the master plan show for the area? Is current zoning in accordance with plan? Is proposed amendment in accordance with plan?

The 1970 Johnson Johnson and Roy Master Plan calls for the subject property to be used as a Research and Development area related to Indiana University. The current zoning (RS-Single Dwelling Residential District) is not in accordance with the 1970 JJ and R plan. The proposed change of zone for the subject is RH-High Density Residential District. The requested zoning is not in compliance with the plan. Note: For budgetary reasons alone it is extremely doubtful that Indiana University could acquire this or adjacent lands for the development of a Research Center and it is the opinion of the staff that the concept of such a Center has outlived its usefulness.

2. Is surrounding zoning (and land use) compatible with proposed change.

A) Zoning: Yes. The twenty acres to the West of the subject property is zoned RH. Additionally the Daisy Garden Farm, which is South of the subject property containing 38 acres is zoned RH, RL and BL. The land to the East is zoned RE and RS and it is the staff's recommendation to change this request and provide the zoning pattern in this area. B) Land Use: Yes. See Answers to Land Use Question. Submitted by the Grandview Hills Neighborhood Association.

3. Is the area developed with non-conforming uses and would the change requested make the area more conforming?

The area does not have a problem with non-conforming uses and if granted or denied, this petition will not effect the non-conforming use issue.

4. Is the original or existing zoning a mistake from the beginning?

Yes. It is impractical to think that a single family subdivision could be built on 18 acres. Given the minimum size lot prescribed in the ordinance, the 18 acres would only produce 108 small lots adjacent to a 16 du/acre apartment site, such lots would not seem to be saleable given the tightness of money and the availability of larger lots elsewhere in town. The most practical use of the land seems to be a combination of multi-dwelling use.

5. Does the existing zoning prohibit the owner from practical use of his land? Note: This test only determines the reasonableness of present zoning, not the merit of the requested change.

Yes. As stated above with small lot development no "screening" high developmental costs an 18 acre subdivision site is impractical today. The smallest single family subdivision platted during the staff's time here has been 40 acres, Southampton Phases I, II, and III. It is the staff's opinion that in all but the rarest occasions, such as the seven acre tract North of Arden Place which is landlocked, the developmental costs outweigh the possible benefit or return from investment.

- 6. Has there been a change of conditions since the establishment of the existing zone? In such a case any requested change in zone must be based upon a benefit to public health, safety, and welfare not upon economic expediency.

Yes. But note carefully that land was not zoned in the 1973 Zoning Ordinance, because of the outstanding litigation of the 1972 change of zone, Z-28-72. Since the passage of Z-28-72, East Tenth Street has been resurfaced which effects the capacity of that arterial. (See Traffic Study, Z0-37-73).

7. What is the amount and quality of currently zoned land available for the proposed use in the area?

16 acres RL and 18.7 acres RH have been available for a number of years however no development is pending presumably because of the owners failure to satisfactorily solve the problem of street extension and rail crossing.

8. What, if any, are alternative potential uses for the property?

As addressed before briefly the alternative uses must be rejected for the following reasons:

- 1) RS development: such a non return from cost as to make this type of development impractical.
- 2) Commercial. There is too much commercial development to the East presently to allow a Residential corridor to be broken by commercial usages.
- 3) Research Park. Neither IU or any private agency has the money and the 18 acres site provides insufficient land.
- 4) PUD's-The mixture of use requirement makes small (under 40 acres) site PUDs impractical.

REZONING REQUEST INFO

Proposed zoning changes should be evaluated with regard to its community impact.

1. Are there any additional problems which the rezoning proposal will create upon existing streets and utilities and can these problems be satisfactorily solved?

Yes. Both sewer and street structures will be affected but according to the staff's traffic study and utility departments. These problems are within the capacities of these structures. (See: Traffic Study and Utilities Report)

3. What effect could the proposed rezoning have upon the existing development pattern?

The proposed change would end multi-dwelling development along East Tenth Street and fill out the development to the Griffy Creek ravine which is an excellent natural boundary for multi-dwelling districts providing both screening for adjacent lands and a line of defense for Single Dwelling property owners to resist rezonings to the East of the ravine.

4. Is the boundary of the proposed change the most natural permanent boundary?

Yes. There is a 5 acre tract lying between the subject property and the Griffy Creek ravine. The staff has serious doubts as to the developability of this tract because of the Special Conservancy zone regulations S20.15 and steep slope restrictions S20.16 of the Zoning Ordinance. Our best estimate of the developability of this 5 acre area are that only 40% or 2 acres are developable.

5. What is the effect of the proposed change upon the development pattern of the community?

As stated above the development pattern of buffering of intense uses, here SR 46 Bypass and University School, from less intense use RS development to the East of the subject property would be fulfilled with this change of zone. This type of buffering has been applied fairly uniformly throughout the City with the 1973 Zoning Ordinance and if the staff's recommendation is accepted herein that pattern will be observed on East Tenth Street.

