



Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

None

Material Related to Action at Organizational Meeting:

List of Council Positions - Officers, Appointments, and Assignments for 2004
List of Council Positions - Officers, Appointments, and Assignments for 2005 (*blank*)
List of Interview Committee Assignments 2004 (*typically kept for the entire term*)
Council Member Seating Chart for 2002, 2003, 2004, and 2005 (*blank*)

Legislation for Introduction and Discussion on Monday, January 3rd, 2005:

App Ord 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget)

- Memo from Susan Clark, Controller

Contact: Susan Clark at 349-3416 or clarks@bloomington.in.gov

Ord 05-01 To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; To Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and

Arterial Commercial (CA) Zoning Districts; And, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), And Downtown Commercial (CD) Zoning Districts

- Memo from Tom Micuda, Director of Planning; Annotated Excerpts from Title 20 “Zoning;” Letters to the Plan Commission from the Mayor, Chamber of Commerce, and Jim Murphy; Maps of Commercial Districts within the City’s Central North/South Corridor

Contact: Tom Micuda at 349-3459 or micudat@bloomington.in.gov

Tricia Bernens at 349-355 or bernenst@bloomington.in.gov

Ord 05-02 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

- See Memo from Tom Micuda, Director of Planning, under Ord 05-01 for an explanation of the Demolition Delay Provisions

Contact: Tricia Bernens at 349-3556 or bernenst@bloomington.in.gov

Ord 05-03 To Amend the Ordinance which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) - Re: Positions in the Animal Control Division, Mayor’s Office, and Planning Department

- Memo from Daniel Grundmann, Director of Employee Services

Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov

Minutes from Special Session:

November 10, 2004

Memo

Chair of Meeting: Banach

**Organizational Meeting and Committee of the Whole on
Monday, January 3rd at 7:30 p.m.**

The Council will hold an Organizational Meeting followed by a Committee of the Whole on Monday, January 3rd, 2005.

Organizational Meeting. Statute requires that the Council meet for an Organizational Meeting on the first Monday in January. The Council uses this occasion to elect officers – President, Vice President, and a Parliamentarian. Traditionally we have also used this meeting as an opportunity for the newly-elected President to assign seats for council members and for the Council to make appointments of council members to various boards and commissions. The new

President may also announce some assignments to Council committees. Please see the attached sheets for:

- Council Officers, Appointments, and Assignments for 2004 and a blank one for 2005;
- Council Interviewing Committees for 2004 – *please note that these rarely change during the 4-year term*; and
- Council Seating for 2002 – 2005 – *with 2005 left blank*.

Four Items Ready for Discussion at Committee of the Whole. Once the organizational matters are resolved, the Council will introduce four items that are ready for consideration during the first legislative cycle of the year. Then the Council will adjourn and reconvene for a Committee of the Whole to consider those items (see the summary below and the ordinance materials inside this packet for information about those items). Please note that after holding the Committee of the Whole this evening the Council will not meet again until Wednesday, January 19th.

**Note on Presentation of Materials:
Summary of Legislation Below Does Not Follow Order of the Agenda and
Packet Materials**

There are four pieces of legislation ready for the first legislative cycle of the year and they neatly fall into two pairs - with one pair relating to the budget restoration and new initiatives and the other pair relating to the demolition delay and surface parking regulations. Please note that the packet includes these items in numerical order, which matches the items as listed for introduction at the Organizational Meeting, but the memo discusses them in the order they appear on the Committee of the Whole agenda. This approach to the memo, I hope you agree, makes it easier to understand the proposals.

**Item One - App Ord 05-01
(Appropriating \$1.075 Million of New or Reverted Revenue for 2005)
and**

**Item Four – Ord 05-03
(Amending the Civil City Salary Ordinance for 2005 by Adding Positions in the
Animal Control Division, Mayor’s Office, and Planning Department)**

As noted in the previous paragraph, App Ord 05-01 and Ord 05-03 are companion pieces of legislation regarding the 2005 budget. App Ord 05-01 offers significant additions to the 2005 budget due to new or unspent revenues and Ord 05-03 proposes two new full-time and two new part-time positions.

App Ord 05-01 appropriates approximately \$1.075 million of new revenue in 2005 and reverted revenue from 2004 to address unmet priorities for the new year.

According to the memo from Susan Clark, Controller, these priorities fall in six categories: providing increases for non-union employees and firefighters, bolstering the Health Insurance Trust (HIT) Fund, paying for new positions and new initiatives, and restoring various budget lines.

As Susan mentions in her memo and as you recall from earlier this year, the City adopted a budget for 2005 that cut approximately \$2 million from General Fund and Parks General Fund. These cuts were due to approximately \$1 million of shortfalls in the County Option Income Tax (COIT) and property taxes in 2004 and a desire to reverse a trend over the last few years of relying upon fund balances rather than new revenue to pay for city programs and operations.

At the same time the City pursued a two-part strategy towards finding money to fund unmet priorities. The strategy included an appeal of its maximum property tax levy which would add approximately \$840,000 to the City's revenues next year with about half of funds becoming part of the City's base revenue in future years. It also included the use of unspent money from 2004. The City won its appeal and expects to see over \$400,000 returned to the General Fund by the end of the year.

This ordinance proposes using \$1.075 million of the approximate \$1.24 million of new or unspent funds for the following purposes:

Raises For Non-Union Employees

Category -	General Fund	Other Fund	Total	
Personal Services	\$168,978	\$67,499	\$236,477	

Non-union employees were not budgeted for raises in September, but the raises were made a top priority in the event new revenues arose. This amount is the result of a merit/market grid that will provide the average employee with an increase of about 2.2%.

Raises for Firefighters

Category -	General Fund	Other Fund	Total	
Personal Services	\$105,113	0	\$105,113	

The City and its firefighters concluded a five-year collective bargaining agreement after the budget was adopted in September. It begins in 2005

with a 2% raise in base pay, more education pay, more pay for firefighters with at least 20 years of service, and more pay for retirees.

Note: The appropriation for the Fire Department includes increases for non-union employees and the HIT Fund.

Additional Money for the Health Insurance Trust (HIT) Fund

Category - Personal Services – Line 5123	General Fund	Other Fund	Total	
	\$206,938	\$99,010	\$305,948	

The City is self-insured and uses a 3rd party administrator to process employee medical claims. Those claims increased by 18% in 2004 and the City already increased its contribution for each employee’s premium by 17%. This ordinance anticipates another 18% increase in claims in 2005 and sets aside another \$570 per employee (for a total of \$4,272) for that purpose.

Note: The total new money set aside by this ordinance into the HIT fund includes new positions as well as contributions from Utilities and grants and will amount to \$418,939. Please note that the HIT Fund is a non-reverting fund and, therefore, monies set aside and not used are retained in that fund for use in future years.

New Positions and New Initiatives

Category	General Fund	Other Fund	Total	
Personal Services	\$206,127			
Supplies	\$2,500			
Other Services and Charges	\$122,000			
Total			\$330,627	

Summary: These requests are briefly summarized below and include a new Sustainable City/Community Events Coordinator in the Mayor’s Office and funds to promote these initiatives. They also include an additional 1.75 FTE at the Animal Shelter for kennel operations and educational programming, an additional .5 FTE in the Legal Department for ordinance enforcement, and an Assistant Director of Planning. Lastly, they include additional funds for the HAND for historic preservation activities.

(Please see Ord 05-03 for a better explanation of the new positions).

Animal Shelter - General Fund - \$56,439

- adding two part-time (.60 FTE) Kennel Workers (Personal Services - \$46,974)
- increasing Education Program Director from .50 to .75 FTE

(Personal Services - \$9,465)

HAND Department - General Fund - \$5,000

- restoring \$2,250 for training and brochures and adding another \$2,750 for other Historic Preservation activities
(Other Services and Charges - \$5,000)

Legal Department – General Fund - \$27,688

- increasing one Assistant City Attorney from part-time to full-time to augment ordinance enforcement
(Personal Services - \$27,688)

Mayor’s Office (and Controller’s Office) – General Fund - \$175,500

- adding Sustainable City/Community Events Coordinator
(Personal Services - \$56,000)
- providing Sustainable Business Promotion and Arts as Business funds
(Other Services and Charges – Promotion of Business - \$60,000)
- providing support for Sustainability initiative
(Other Services and Charges - \$4,500)
- providing grants for Community Events
(Controller’s Office – Other Services and Charges – Grants - \$30,000)
- improving city logo, customizing departmental “look,” providing direct citizen communications, etc.
(Supplies - \$2,500 - and Other Services and Charges - \$22,500)

Planning Department - General Fund - \$66,000

– adding Assistant Director
(Personal Services - \$66,000)

Budget Restorations

Category	General Fund	Parks General Fund	Total	
Personal Services	\$22,607	\$10,765	\$13,032	
Other Services and Charges	\$675	\$13,327	\$14,002	
Capital Outlays		\$50,000	\$50,000	
Total			\$97,374	

Summary: This category includes additional money for travel in the Common Council budget, interns to be assigned out of the Employee Services department, and various requests from the Parks and Recreation department.

