

THE COMMON COUNCIL

City of Bloomington, Indiana

ORDINANCE NO. 11, 1954

AN ORDINANCE AMENDING Ordinance No. 6, 1950, entitled "An Ordinance Classifying, Regulating and Restricting the Location, Height, Area, Bulk and Use of Buildings and Structures and the Use of Land in the City of Bloomington, Indiana, and for said Purposes Dividing the City into Districts", by permitting the Location of Churches and Religious Meeting Houses in R1 One-Family Zones, by Amending the Regulations in said Ordinance with reference to Zoning Appeals, and by Amending the Amount of the required Filing Fees.

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

Section 1. That the said Ordinance No. 6, 1950, known by its short title as "The City of Bloomington, Indiana, Zoning Ordinance" be amended as follows:

By inserting in SECTION 113, R1 One-Family Zone, under sub-section A. Permitted Uses, after "1. ONE-FAMILY DETACHED DWELLING" the following :

"1A. CHURCHES AND RELIGIOUS MEETING HOUSES."

Section 2. That the said Ordinance No. 6, 1950, be further amended by amending the second paragraph of SECTION 128, Organization, to read as follows:

"Meetings of the Board shall be held on call of the Chairman and at such other times as the Board may determine. The Board shall hear all petitions addressed to it in public meeting. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses."

Section 3. That the said Ordinance No. 6, 1950, be further amended by amending SECTION 129, Powers of the Board of Zoning Appeals, to read as follows:

"SECTION 129. Powers and Duties; Exercising of Jurisdiction.

A. The powers and duties of the Board of Zoning Appeals shall be:

1. To hear and determine appeals from and review any order, requirement, decision or determination made by an administrative official or board charged with the enforcement of any regulations or restrictions set forth in this ordinance.

2. To permit and authorize exceptions in particular situations specified in this ordinance.

3. To hear and decide special exceptions to the terms of this ordinance upon which the Board is required to act under this ordinance.

4. To authorize upon appeal in certain cases such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be preserved and substantial justice done; but in no case shall the Board have the power to grant a change in use.

In exercising its powers the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its

opinion ought to be done in the premises, and to that end shall have all the powers of the officer or board from which the appeal is taken.

B. In the matter of granting exceptions the Board shall not assume jurisdiction unless it first finds in each individual case that the following conditions are present:

1. That the use or value of the area adjacent to the property to which the exception is to apply will not be adversely affected.

2. That the exception is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare.

C. In the matter of granting variances from the strict application of the physical requirements and provisions of this ordinance the Board shall not assume jurisdiction unless it first finds that the following conditions are present:

1. That the use or value of the area adjacent to the property included in the proposed variance will not be adversely affected.

2. That the variance desired arises from some condition which is not ordinarily found in the same zone, such as exceptional narrowness, shallowness, or shape of lot, or exceptional topographical or other conditions.

3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

4. That the variance is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare; but in no case shall the Board have the power to grant a change in use."

Section 4. That the said Ordinance No. 6, 1950, be further amended by amending SECTION 131. Filing Fees. to read as follows:

"SECTION 131. Filing Fees.

Any petition to the Board of Zoning Appeals for appeal, special exception or variance shall be accompanied by a filing fee of five dollars (\$5.00), and any petition to the Common Council, except by the Commission, shall be accompanied by a filing fee of twenty-five dollars (\$25.00), said fees to be deposited with the City Clerk-Treasurer and no part of which shall be returnable to the petitioner."

Section 5. This ordinance shall be in full force and effect from and after its passage and approval by the mayor, and publication as required by law.

S/ Emmett Kelly
EMMETT KELLY, Presiding Officer

ATTEST:

S/Esther F. Leavitt
City Clerk-Treasurer
Clerk of the Common Council of the City of Bloomington, Indiana

Presented by me to the Mayor of the City of Bloomington on the 17th day of August, 1954, at the hour of 8:15 o'clock P.M.

S/Esther F. Leavitt, City Clerk-Treas.

This ordinance approved and signed by me on the 17th day of August, 1954 at the hour of 8:15 o'clock P.M.

S/Emmett Kelly, Mayor

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