6. Will the proposed change stimulate additional rezoning requests in the area?

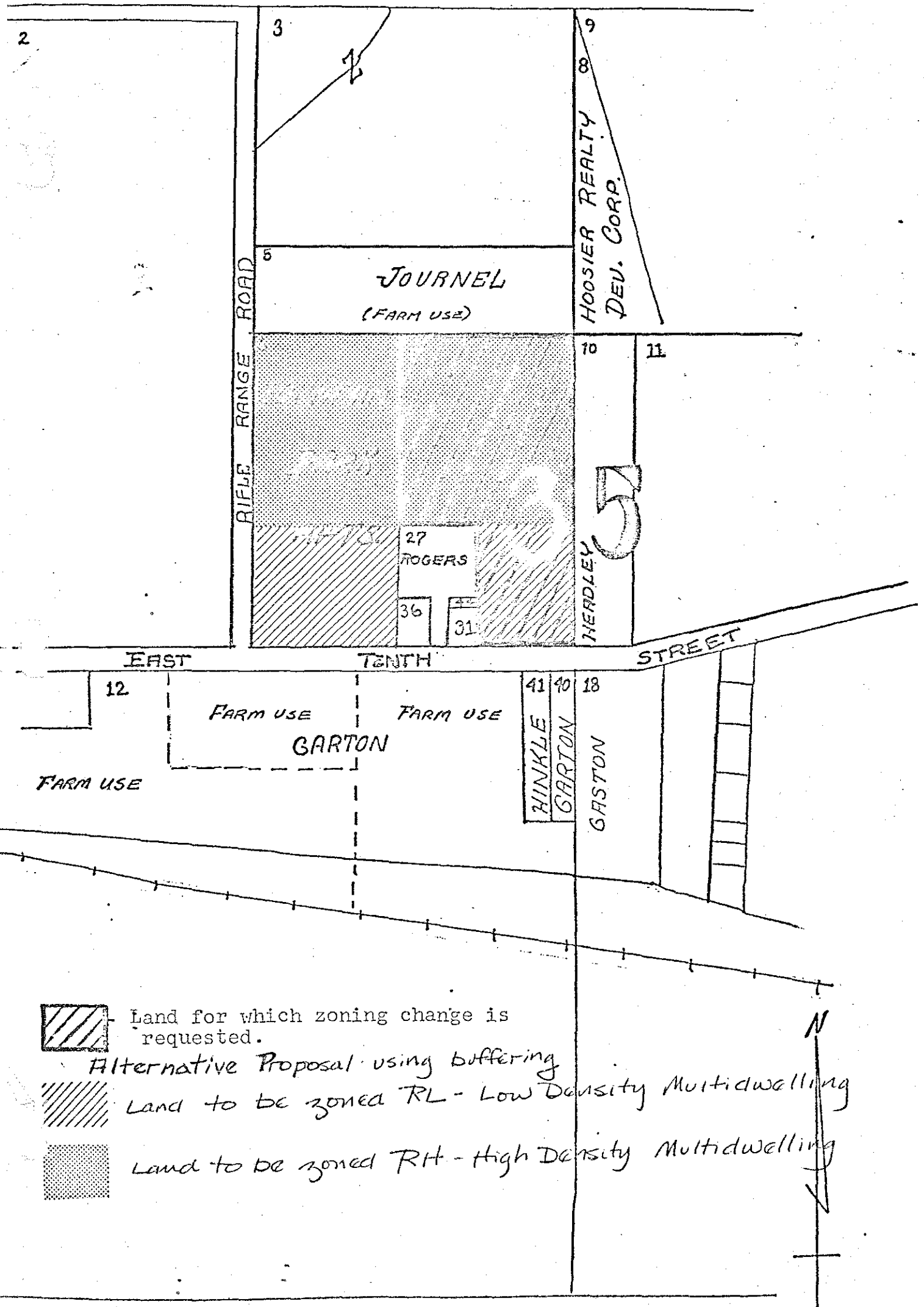
No. There are no adjacent lands which are developable (I.U. to the North and the 5 acre tract to the East) which are not already in the multi-dwelling category. The ravine is a fine buffer for the lands on to the East and the Russel Road area causing the development of these lands to be more compatible with Eastern Heights, Grandview Hills and on the platted Staats addition.

Z0-31-73

Jay Ellis	yea
Danna D'Esopo	nay
Mary Pryor	nay
Sherwin Mizell	nay
Clem Blume	yea
Mary Alice Gray	nay
J. Register	yea
Rasoul Istrabadi	yea
Mary Brown	nay
Bill Morrow	yea
Archie Dees	yea

Approved on a 6-5 vote.

the office of the Auditor of Monroe County, Indiana, with zoning information from the office of the City Engineer of Bloomington, Indiana showing adjacent landowners, area streets, land usage and general plat information:



"EXHIBIT B"