Common Council – General Fund - \$675

- restoring \$675 for Travel.

(Other Services and Charges - \$675)

Note: The Council Office has foregone \$2,010 for a law intern in 2005 and this ordinance applies that amount to the base salary of the Assistant Administrator, who has a J.D. degree and has been doing research previously done by the law intern.

Employee Services – General Fund - \$22,607

- restoring \$22,607 of the \$124,164 cut from city budgets for interns in 2005 and having them assigned to departments on an as needed basis.

(Personal Services - \$22,607)

Parks and Recreation – Parks General Fund - \$74,767

Funding for –

- temporary maintenance employees

(Personal Services - \$10,765)

- repair of the showers fountain

(Other Services and Charges - \$10,000)

- Peoples' Park Concert Series

(Other Services and Charges - \$3,327)

- phasing-in repair of Winslow Park tennis courts

(Capital Outlay - \$50,000)

Ord 05-03 amends the Civil City Salary Ordinance for 2005 by adding positions in the Animal Control Division, Mayor's Office and the Planning Department. The following paragraphs provide a brief summary of these positions and are based, in part, upon the memo from Daniel Grundmann, Director of Employee Services.

Animal Control

Two New Part-Time (@ .60 FTE) Kennel Workers (Grade 103) - \$46,974

There were 7 part-time and full-time kennel workers (5.7 FTEs) tending about 5,000 animals last year at the Shelter. The number of animals handled by personnel increase every year and the amount of staff hours devoted to their care currently falls at least 50 hours per week below that recommended by the Humane Society of United States. The lack of staff inevitably results in less care for the animals, greater dissatisfaction from the public, as well as greater stress, turnover, and overtime. This proposal would increase kennel staff by 20%.

Mayor's Office

Sustainable City/Community Events Coordinator (Grade 7) - \$56,000

The Mayor and Councilmember Rollo have been working to establish a Sustainable City Commission. For those of you not familiar with the concept, a sustainable community is one "that meets the needs of the present without compromising the ability of future generations to meet their own needs." Our Own Future, 1987 Report from the United Nation's World Commission on Environment and Development. These places "encourage people to work together to create healthy communities where natural and historic resources are preserved, jobs are available, sprawl is contained, neighborhoods are secure, education is lifelong, transportation and health care are accessible, and all citizens have opportunities to improve the quality of their lives." The President's Council on Sustainable Development It is development that involves "the simultaneous pursuit of economic prosperity, environmental quality and social equity." World Business Council on Sustainable Development.

This position will oversee the Commission and coordinate related initiatives among City departments. It will also direct the City's participation in local civic events and facilitate some of the activities of social service agencies and other community organizations. The combining of these duties is not accidental and reinforces the theme that sustainability, social services agencies, arts, and community civic groups play a vital role in the local economy.

Planning Department

New Assistant Director of Planning (Grade 9) - \$66,000

This new position will help the Director focus on strategic and long-term issues by having an assistant to take over much of the day-to-day operation of the department. It will also provide additional staff to address an increasing workload driven by new development as well as the formulation and implementation of the downtown plan and revised zoning ordinance.

Note: The appropriation ordinance provides money for increased hours for existing positions which does not require an amendment to the Salary Ordinance. These include an additional:

- .25 FTE for the Educational Program Director at the Animal Shelter (from .5 to .75 FTE),
- .5 FTE for Assistant City Attorney in the Legal Department (from .5 to 1.0 FTE).

Item Two – Ord 05-01
(Amending Title 20 by Establishing a Schedule and Procedure for Reviewing Requests to Demolish Certain Buildings and Structures on the City’s Historic Survey and by Prohibiting Surface Parking Lots as a Principle Use in CA and CG Zones)

and

Item Three – Ord 05-02
(Amending Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” to Implement Demolition Delay Procedures

Ord 05-01 and **Ord 05-02** is another pair of companion legislation. **Ord 05-01** amends Title 20 (Zoning) in order to establish demolition delay procedures and prohibit surfacing parking as a principal use in General Commercial (CG) and Arterial Commercial (CA) districts. And, **Ord 05-02** amends Title 8 (Historic Preservation and Protection) and Title 17 (Construction Regulations) to further implement the demolition delay procedures. These two ordinances are described below and then more succinctly explained in the memo from Tom Micuda.

Ord 05-01 enacts demolition delay procedures which have been seriously discussed within the City since 2002, when two structures were demolished before the Historic Preservation Commission (HPC) had an opportunity to consider their designations.

Demolition Review Advisory Committee. Early in 2003, as a result of adoption of an amendment to the Growth Policies Plan, the City convened a Demolition Review Advisory Committee which consisted of representatives from:

- the Council (Diekhoff, Mayer and Cole),
- City agencies (Planning, HAND, and the HPC),
- City Offices (City Clerk, Council Office, Legal, and HAND) and
- local citizens (including Jack Baker, Talisha Coppock, Dave Ferguson, Kris Floyd, Jerry Hays, Jim Murphy, Tom Roznowski, and Steve Wyatt).

This Committee met seven times over the course of four months and learned about:

- our recent history with demolitions;
- local historic preservation procedures;
- how developers plan projects and how governmental review fits into those plans;
- the history of historic preservation in the USA;
- the effect of historic designations on the value of properties;

- committee member concerns; and
- demolition delay procedures employed elsewhere around the country.

While the Committee made no recommendations, the information gathered, and concerns expressed, helped shape the proposal you see today. The following paragraphs briefly outline the demolition delay procedures, surface parking lot prohibitions, and the resolutions of the Plan Commission accompanying these proposals.

Demolition Delay Procedures and Schedule

Actions Subject to the Demolition Review Delay. The demolition review period applies to proposals for the demolition of:

1. any exterior portion of buildings or structures
2. listed as Outstanding, Notable, or Contributing of the City of Bloomington Survey of Historic Sites and Surveys (Historic Survey) as subsequently revised or replaced.

*Note: the Historic Survey contains over 2,200 structures and is available at the Library, Council Office, HAND department and online at:
<http://www.city.bloomington.in.us/hand/historical/survey.html>*

90 or 120 Day Period of Review. The ordinance prohibits the issuance of a Certificate of Zoning Compliance in regard to the above actions for a period of 90 days or 120 days.

Commencement and Notice. The period of review begins when the Planning Director notifies the Director of HAND and the Chair of the HPC of the proposed demolition of one of the above properties. The notice must be sent within 3 business days of receipt of the application for a permit to demolish the property or the holding of a pre-application conference for a petition involving the demolition of the property. During this 3-day period the property owner is also obligated to post a sign at the site indicating the proposed demolition and providing information regarding who to contact within the city.

Extension. The Director of HAND may extend the review period by another 30 days (120 days total) if she:

- Finds:

- more than one demolition proposal or historic designation is or will be pending during that period; or
- the petition presents unusual questions of public policy due to the location of the property within a larger district or the classification of the structure; and
- Notifies the Planning Director and Chair of the HPC within 30 days of the sending of the notice of demolition proposal.

Termination of, or exceptions to, the Review Period which may result in demolition of said properties.

The review period *ends* and the certificate of zoning compliance may otherwise be issued in the event the HPC:

- votes to deny the designation within the review period;
- recommends designation of the property and imposes an interim protection order, but the Council denies the designation within the review period; or
- fails to act by the end of the review period.

The review period *does not apply* and a certificate of zoning compliance may otherwise be issued (or waived):

- when the HPC recommends designation and imposes an interim protection order, but the Council denies the designation after the waiting period expires. *Please note: Once the interim protection order is imposed and the waiting period expires, there is no limit on the time the Council may take to consider this matter. For this reason, the Plan Commission adopted a resolution recommending that the Council impose a limit on itself. (See Resolutions at the end of this section.)*
- for one year after the review period was terminated without a designation or the HPC imposed an interim protection order and the Council denied the designation after the review period terminated. *This one-year grace period is intended to give the property owner room to act on a demolition without facing interminable obstacles;* or
- in the event the Manager of Engineering Services makes written finding that the property is dangerous.

Exceptions to the Review Period which do result in historic designation.

The review period does not apply once the property is subject to Title 8 “Historic Preservation and Protection” which occurs when:

- the property is under an interim protection order or is designated as historic.
Please note that Title 8 does provide for the demolition of historic properties but only when other uses are not economically feasible.

