

(passed 9-0)

ORDINANCE 04-28

TO AMEND THE TEXT OF TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ZONING"

(Revising the Definitions Along with the Permitted and Conditional Use Allowances for Hospitals and Outpatient Care Facilities)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, the Plan Commission has considered ZO-19-04, which would amend the text of Title 20 in order change the definitions and use allowances concerning hospitals and outpatient care facilities. The Plan Commission thereby requests that the Common Council consider this petition;

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

SECTION 1. Section 20.02.01.00 of the Bloomington Municipal Code entitled "General Definitions" shall be amended such that the references to "Hospital" and "Outpatient Care Facility" read as follows:

Hospital. "Hospital" means an acute care healthcare establishment providing accommodations, facilities and services on a continuous twenty-four hour basis with overnight (meaning between 12:00am and 5:00am) beds and services for persons suffering from illness, injury or conditions requiring medical services. Hospitals shall not include convalescent, nursing or rest homes.

Outpatient Care Facility. "Outpatient Care Facility" means a facility licensed as an ambulatory outpatient surgery center by the State of Indiana, as defined by Indiana Code 16-18-2-14, that does not provide for patient stays of longer than 24 hours.

SECTION 2. Section 20.07.13.00 of the Bloomington Municipal Code regarding "Permitted Uses" in the BUSINESS PARK (BP) District shall be amended to delete "Hospitals" as a permitted use.

SECTION 3. Section 20.07.14.02 of the Bloomington Municipal Code regarding the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District shall be amended as follows:

A. Part (a) entitled "Purpose." shall be amended to read as follows:

(a) Acknowledging the special nature of the services provided by Bloomington Hospital, the M district provides for the location and regulation of this hospital use and other medical uses appropriate to a hospital vicinity.

Bloomington Hospital is and historically has been a non-profit entity providing medical care and related services to the entire community regardless of ability to pay. Because of the importance of such care and services to the well-being of the community, the M District is intended to encourage the continuation of such services by permitting Bloomington Hospital to meet its long-term space utilization needs while ensuring protection of surrounding residents from any negative impacts to public health, safety or welfare. Proposals for new or expanded medical facilities in this District should be scrutinized in recognition of the community interest in ensuring the continued provision of needed services to all residents regardless of means. Such scrutiny should include examination of the impact on public health needs, which should include consideration of any impact on Bloomington Hospital so long as Bloomington Hospital continues to provide its current level of community service.

B. Part (b) entitled "Permitted Uses" shall be amended by striking both "Hospitals" and "Outpatient Care Facilities" as permitted uses in the district.

C. Part (c) entitled "Conditional Uses" shall be amended to add "Hospitals" and "Outpatient Care Facilities" as conditional uses in the district.

SECTION 4. Section 20.07.16.01 entitled "Summary of District Uses (Table 7-1)" shall be amended to reflect the above changes to permitted and conditional uses within the Business Park and Medical Zoning Districts.

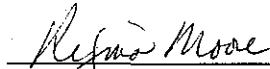
SECTION 5. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of OCTOBER, 2004.

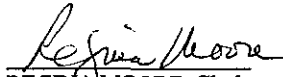

MIKE DIEKHOFF, President
Bloomington Common Council

ATTEST:



REGINA MOORE, Clerk
City of Bloomington

ATTEST:

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of OCTOBER, 2004.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of OCTOBER, 2004.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 20 of the Bloomington Municipal Code to clarify definitions concerning hospitals and outpatient care facilities. In addition, the ordinance changes the permitted and conditional use allowances for these facilities within both the Business Park and Medical Zoning Districts.

Note: On October 6, 2004 the Council passed Am 01 which corrected the syntax in Part A. of Section 3. Pursuant to I.C. 36-7-4-607(e) this amendment along with a written statement of the reasons for it must be forwarded to the Plan Commission for consideration.

Signed copies to:
legal (5) planning dept. clerk Binc file
controller Bloomington Hospital file CA/CA(2)

*** Amendment Form ***

Ordinance #: 04-28
Amendment #: 01
Submitted By: Council Office (After Consultation with the Planning and Legal Departments)
Date: September 29, 2004

Proposed Amendment:

1. Part A of Section 3 of the ordinance, which amends Section 20.07.14.02 of the Bloomington Municipal Code, regarding the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District shall be amended in the following manner:

The first paragraph in (a) shall be amended by striking the word "hospitals" as it appears in the first line and converting the word "uses" from plural to singular as it appears after the word "hospital" in the third line, so that the first paragraph reads as follows:

- (a) Acknowledging the special nature of the services provided by Bloomington Hospital, the M district provides for the location and regulation of this hospital use and other medical uses appropriate to a hospital vicinity.

Synopsis

This amendment is intended to be minor and merely correct the syntax in the opening paragraph of Part (b) of Section 20.07.14.02, which concerns the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District. The changes, in particular, remove the word "hospital" from the first line and convert the words "hospital uses" from the plural to singular form in the third line.

Note: Since this amendment would change the recommendation of the Plan Commission regarding the text of the City's zoning ordinance, I.C. 367-4-607(e) requires that the Council send the change to the Plan Commission with a written statement of reasons for its action. The synopsis is intended to serve as the required "written statement of reasons" for the change. If adopted, this amendment would then be forwarded to the Plan Commission, which would then have the opportunity to adopt, reject, or fail to act upon it. If, as expected, the Plan Commission adopts this amendment, it would go into effect immediately upon the filing of a report of the Commission to the Council regarding this action.

9/29/04 Committee Action: Do Pass 8 - 0 (Absent: Rollo)
10/6/04 Regular Session Action: Adopt 9 - 0
Adopted

October 1, 2004