

ORDINANCE 21-16
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Corrections Set Forth in BMC 20.02

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019 the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020 the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, the Plan Commission certified this proposed ordinance to the Common Council with a favorable recommendation on March 22, 2021, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth; and

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-02-21, (“Attachment A”)
2. Any Council amendments thereto (“Attachment B”)

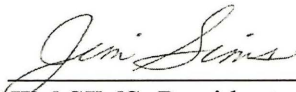
SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.


SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of April, 2021.




JIM SIMS, President
Bloomington Common Council

ATTEST:



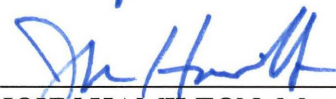
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of April, 2021.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 23rd day of April, 2021.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This petition clarifies a regulation in the new UDO related to the setback requirement in the Mixed-Use Downtown zoning district.

Distributed to Clerk, Council Attorney, Legal, Mayor, and Planning and Transportation Department.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 21-16 is a true and complete copy of Plan Commission Case Number ZO-02-21 which was given a recommendation of approval by a vote of 9 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 8, 2021.

Scott Robinson

Date: March 22, 2021

Scott Robinson, Secretary
Plan Commission

Received by the Common Council Office this 22nd day of March, 2021.

N. Bolden

Nicole Bolden, City Clerk

Appropriation Ordinance # _____	Fiscal Impact Statement Ordinance # _____	Resolution # _____
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Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative Change
Zoning Change	Investments	Short-Term Borrowing
New Fees	Annexation	Other

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____	Emergency _____
Unforeseen Need _____	Other _____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	\$ _____	\$ _____
Revenue Expected for Rest of year	\$ _____	\$ _____
Appropriations to Date	\$ _____	\$ _____
Unappropriated Balance	\$ _____	\$ _____
Effect of Proposed Legislation (+/-)	\$ _____	\$ _____
Projected Balance	\$ _____	\$ _____

Signature of Controller

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues?

Yes _____ No XX

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

Approval of case ZO-02-21 amends Chapter 2 of the 2020 Unified Development Ordinance (UDO), by adding text to clarify standards, by the Bloomington Plan Commission. This ordinance is in accordance with Indiana Code 36-7-4-600.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary.)

(4) **Primary Building Roof Design**

(A) All primary buildings shall incorporate the roof shapes shown in the following table:

Table 02-25: Primary Building Roof Design

Character Area	Roof Shape Permitted
CS, DC	Flat roofs with parapets.
UV	Kirkwood Corridor: Flat roofs with parapets. Restaurant Row: Sloped or pitched gable and/or hip roofs.
DE	Sloped or pitched gable and/or hip roofs; except that primary buildings facing Rogers, Walnut, Third, or Washington Streets or College Avenue may incorporate flat roofs with parapets. Each section of a sloped or pitched roof with a roof ridge greater than 40 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.
DG, ST	Each section of a sloped or pitched roof with a roof ridge greater than 65 feet in width parallel to a street shall incorporate at least one dormer into that section of the roof.

- (B) Where roofs with parapets are permitted, the parapet height shall not exceed 15 percent of the supporting wall height.
- (C) Where sloped roofs are permitted, the roof shall have at least an 8:12 pitch.

(5) **Upper Floor Façade Stepbacks**

All primary buildings shall comply with the following standards for upper floor stepbacks:

- (A) The first three stories of building façade in the DC character area, and the first two stories in the DG and ST character areas shall comply with the build-to range in Section 20.02.010 (Dimension Standards).
- (B) Portions of the building façade facing the street above three stories in the DC character area, and portions of the building façade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.

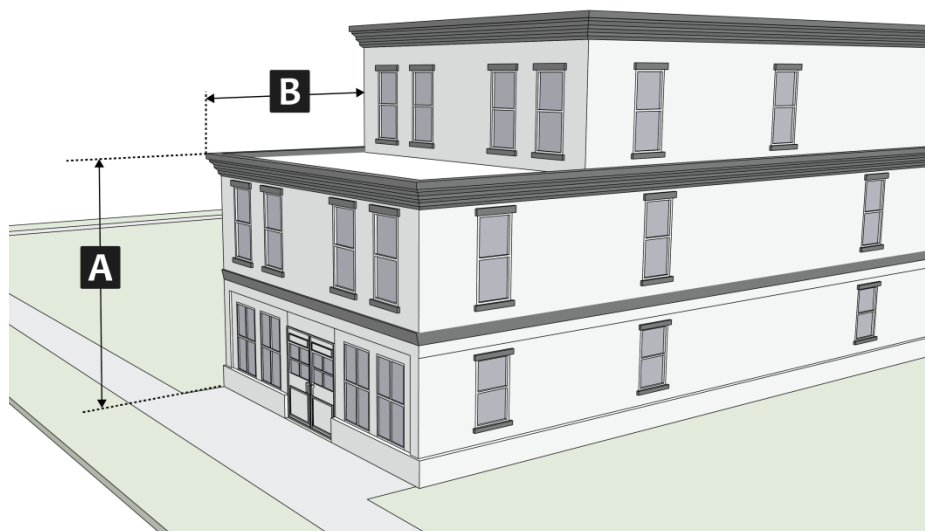


Figure 47: Upper Floor Façade Stepbacks