Extending the Prohibition Against Surface Parking Lots to CA and CG Zoning Districts

In 2001 the City adopted **Ord 01-01** which prohibited surface parking lots as a principle use in the Downtown Commercial (CD) district. That action followed upon a downtown taskforce that convened in 1996 and found that surface parking lots in the downtown were an under-utilization of space because these private surface parking lots were not available for use by others after business hours and did not offer commercial/retail opportunities at ground level. At that time the Commission decided not to extend the prohibition to Arterial Commercial (CA) and General Commercial (CG) districts. Since that time, the Plan Department has grown concerned that allowing surface parking lots as a principal use would offer a convenient interim business opportunity for a property owner who did not want the existing building on the property but had not thought through what long term replacement to pursue.

This ordinance would extend the prohibition against surface parking lots as a principle use to the CA and CG zones. This change would not allow the property owner in these districts to convert a piece of property solely into a parking lot without going through some sort of public hearing process (mostly likely in the form of a request for a variance or PUD). In most cases it would continue to allow property owners to provide parking for a business or other principle use on the property. However, in order to address the property owner who may aggregate lots in order to provide parking for a nearby property, the ordinance establishes what might be called the 50% rule. This rule characterizes a parcel as being solely used as a parking lot when at least 50% of it is used as a parking lot and not some other principal use.

Plan Commission Resolutions The Plan Commission adopted three resolutions in concert with the adoption of these recommendations which are briefly noted below:

Resolution #1 – Requesting a Study of Surface Parking Lots Affected by Ordinance The Plan Commission requested that the Plan Staff provide an inventory of affected parcels by early February out of concern over the number of commercial properties with surface parking lots that may not conform with the ordinance.

Please see the maps in the packet provided by the Plan Department of the commercial areas (CD, CA, CG districts) within the central north/south corridor of the City. These maps, however, do not include:

- *areas on the east including College Mall and the SR 46 - 446 intersection;*
- *areas south of Country Club Drive; and*
- *areas on the west including the Bloomfield Road, West 3rd Street, and West 17th Street corridors.*

Please also note that Tom Micuda has informed me that properties within PUDs would not be affected by this ordinance.

Resolution #2 – Requesting a Report on the Effectiveness of the Ordinance Every 6 Months In order to keep informed about any problems created by the ordinance, the Plan Commission requested that the Plan Staff provide reports on its effectiveness every 6 months.

Resolution #3 – Recommending that the Common Council Impose a Limit on the Time it Takes for the Council to Act on these Designations As noted in the above summary, the ordinance gives the Historic Preservation Commission 90 – 120 days to decide whether to designate parcels affected by the demolition delay provisions, but does not impose any deadline for the Council to act on the Commission's recommendations. The Plan Commission recommended unanimously that the Council impose a time limit on its consideration of these designations.

Possible Responses to Council Time Limits: I believe there are three general approaches you may pursue in regard to this recommendation, which are mentioned below. Please let me know which you want to take so that I can, begin drafting an amendment if needed.

No Time Limit: You may decide that no time limit would be necessary or useful here because you will act as expeditiously as you can under the circumstances and that any delay may be related to the difficult facts of a particular case.

Absolute Time Limit: You may decide that a reasonable time limit (perhaps 60-days after the recommendation was forwarded to the Council) would give you time to decide the matter and spare the property owner the burden and uncertainty of further delay.

Time Limit with an Extension: You may decide that a reasonable time limit would work in all but a few cases and then establish a means of extending it in the event circumstances warrant further consideration of the matter. That may entail something as simple as a vote of the Council (perhaps requiring a supermajority in order for the motion to succeed).

Ord 05-02 – Amendments to Title 8 (Historic Preservation and Protection) and Title 17 (Construction Regulations)

Ord 05-02 accompanies **Ord 05-01** and implements the demolition delay procedures as they apply to Title 8 (Historic Preservation and Protection) and Title 17 (Construction Regulations).

Changes to Title 8. The changes to Title 8 disallow the Historic Preservation Commission (HPC) from interfering with the demolition of property for a year if its actions do not result in the historic designation of the property once the 90 – 120 day waiting period commences. The one-year grace period for demolition begins at the later of these dates:

- action by the HPC or the Council to reject the designation within the waiting period,
- expiration of the waiting period without action by the HPC, or
- action by the Council to reject the designation after the waiting period and when an interim protection order was imposed by the HPC.

Changes to Title 17. There are two changes to Title 17. The first change redefines “demolition” to include the partial demolition of the exterior portion of buildings and structures on the historic survey that are classified as outstanding, notable, or contributing. The second change prohibits the issuance of a permit involving the demolition of properties subject to the demolition delay provisions without the Planning Department certifying that the action complies with Title 8 and Title 20 of the BMC.

**NOTICE AND AGENDA FOR
COMMON COUNCIL
ORGANIZATIONAL MEETING AND COMMITTEE OF THE WHOLE
7:30 P.M., MONDAY, JANUARY 3, 2005
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 NORTH MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: Special Session
November 10, 2004

IV. REPORTS FROM:
1. Council Members
2. The Mayor and City Offices
3. Council Committees
4. Public

V. ELECTION OF OFFICERS
(The newly-elected President will assign seating for council members prior to considering appointments to boards and commissions).

VI. APPOINTMENTS TO BOARDS AND COMMISSIONS

VII. LEGISLATION FOR FINAL ACTION
None

VIII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures not Otherwise Appropriated. (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget).

2. Ordinance 05-01 To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; to Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; and, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), and Downtown Commercial (CD) Zoning Districts

3. Ordinance 05-02 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

4. Ordinance 05-03 To Amend the Ordinance Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (ordinance 04-19)

IX. PRIVILEGE OF THE FLOOR (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

X. ADJOURNMENT (and immediately reconvene for the following meeting)

COMMITTEE OF THE WHOLE

Chair: Jason Banach

1. Appropriation Ordinance 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures not Otherwise Appropriated. (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget).

Asked to Attend: Susan Clark, Contoller

2. Ordinance 05-03 To Amend the Ordinance Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (ordinance 04-19)

Asked to Attend: Daniel Grundmann, Director of Employee Services

3. Ordinance 05-01 To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; to Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; and, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), and Downtown Commercial (CD) Zoning Districts

Asked to Attend: Tom Micuda, Director of Planning
Tricia Bernens, City Attorney

4. Ordinance 05-02 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

Asked to Attend: Tricia Bernens, City Attorney

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
(812) 349-3409
Fax: (812) 349-3570
e-mail: council@bloomington.in.gov

To: Council Members
From: Council Office
Re: Calendar for the Week of January 3-7, 2005
Date: December 30, 2004

Monday, January 3, 2005

9:30 am Vi Simpson Legislative Press Conference, Council Chambers
5:00 pm Redevelopment Commission Meeting, McCloskey
5:30 pm Bicycle and Pedestrian Safety Commission – Work Session, Hooker Room
6:00 pm CBDG Planning Meeting, Kelly
7:30 pm Common Council – Organizational Meeting, Council Chambers
immediately followed by
Common Council – Committee of the Whole

Tuesday, January 4, 2005

1:30 pm Development Review Committee, McCloskey
5:30 pm CDBG Social Services Pre-Public Hearing, McCloskey
5:30 pm CDBG Physical Improvement Public Hearing, Council Chambers
7:30 pm Telecommunications Council, Council Chambers

Wednesday, January 5, 2005

12:00 pm Bloomington Urban Enterprise Association, McCloskey
2:00 pm Hearing Officer, Kelly

Thursday, January 6, 2005

4:00 pm Bloomington Digital Underground Advisory Committee, McCloskey
5:30 pm CDBG Social Service Public Meeting, Council Chambers
5:30 pm Black History Month Committee, Hooker Room
5:30 pm Bloomington Commission on the Status of Women, McCloskey
7:00 pm Prospect Hill Neighborhood Plan, Hooker Room

Friday, January 7, 2005

There are no meetings scheduled for today.

COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2004

ACTION BY MOTIONS OF THE COUNCIL

President Mike Diekhoff
Vice President Andy Ruff
Parliamentarian Tim Mayer

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services Chris Gaal
Physical Improvements Tim Mayer

Commission for Bloomington Downtown Mike Diekhoff

Economic Development Commission (City) Chris Sturbaum

Economic Development Commission (County) Regina Moore

Environmental Resource Advisory Committee Chris Gaal

Metropolitan Planning Organization Andy Ruff

Plan Commission Dave Rollo

Solid Waste Management District Stephen Volan

Board of the Urban Enterprise Association Stephen Volan

Utilities Service Board Tim Mayer

Bloomington Economic Development Corporation Mike Diekhoff

ACTION BY PRESIDENT (Through Assignment)

Council Social Services Funding Committee (5 council members)

Gaal, Mayer, Ruff, Rollo & Sabbagh

Council Sidewalk Committee (4 council members)

Diekhoff, Mayer, Rollo & Sturbaum

Council Interview Committees for Citizen Appointments to Boards and Commissions

(See accompanying list)

**COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS
FOR 2005**

ACTION BY MOTIONS OF THE COUNCIL

President _____
Vice President _____
Parliamentarian _____

Citizens Advisory Committee - Community Development Block Grants (CDBG)

Social Services _____

Physical Improvements _____

Commission for Bloomington Downtown _____

Economic Development Commission (City) _____

Economic Development Commission (County) _____

Environmental Resource Advisory Committee _____

Metropolitan Planning Organization _____

Plan Commission _____

Solid Waste Management District _____

Board of the Urban Enterprise Association _____

Utilities Service Board _____

Bloomington Economic Development Corporation _____

ACTION BY PRESIDENT

Council Social Services Funding Committee (5 council members)

Council Sidewalk Committee (4 council members)

**Council Interview Committees for Citizen Appointments to Boards and
Commissions (see accompanying list)**

2004 COUNCIL

BOARD AND COMMISSION INTERVIEW COMMITTEES

<u>Animal Control</u>	<u>Bloomington Community Arts Commission</u>	<u>Bike & Ped Safety Com</u>	<u>CFR</u>
David Rollo	Chris Sturbaum	Chris Sturbaum	Tim Mayer
Stephen Volan	Chris Gaal	David Sabbagh	Stephen Volan
Jason Banach	Andy Ruff	Dave Rollo	David Sabbagh
<u>Environmental</u>	<u>Historic Preservation Commission *</u>	<u>Housing Quality</u>	<u>Housing Trust Fund Board of Directors</u>
Dave Rollo		Tim Mayer	David Sabbagh
Chris Sturbaum		Chris Gaal	Chris Gaal
Chris Gaal		Mike Diekhoff	Dave Rollo
<u>Human Rights</u>	<u>Martin Luther King, Jr. Birthday Commission</u>	<u>Redevelopment</u>	<u>Status of Black Males</u>
Dave Rollo	Andy Ruff	Andy Ruff	Chris Gaal
Chris Gaal	Chris Gaal	Chris Sturbaum	Andy Ruff
Stephen Volan	Mike Diekhoff	Mike Diekhoff	Mike Diekhoff
<u>Traffic</u>	<u>(Public) Transit</u>	<u>Tree Commission</u>	<u>Telecommunications</u>
Mike Diekhoff	Jason Banach	Stephen Volan	David Sabbagh
Andy Ruff	Stephen Volan	Jason Banach	Mike Diekhoff
Chris Sturbaum	Tim Mayer	Chris Gaal	Stephen Volan
<u>USB</u>	<u>Women's Commission</u>	<u>Zoning Appeals</u>	<u>Urban Enterprise Association Board</u>
Stephen Volan	Dave Rollo	Mike Diekhoff	David Sabbagh
Chris Gaal	Chris Gaal	Tim Mayer	Chris Sturbaum
Jason Banach	David Sabbagh	Dave Rollo	Stephen Volan
<u>BDU Advisory Board</u>			
Chris Gaal			
David Sabbagh			
Mike Diekhoff		Notes	
		* The Council appoints 3 advisory members to the HPC and the Mayor appoints 7 voting members with the consent of the Council.	

The President assigns members to interviewing committees according to their preferences (per Standing Committees - BMC 2.04.210) and the assignments generally don't change through the entire term. These committees receive and review applications for appointments to their respective boards/commissions, and then determine whether to interview applicants and, if so, which ones. Typically interviews are set up on Wednesday evenings before a council meeting and the decision, which is typically made that evening, is then forwarded as a recommendation to the full council for the final action. Please note that while the Open Door Law allows the initial review and cut to be done in an Executive Session, decisions regarding the final three applicants must be made at a public meeting (per IC 5-14-1.5-6.1(b)(10)).

Council Member Seating 2002 - 2005

Seating for the Year 2002

Banach	Diekhoff	Ruff	Pizzo	Gaal	Willsey	Cole	Sabbagh	Mayer
			Vice President	President	Parliamentarian			

Seating For the Year 2003

Banach	Cole	Ruff	Diekhoff	Gaal	Pizzo	Willsey / Rollo	Sabbagh	Mayer
			Vice President	President	Parliamentarian			

Seating For the Year 2004

Banach	Sturbaum	Gaal	Ruff	Diekhoff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

Seating For the Year 2005

			Vice President	President	Parliamentarian			

APPROPRIATION ORDINANCE 05-01

TO SPECIALLY APPROPRIATE FROM THE GENERAL FUND, FLEET MAINTENANCE FUND, MOTOR VEHICLE HIGHWAY FUND, PARKING ENFORCEMENT FUND, PARKS & RECREATION FUND, POLICE – WIRELESS EMERGENCY FUND, RISK MANAGEMENT FUND, AND SANITATION FUND EXPENDITURES NOT OTHERWISE APPROPRIATED

(Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget)

- WHEREAS, when the City's 2005 budget was adopted in September 2004 certain revenue sources had not been confirmed, specifically, the City had concurrently filed an Excess Levy Appeal with the State, and was awaiting approval; and
- WHEREAS, the State has subsequently approved the aforementioned Excess Levy Appeal for the City of Bloomington providing additional revenues; and
- WHEREAS, the City has determined that as a result of the approval of the Excess Levy Appeal sufficient funds will be available for various budget restorations and initiatives of the administration; and
- WHEREAS, the City requests funding of salary increases for non-union employees that had not been included in the 2005 Budget; and
- WHEREAS, the City has determined that the Health Insurance Trust Fund requires additional revenue in order to maintain sufficient cash reserves throughout 2005; and
- WHEREAS, the Office of the Mayor requests funding for the Sustainable City/Community Events Coordinator position; and
- WHEREAS, the Animal Care and Control Division of Public Works requests funding for two new part-time Kennel Worker positions; and
- WHEREAS, the Planning Department requests funding for the Assistant Director position; and
- WHEREAS, the Office of the Mayor requests funding for additional sustainable city, promotion of business, and communications initiatives; and
- WHEREAS, Employee Services requests funding for interns; and
- WHEREAS, the Housing and Neighborhood Development Department seeks to restore and enhance funding for the Historic Preservation program; and
- WHEREAS, the Common Council requests funding for travel; and
- WHEREAS, the Parks and Recreation Department requests funding for the Concert Series in Peoples Park and various repair and maintenance projects; and
- WHEREAS, the Office of the Controller requests funding for Community Event Support;

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

SECTION I. For the expenses of said municipal corporation, the following additional sums of money are hereby appropriated and ordered set apart from the funds herein named and for the purposes herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED		
	General Fund	Other Fund	Total
General Fund – Animal Care & Control			
Line 51110 – Salaries and Wages – Regular	\$ 43,711		
Line 51210 – FICA	3,344		
Line 51220 – PERF	3,716		
Line 51230 – Health Insurance	18,804		
Line 51310 – Other Personal Services	304		
Total General Fund – Animal Care & Control	69,879		
General Fund – Clerk's Office			
Line 51110 – Salaries and Wages – Regular	1,149		
Line 51210 – FICA	88		
Line 51220 – PERF	98		
Line 51230 – Health Insurance	1,710		
Total General Fund – Clerk's Office	3,045		
General Fund – Common Council			
Line 51110 – Salaries and Wages – Regular	6,971		
Line 51210 – FICA	534		
Line 51220 – PERF	593		
Line 51230 – Health Insurance	6,270		
Line 53230 – Travel	675		
Total General Fund – Common Council	15,043		
General Fund – Community & Family Resources			
Line 51110 – Salaries and Wages – Regular	9,856		
Line 51210 – FICA	754		
Line 51220 – PERF	838		
Line 51230 – Health Insurance	5,130		
Total General Fund – Community & Family Resources	16,578		
General Fund – Controller's Office			
Line 51110 – Salaries and Wages – Regular	7,014		
Line 51210 – FICA	537		
Line 51220 – PERF	597		
Line 51230 – Health Insurance	3,990		
Line 53960 – Grants	30,000		
Total General Fund – Controller's Office	42,138		
General Fund – Employee Services			
Line 51110 – Salaries and Wages – Regular	5,529		
Line 51120 – Salaries and Wages – Temporary	21,000		
Line 51210 – FICA	2,030		
Line 51220 – PERF	470		
Line 51230 – Health Insurance	3,420		
Total General Fund – Employee Services	32,449		
General Fund – Engineering			
Line 51110 – Salaries and Wages – Regular	11,040		
Line 51210 – FICA	845		
Line 51220 – PERF	939		
Line 51230 – Health Insurance	4,560		
Total General Fund – Engineering	17,384		

	AMOUNT REQUESTED		
	General	Other	Total
	Fund	Fund	
General Fund – Fire			
Line 51110 – Salaries and Wages – Regular	\$ 95,106		
Line 51210 – FICA	1,713		
Line 51220 – PERF	458		
Line 51230 – Health Insurance	60,990		
Line 51280 – Fire PERF	14,089		
Total General Fund – Fire	172,356		
General Fund – Housing & Neighborhood Development			
Line 51110 – Salaries and Wages – Regular	9,106		
Line 51210 – FICA	697		
Line 51220 – PERF	775		
Line 51230 – Health Insurance	10,830		
Line 53230 – Travel	1,000		
Line 53990 – Other Services and Charges	4,000		
Total General Fund – HAND	26,408		
General Fund – Information & Technology Services			
Line 51110 – Salaries and Wages – Regular	14,571		
Line 51210 – FICA	1,115		
Line 51220 – PERF	1,239		
Line 51230 – Health Insurance	9,120		
Total General Fund – ITS	26,045		
General Fund – Legal			
Line 51110 – Salaries and Wages – Regular	32,091		
Line 51210 – FICA	2,455		
Line 51220 – PERF	2,728		
Line 51230 – Health Insurance	5,130		
Total General Fund – Legal	42,404		
General Fund – Mayor's Office			
Line 51110 – Salaries and Wages – Regular	58,408		
Line 51210 – FICA	4,469		
Line 51220 – PERF	4,965		
Line 51230 – Health Insurance	9,402		
Line 51310 – Other Personal Services	152		
Line 52110 – Office Supplies	1,000		
Line 52420 – Other Supplies	1,500		
Line 53220 – Postage	7,500		
Line 53310 – Printing	7,500		
Line 53320 – Advertising	7,500		
Line 53970 – Mayor's Promotion of Business	60,000		
Line 53990 – Other Services and Charges	4,500		
Total General Fund – Mayor's Office	166,896		

	AMOUNT REQUESTED		
	General Fund	Other Fund	Total
General Fund – Planning			
Line 51110 – Salaries and Wages – Regular	66,032		
Line 51210 – FICA	5,052		
Line 51220 – PERF	5,613		
Line 51230 – Health Insurance	12,252		
Line 51310 – Other Personal Services	152		
Total General Fund – Planning	89,101		
General Fund – Police			
Line 51110 – Salaries and Wages – Regular	\$ 22,494		
Line 51210 – FICA	2,608		
Line 51220 – PERF	2,898		
Line 51230 – Health Insurance	67,260		
Total General Fund – Police	95,260		
General Fund – Public Works			
Line 51110 – Salaries and Wages – Regular	10,183		
Line 51210 – FICA	779		
Line 51220 – PERF	866		
Line 51230 – Health Insurance	5,158		
Total General Fund – Public Works	16,986		
Grand Total General Fund			831,972
Fleet Maintenance			
Line 51110 – Salaries and Wages – Regular		167	
Line 51210 – FICA		13	
Line 51220 – PERF		15	
Line 51230 – Health Insurance		4,560	
Total Fleet Maintenance			4,755
Parking Enforcement			
Line 51110 – Salaries and Wages – Regular		6,710	
Line 51210 – FICA		514	
Line 51220 – PERF		571	
Line 51230 – Health Insurance		9,120	
Total Parking Enforcement			16,915
Parks & Recreation			
Line 51110 – Salaries and Wages – Regular		35,685	
Line 51120 – Salaries and Wages – Temporary		10,000	
Line 51210 – FICA		3,495	
Line 51220 – PERF		3,034	
Line 51230 – Health Insurance		45,030	
Line 53650 – Other Repairs		10,000	
Line 53990 – Other Services and Charges		3,327	
Line 54310 – Improvements other than Building		50,000	
Total Parks & Recreation			160,571

	AMOUNT REQUESTED		
	General	Other	
	Fund	Fund	Total
Police - Wireless Emergency			
Line 51110 – Salaries and Wages – Regular		2,363	
Line 51210 – FICA		181	
Line 51220 – PERF		201	
Line 51230 – Health Insurance		-	
Total Parking Enforcement			2,745
 Risk Management			
Line 51110 – Salaries and Wages – Regular		3,476	
Line 51210 – FICA		266	
Line 51220 – PERF		296	
Line 51230 – Health Insurance		2,280	
Total Risk Management			6,318
 Sanitation			
Line 51110 – Salaries and Wages – Regular	\$	2,502	
Line 51210 – FICA		192	
Line 51220 – PERF		213	
Line 51230 – Health Insurance		13,110	
Total Sanitation			16,017
 Motor Vehicle Highway – Street			
Line 51110 – Salaries and Wages – Regular		6,739	
Line 51210 – FICA		516	
Line 51220 – PERF		573	
Line 51230 – Health Insurance		20,806	
Total Street			28,634
 Motor Vehicle Highway – Traffic			
Line 51110 – Salaries and Wages – Regular		3,101	
Line 51210 – FICA		238	
Line 51220 – PERF		264	
Line 51230 – Health Insurance		4,104	
Total Traffic			7,707
 Grand Total All Funds	\$		1,075,634

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

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

_____, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance appropriates monies from several funds for non-union salary increases, firefighter increases, additional funding for the Health Insurance Trust Fund, new positions, new initiatives and items previously cut from the 2005 budget.



**City of Bloomington
Office of the Controller
Memorandum**

To: Council Members
From: Susan Clark, Controller
Date: December 20, 2004
Re: Appropriation Ordinance 05-01

In Appropriation Ordinance 05-01, we are requesting authorization for expenditures from eight funds. The appropriations fall into six categories: non-union salary increases, firefighter increases, additional funding for the Health Insurance Trust Fund, new positions, new initiatives and budget restorations.

While compiling the 2005 budget, we were faced with property tax and COIT shortfalls totaling \$1 million. That fact, along with the administration's goal of balancing the general fund budget resulted in cuts in the General Fund and Parks General Fund budgets exceeding \$2 million. The levy appeal that was filed concurrently with the 2005 budget in September has been approved, and we can now add approximately \$840,000 to our revenue projections for those two funds. In addition, our estimates today for reversions beyond amounts pledged last spring for the General Fund and Parks General Fund are \$400,000 at a minimum. As a result of these reversions and the new property tax revenue, we are now in a position to request funding for certain administration initiatives.

1.) Non-union Salary Increases:

Due to the fiscal constraints mentioned above, increases for non-union employees were not included in the 2005 budget adopted in September. As Mayor Kruzan has promised, providing increases to non-union employees is our top priority now that the state has approved our level appeal. The increase for the General Fund resulting from the merit/market grid is \$168,978, including benefits. The total increase for all appropriated funds is \$236,477, including benefits.

2.) Firefighter Increases:

The Collective Bargaining Agreement between the City Of Bloomington and Bloomington Metropolitan Firefighters, Local 586 adopted by the Common Council December 15, 2004, calls for an increase of 2% for firefighters in 2005, an increase in education pay, and an increase in longevity pay at 20 years. As a result, we are requesting an additional \$105,113 for fire salaries, FICA and fire pension increases.

3.) Additional Funding for the Health Insurance Trust Fund (HIT):

The City of Bloomington is self-insured for health, using a third party administrator to process claims. Healthcare claims in 2004 have increased by 18%. In order to maintain our target balance of a two month reserve in the HIT fund, while projecting another potential 18% increase, we have decided to increase the City's premium to \$4,272 per position. This is an increase of \$570 over the amount included in the budget adopted in September. The

increase for the General Fund resulting from this premium increase is \$206,938. The total increase for all appropriated funds is \$305,948. The total new revenue for the HIT fund, including new positions, CBU and grant fund contributions will be \$418,939.

4.) New Positions:

We have included funding requests for four new positions in Appropriation Ordinance 05-01. Details regarding these positions can be found in the amendment to the salary ordinance and the accompanying memo from Daniel Grundmann. We are requesting funding for a Sustainable City / Community Events Coordinator in the Office of the Mayor, two new part-time Kennel Workers, and an Assistant Director for the Planning Department. The total cost of the new positions is \$169,069, including benefits.

5.) New Initiatives:

Due to increasing workloads at the Animal Shelter, we have added \$9,465 to the Animal Care and Control budget to increase the Education Program Director from .50 FTE to .75 FTE. In anticipation of an increased workload due to pending demolition review legislation and related issues, \$5,000 is requested for HAND's 300 category in the Historic Preservation program, both restoring cuts made in the 2005 budget and increasing support by an additional \$2,750. As part of Mayor Kruzan's plan to increase City support of community events we are requesting that \$30,000 be added to the grants line in the Office of the Controller. In order to fund Sustainable Business Promotion and the Arts As Business Fund, we are requesting \$60,000 to be added to the Mayor's Promotion of Business line. To fund initiatives such as branding the City logo, customizing our City departments' look, and to support direct communications to citizens, we have added a total of \$25,000 to the Mayor's Office Supplies, Other Supplies, Postage, Printing, and Advertising lines. Also, in the Mayor's budget we are asking for \$4,500 in Other Services and Charges expenses related to the Sustainable City initiative. Finally, the Legal department has requested that one of the part-time Assistant City Attorneys become full time in order to devote more time to ordinance enforcement. The cost, including benefits is \$27,688.

6.) Budget Restorations:

During the preparation of the 2005 budget, we cut \$124,164 in funding for interns; we are requesting a portion of that cut be restored. We have added \$22,607, including FICA for interns in the Employee Services budget in our request. In addition, the Parks Department had originally requested funding for repair of the Winslow tennis courts. We are including \$50,000 in this appropriation in order to phase in those repairs. We are restoring \$10,765 (including FICA) for temporary maintenance employees, and \$10,000 to repair the Showers fountain. Another item being restored to the Parks Department budget is \$3,327 for the Peoples Park Concert Series. We have also restored \$675 to the budget of the Common Council for travel.

As always, feel free to contact me if you have any questions or concerns at clarks@bloomington.in.gov or 349-3416.

cc: Mark Kruzan, Mayor
James McNamara, Deputy Mayor
Kevin Robling, Corporation Counsel
Daniel Grundmann, Employee Services Director
Mick Renneisen, Parks Administrator
Tom Micuda, Planning Director
Julio Alonso, Public Works Director

ORDINANCE 05-01

TO AMEND TITLE 20 “ZONING ORDINANCE” OF THE BLOOMINGTON MUNICIPAL CODE TO IMPLEMENT DEMOLITION DELAY FOR CERTAIN STRUCTURES; TO DELETE SURFACE PARKING LOTS AS A PERMITTED PRINCIPAL USE IN THE GENERAL COMMERCIAL (CG) AND ARTERIAL COMMERCIAL (CA) ZONING DISTRICTS; AND, TO PROHIBIT USE OF ANY LOT OF RECORD SOLELY AS A PARKING LOT IN THE GENERAL COMMERCIAL (CG), ARTERIAL COMMERCIAL (CA), AND DOWNTOWN COMMERCIAL (CD) ZONING DISTRICTS

WHEREAS, the City of Bloomington has a rich historic and architectural heritage, which has been catalogued in the 2001 City of Bloomington Survey of Historic Sites and Structures; and

WHEREAS, Ind. Code Section 36-7-4-601(d)(2)(E) authorizes a municipality, in its zoning ordinance, to enact requirements to protect the historic and architectural heritage of the community; and

WHEREAS, it is in the best interests of the community to impose a delay upon demolition of those buildings and structures that have been listed on the Survey but not yet protected by formal historic designation; and

WHEREAS, such a demolition delay will allow the Historic Preservation Commission and the Common Council, where applicable, to consider prior to demolition whether formal preservation action should be taken, and will also allow property owners and the community to discuss and identify alternatives to demolition that may result in preservation of such buildings or structures;

WHEREAS, in conjunction with demolition delay, Planning Staff and the Plan Commission have considered whether current zoning regulations create potential incentives for demolition of older structures, and have determined that one potential land use that is closely associated with demolition of older structures is the creation of surface parking lots in the CG and CA districts; and

WHEREAS, the utilization of platted lots solely for surface parking is contrary to planning policies outlined in the City’s Growth Policies Plan, including but not limited to the policy of protecting the historic and architectural heritage of the community;

WHEREAS, restrictions on surface parking as a land use in the commercial districts promotes public policy and serves the public welfare;

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

SECTION I. Section 20.01.03.02 “General Applicability” shall be amended so that the first paragraph shall read as follows:

After the effective date of this Zoning Ordinance, no buildings, structures, or uses of land existing or hereafter established, shall be altered, erected, constructed, reconstructed, moved, divided, enlarged, demolished or maintained except in accordance with the provisions of this Zoning Ordinance except as otherwise hereinafter provided.

SECTION II. Section 20.03.05.01 “Planning Department – Authority”, Paragraph (b), shall be amended to read as follows:

- (b) To conduct zoning compliance reviews regarding any permit pertaining to the alteration, erection, construction, reconstruction, moving, division, enlargement,

demolition, use or maintenance of lands, buildings, or structures, and to issue or refuse to issue Certificates of Zoning Compliance.

SECTION III. Section 20.03.05.03, “Building Permits and Certificates of Zoning Compliance,” shall be re-named “Building and Demolition Permits and Certificates of Zoning Compliance,” and subsection (a) shall be amended to read as follows:

(a) Alteration, erection, construction, reconstruction, division, enlargement, or moving of any building, structure, or mobile home; provided further, any such action that would result in partial demolition of any exterior portion of a building or structure that is listed as Outstanding, Notable or Contributing on the 2001 City of Bloomington Survey of Historic Sites and Structures adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter “HPC”) as the same may be hereafter amended or replaced (hereinafter “Historic Survey”), shall also be subject to subsection (e) of this Section (20.03.05.03(e));

SECTION IV. Section 20.03.05.03 shall further be amended to add a new Paragraph (e), to read as follows:

(e) Demolition of any building or structure, which shall include any partial demolition of a building or structure described in 20.03.05.03(a) above, provided:

(1) No certificate of zoning compliance authorizing release of a permit allowing the demolition of a building or structure, or any part of any exterior portion of a building or structure, that is listed as Outstanding, Notable or Contributing on the Historic Survey, shall be issued earlier than ninety (90) or one hundred (120) calendar days after notice has been given as provided in Subparagraph (A) (20.03.05.03(e)(1)(A)), below. The ninety (90) day period shall apply in all cases unless the Director of the Housing and Neighborhood Development Department finds that an additional thirty (30) day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the property. The Director shall make such finding only where there are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the 90 day period; or, where the demolition request presents unusually complex public policy issues due to the location or survey classification of the structure. Location within an area that contains multiple surveyed properties and/or location within an area designated on the National Register of Historic Places and/or survey classification of the structure or building proposed for demolition as notable or outstanding shall be sufficient, but not necessary, to justify a determination that the 120 day period will apply. The HAND Director will give notice of his/her determination to apply the 120 day period to a demolition request in accordance with Subparagraph (A) ((20.03.05.03(e)(1)(A)), below.

(A) Planning Staff shall give notice, by hand delivery, interdepartmental mail, or U.S. Mail, to the Director of the City Housing and Neighborhood Development Department, or his/her designee, and to the Chairman of the HPC, or his/her designee, within three (3) business days after receipt of a complete application for a demolition permit, or within three (3) business days after a pre-application conference for any petition involving a demolition covered by this Section, whichever occurs first. Such notice shall include the name, address and telephone number of the owner of the structure. Not later than thirty (30) days after such notice is given by Planning staff, the HAND Director shall give notice by hand delivery, interdepartmental mail, or U.S. mail, to the Planning Staff, the Chairman of the HPC or his/her designee, and to the owner, if the one hundred twenty (120) day waiting period is to be imposed. All such notices shall be deemed effective on the date of mailing, deposit in interdepartmental mail, or hand-delivery of the notice; and,

(B) The owner, within three (3) business days after the pre-application conference or the application for demolition permit, whichever occurs first, shall place upon the property where the building or structure is located, in plain public view, a notice to the public of the proposed demolition of the building or structure. Such notice shall be in such form as approved by the Planning Staff and shall include the titles and telephone numbers of the persons to whom notice was

given under subsection (e)(1)(A). Such notice shall remain in place until termination of the waiting period and the owner shall have the affirmative duty to replace such notice as needed in order to comply with this requirement.

(2) Exceptions. Exceptions to this section shall be as follows:

(A) Early Termination of Waiting Period. If within the ninety (90) or one hundred twenty (120) day period the Historic Preservation Commission votes affirmatively not to recommend local historic designation to the Common Council, or votes on a motion to recommend local designation and the motion fails, and in either case, the vote is not reversed by proper action taken at the same meeting on the same calendar day; or if within such ninety (90) or one hundred twenty (120) day period the Common Council disapproves a recommended local historic designation of the subject property; then the remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued forthwith if all other requirements are met.

(B) Locally Designated Buildings or Structures are Subject to Title 8 Provisions Regarding Demolition. This section shall not apply to any building or structure that is within a property or district locally designated historic pursuant to Title 8, Historic Preservation and Protection, of the Bloomington Municipal Code. Such buildings and structures shall be governed by the provisions of that Title.

(C) Emergency Waiver of Waiting Period. The waiting period may be waived upon a written determination by the City Manager of Engineering Services that there is an emergency condition dangerous to life, health or property that requires demolition prior to the expiration of the waiting period.

(D) Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-Year Period. No building or structure that has been subjected to the waiting period under this Section shall be subject to a second waiting period until the passage of one year from the date of expiration of the first waiting period or, where interim protection is placed upon the property pursuant to BMC 8.08.015 during the demolition waiting period but Council final action to reject local designation occurs after the waiting period, for a one-year period after such final Council action. During this one year period, no action of the HPC or the Common Council may prevent issuance or effect revocation of a certificate of zoning compliance or permit allowing demolition that is otherwise properly issued or application for which meets all requirements of the Bloomington Municipal Code.

(3) Issuance of Certificate of Zoning Compliance authorizing Demolition.

(A) If within the ninety (90) or one hundred twenty (120) day waiting period the property is placed under interim protection or is locally designated historic pursuant to Chapter 8.08 of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition may be issued except: upon termination of interim protection without local designation being placed upon the property; or, where local designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08.

(B) This paragraph shall apply where no interim protection or local historic designation is placed upon the property within the waiting period, or where interim protection expires prior to the end of the waiting period without local designation being placed upon the property. After expiration of the waiting period provided for herein, which shall include early termination of the waiting period pursuant to 20.03.05.03(e)(2)(A), a certificate of zoning compliance authorizing demolition shall be issued if owner has submitted a complete application and all other requirements of the Bloomington Municipal Code are met. No action of the HPC may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one (1) year from the end of the waiting period.

(C) For any building or structure that is exempt from the waiting period of this Section pursuant to subsections 20.03.05.03(e)(2)(A), (C), or (D) a certificate of zoning compliance authorizing release of a demolition permit shall be issued within a reasonable time following receipt by the Planning Department of a complete application, provided all other requirements of the Bloomington Municipal

Code are met. For buildings or structures covered by Subsection 20.03.05.03(e)(2) (A) or (D), during the one year period provided by those subsections, a certificate of zoning compliance shall be issued where all other requirements are met, and if properly issued may not be revoked by any action of the HPC or Common Council involving interim protection or local designation.

SECTION V. Section 20.02.01.00 “Definitions” shall be amended to change the definition of “Lot, zoning” to read as follows:

Lot, zoning A single tract of land which (at the time of filing for a building permit or other approval) is designated by its owner or developer for purposes of compliance with this Zoning Ordinance as a tract to be used, developed, or built upon. A “zoning lot or lots” may coincide with one or more lots of record. Provided, however, in the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding the foregoing definition or any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot is included with one or more other lot(s) in a Zoning Lot. For purposes of this definition, in any situation where two or more lots of record are aggregated into a single zoning lot, a lot of record used for parking is considered to be used “solely as a parking lot” unless the parking use is accessory to a principal use that is located on at least fifty percent (50%) of the lot area of the lot of record on which the parking is located.

SECTION VI. Section 20.06.02.02, “Required Number of Off-Street Parking Spaces,” Paragraph (a), shall be amended to read as follows:

(a) Off-street parking is not required in the Downtown Commercial (CD) district, and any off-street parking provided therein shall be subject to the provisions of Section 20.06.02.05, Paragraph (d), of this Zoning Ordinance.

SECTION VII. Section 20.06.02.05, “Location of Parking Spaces,” shall be amended to add a new Paragraph (d), to read as follows:

(d) Commercial Districts. In the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot of record is otherwise included with one or more other lot(s) in a Zoning Lot. Parking lots in these Districts may be provided only as an accessory use that is located on the same lot of record as the principal use. In any situation where two or more lots of record are aggregated into a single zoning lot, this requirement is satisfied only if the principal use occupies at least fifty percent (50%) of the lot area of the lot of record on which the accessory parking lot is located.

SECTION VIII. Section 20.07.08.02 “Permitted Uses [in the General Commercial District]” shall be amended to delete the the words “lots and” from the item that currently reads “Parking lots and garages (15)” so that the item reads “Parking garages (15).”

Note: The Plan Commission proposal included the entire Section 20.07.08.02 with this change in one line. The Council Office has provided annotated excerpts from Title 20 that includes this section in its entirety and has removed this text from the ordinance as redundant and in order to avoid inadvertent changes in the code.

SECTION IX. Section 20.07.09.02 “Permitted Uses [in the Arterial Commercial District]” shall be amended to delete the words “lots and” from the item that currently reads “Parking lots and garages (15)” so that the item reads “Parking garages (15).”

Note: The Plan Commission proposal included the entire Section 20.07.09.02 with this change in one line. The Council Office has provided annotated excerpts from Title 20 that includes this section in its entirety and has removed this text from the ordinance as redundant and in order to avoid inadvertent changes in the code.

SECTION X. Section 20.07.16.00 “Summary of District Uses and Regulations” shall be amended to modify Table 7-1 by deleting the line referring to “Parking lots” from the table. The deleted line (with strike-throughs) reads as follows:

Type of Use	RE2.5	RE1	RS	RT7	RM	CL	CG	CA	CD	IL	IG	BP	I	M	AP	Q
Parking Lots							15	15							C	

Note: The Plan Commission proposal included the entire Table 7-1 with this change in one line. The Council Office has provided annotated excerpts from Title 20 that includes this table in its entirety and has removed this text from the ordinance as redundant and in order to avoid inadvertent changes in the code.

SECTION XI. Section 20.07.16.03, “Bulk, Density, Height, Area, and Aesthetic Requirements,” Table 7-4, shall be amended to add a new paragraph (f) and re-designate current paragraph (f) as (g). The new paragraph (f) shall read as follows:

(f) In the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot of record is otherwise included with one or more other lot(s) in a Zoning Lot. Parking lots in these Districts may be provided only as an accessory use that is located on the same lot of record as the principal use. In any situation where two or more lots of record are aggregated into a single zoning lot, this requirement is satisfied only if the principal use occupies at least fifty percent (50%) of the lot area of the lot of record on which the accessory parking lot is located.

Note: The Plan Commission proposal included the entire Table 7-4 with this addition of one paragraph. The Council Office has provided annotated excerpts from Title 20 that include this table in its entirety and has removed this text from the ordinance as redundant and in order to avoid inadvertent changes in the code.

SECTION XII. 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 XIII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____,
2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 20, the Zoning Ordinance, to impose a delay upon the demolition of structures that are designated as Outstanding, Notable or Contributing on the Historic Survey. In general, the delay is 90 to 120 days from the time a property owner seeks permission to demolish such a structure, with certain exceptions. The ordinance also deletes surface parking lots as a permitted principal use in the CG and CA Zoning Districts, and prohibits any lot of record in those districts and in the Downtown Commercial (CD) District from being used solely for surface parking.

Memo to the Common Council

To: Members of the Common Council

From: Tom Micuda, Planning Director

Date: December 15, 2004

Subj: Proposed Ordinance concerning Demolition Delay and Surface Parking Lots

Attached to this memo is the City's proposed amendment to the Zoning Ordinance concerning the establishment of a demolition review process as well as the deletion of surface parking lots as a permitted principal use. This memo outlines both the background for the legislative initiative as well as key provisions contained in the attached ordinance. The Plan Commission voted 7-2 to send this ordinance to the Common Council with a positive recommendation.

Background

The need to establish a demolition review process came to the City's attention in 2002. During that year, the Board of Zoning Appeals rendered two Conditional Use approvals involving demolition of existing structures. There was significant debate over whether existing structures should have been demolished to allow the new projects. In both cases, the actual demolition activity occurred just prior to Historic Preservation Commission consideration as to whether the structures involved should have received interim protection.

As a result of the concern that there was no process in existence to provide community input concerning demolition decisions, the Mayor's Office, Planning and Legal Departments have worked together with the Council and Historic Preservation Commission to bring forward the proposed ordinance. As the ordinance was being developed, the City determined that it would also be useful to add a prohibition against surface parking lots as a permitted principal use in the Arterial Commercial (CA) and General Commercial (CG) zoning districts. This restriction currently already exists in the Downtown Commercial (CD) zoning district as a result of an ordinance amendment several years ago. The reason for this addition to the ordinance is the concern that the creation of surface parking lots is one of the principal driving factors that affects demolition activity. This fact was exhibited earlier this year when the property owner of 807 North Walnut Street received a demolition permit to remove a vacant single unit home in favor of a 12-space parking lot.

Highlights of Demolition Delay Ordinance

The demolition delay and surface parking lot ordinance amends multiple section of Title 20, the Zoning Ordinance. More specifically, the delay ordinance would apply to any proposed demolition of a structure classified as either “Outstanding”, “Notable”, or “Contributing” as found in the *2001 City of Bloomington Survey of Historic Sites and Structures*. This document was adopted by the Historic Preservation Commission on October 17, 2002. Structures rated as “Noncontributing” in this survey, un-surveyed structures, or structure located outside the City corporate limits would not be subject to the proposed ordinance. There are approximately 2,200 properties listed in these categories on the Survey.

The trigger for the proposed ordinance would occur under two scenarios. The first situation is through the Planning Department’s receipt of a demolition permit application. The second occurs as a result of a pre-application conference for a development petition. Pre-application conferences take place approximately 5-6 weeks prior to public hearing consideration by the Plan Commission or Board of Zoning Appeals. In these instances, the ordinance would apply if a developer indicates that demolition activity would take place in association with a Plan Commission or BZA case.

If either of these trigger points occurs, the Planning Department is required to undertake the following steps: 1) notify the City’s Housing and Neighborhood Development (HAND) Department and Historic Preservation Commission (HPC) within 3 business days and 2) ensure that a demolition notification sign is placed on the subject property within 3 business days.

Once these activities occur, no demolition permit can be issued for a period of 90 days, unless the occurrence of specified events causes the waiting period to terminate earlier (as explained below.) This 90-day period can be extended by the HAND Director to 120 days for the following reasons: 1) the presence of multiple demolition petitions, 2) the presence of other historic designation proposals, and 3) when the demolition request presents an unusual public policy decision due to its location or character of its surveyed area.

Once notice is sent from the Planning to HAND Departments, the 90 or 120 waiting period allows the HPC to determine whether to consider the structure in question for local historic designation under existing procedures of Title 8 of the Municipal Code. If the HPC decides to consider the structure for local historic designation, the possible outcomes and their effect on the waiting period are:

- 1, HPC votes to recommend designation to the Common Council, and to place interim protection upon the structure pending Council action. In this situation, the waiting period becomes moot as the structure is protected from demolition unless and until the Council votes against designation. If the Council votes against designation during the waiting period, the waiting period terminates and a demolition permit may be issued. If the Council approves designation, then the structure is permanently protected, under Title 8,

from exterior change or demolition except with approval of the HPC pursuant to the standards and procedures of Title 8.

2. HPC affirmatively votes not to recommend designation. At this point, the waiting period terminates and a demolition permit may be issued .

If the HPC takes no action with respect to the structure (i.e. no proposal to designate is brought forward for HPC action), then the waiting period ends at the end of the 90 or 120 days, as the case may be, and a demolition permit may be issued. Of course, the waiting period also serves to allow interested persons to contact the owner regarding purchase or relocation of the structure, so that even absent HPC action, the community is able to explore alternatives to demolition.

The ordinance also exempts properties from being subject to the demolition delay review process for a one-year period after a previous demolition delay review has resulted in a lack of designation. The thought behind this exemption is to avoid having a property owner undergo multiple, successive review processes that could be triggered as a result of a new development proposal.

As part of the City's development of this ordinance, there have been multiple compromises and ordinance changes that have been made in the process. These compromises are as follows: **1) Ordinance Applicability** – Originally, the City's proposal only covered structures within the Downtown Development Opportunity Overlay (DDOO). This would have applied to approximately 180 structures. In the interest of protecting more Core Neighborhoods, the City agreed to expand the boundary to the corporate limits. **2) Time Length** – The City has agreed to extend the demolition review period from 45 to 90 days in order to give the Historic Preservation Commission more time to determine whether the structure in question should receive Interim Protection. **3) Addition of Surface Parking Lot Prohibition (see below).**

Surface Parking Lot Prohibition

The proposed ordinance amendment deletes surface parking lots as a permitted principal use within the Arterial Commercial and General Commercial zoning districts. The term "principal use" is important because the amendment would still allow parking lots to be installed in association with building construction and also allow existing sites to provide additional necessary parking.

The ordinance is designed to regulate the scenario where new surface parking lots are constructed as the sole use of a property. While staff can visualize certain situations where off-site surface parking lots could be justified for nearby uses, staff recommends that such situations be handled through a public hearing process (variance or PUD approval). The amendment also attempts to address a possible scenario where a property owner may choose to aggregate lots in order to provide surface parking for the parking space needs of another nearby owner. Currently, this could be done in any commercial zoning district by designating an aggregation of lots as a *zoning lot*.

The proposed ordinance attempts to prohibit that scenario by requiring another use (the principal use/building) to be located over at least 50% of the aggregated lot configuration. This clause will eliminate the scenario where surface parking is constructed over the majority of an aggregated lot configuration.

Plan Commission Resolutions

While the Plan Commission strongly supported the ordinance by a 7-2 margin, there were aspects of the legislation that were discussed in detail and addressed specifically by the Commission through the adoption of several resolutions. These resolutions, though non-binding in nature, are meant to provide guidance to both the Planning Department and Council in the administration of the proposed ordinance.

Resolution #1 – Study of Parcels containing Surface Parking Lots – During the Commission’s discussion of the proposal to delete surface parking lots as a permitted use within commercial districts, a question was raised concerning how many existing properties might be rendered nonconforming as a result of the proposed ordinance. Members of the Commission expressed concern about the passage of an ordinance that would create a large number of nonconforming properties. As a result, the Plan Commission adopted a resolution requiring the Planning Department to develop an inventory of parcels in the Arterial Commercial (CA) and General Commercial (CG) zoning districts that would be affected by the surface parking prohibition. According to this resolution, which was passed by a vote of 9-0, the Planning Department will provide this inventory within 60 days.

Resolution #2 – Report on the Effectiveness of the Ordinance – During discussion of the ordinance, several Plan Commissioners brought up the idea of requiring periodic reporting by the Planning Department. Because there were concerns expressed regarding such issues as the time length of the demolition delay review process, a periodic reporting requirement would allow the Commission to become better informed about any problems with the ordinance as currently drafted. As a result, the Plan Commission resolved that the Planning Department should report on the effect of this ordinance every six months at one of the Commission’s public hearings. This resolution was passed 9-0.

Resolution #3 – City Council Time Limit – Several members of the Commission expressed an interest in requiring the City Council to act on any local designation recommendation in an expeditious fashion. The proposed ordinance effectively restricts the HPC to a 90-120 day time limit in order to prevent issuance of a demolition permit, but does not specifically restrict the Council. As a result, the Commission adopted a final resolution recommending that the City Council act expeditiously to adopt a time limit for any Council action on HPC recommendations concerning historic designation. This resolution was passed 9-0.

~~strike~~ – proposed deletion
bold – proposed addition
▶ -- relevant section

**TITLE 20 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ZONING”**

AS AMENDED BY ORDINANCE 05-01

DEMOLITION DELAY

Section 1 of Ord 05-01 amends §20.01.03.02 “General Applicability.”

Section 2 of Ord 05-01 amends §20.03.05.01(b), “ Planning Department --Authority.”

Section 3 of Ord 05-01 renames §20.03.05.03 “Building and Demolition Permits and Certificates of Zoning Compliance” and amends §20.03.05.03(a).

Section 4 of Ord 05-01 amends §20.03.05.03 by adding a new paragraph “(e)”.

SURFACE PARKING

Section 5 of Ord 05-01 amends §20.02.01.00 “Definitions” by amending the definition of “Lot, zoning.”

Section 6 of Ord 05-01 amends §20.06.02.02, “Required Number of Off-Street Parking Spaces.”

Section 7 of Ord 05-01 amends §20.06.02.05, “Location of Parking Spaces” by adding paragraph “(d)”.

Section 8 of Ord 05-01 amends §20.07.08.02 by deleting the reference to parking lots.

Section 9 of Ord 05-01 amends §20.07.09.02 by deleting the reference to parking lots.

Section 10 of Ord 05-01 amends Table 7-1 by deleting “Parking lots.”

Section 11 of Ord 05-01 amends Table 7-4 by adding paragraph (f).

DEMOLITION DELAY

Title 20

ZONING

Chapters:

- 20.01 Title, Purpose, Applicability and Interpretation**
- 20.02 Definitions and Rules of Word Usage**
- 20.03 Administrative and Decisionmaking Bodies and Officials**
- 20.04 Planning Documents**
- 20.05 Standards and Procedures for Administrative and Public Hearing Review**
- 20.06 Development Standards of General Applicability**
- 20.07 Zoning Districts**
- 20.08 Nonconformities**
- 20.09 Enforcement**
- 20.10 Appendix**

Chapter 20.01

TITLE, PURPOSE, APPLICABILITY AND INTERPRETATION

Sections:

- 20.01.01.00 TITLE.**
- 20.01.02.00 AUTHORITY AND PURPOSE.**
- 20.01.03.00 SCOPE OF AUTHORITY.**
- 20.01.04.00 REPEAL OF PREEXISTING CODE.**
- 20.01.05.00 RULES OF INTERPRETATION.**
- 20.01.06.00 TRANSITION RULES.**
- 20.01.07.00 SEVERABILITY.**
- 20.01.08.00 EFFECTIVE DATE.**

20.01.01.00 TITLE.

The ordinance codified in this title shall be known, cited and referred to as the “Zoning Title of the Bloomington Municipal Code,” or the “zoning ordinance.” (Ord. 95-21 § 3 (part), 1995).

20.01.02.00 AUTHORITY AND PURPOSE.

20.01.02.01 Authority.

This zoning ordinance is adopted by the city pursuant to its authority under the laws of the state of Indiana, the Bloomington Municipal Code and all other applicable authorities and provisions of Indiana statutory and common law.

20.01.02.02 Purpose.

The ordinance codified in this title is adopted:

- (a) To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with city land use policy;
- (b) To promote the public health, safety, morals, comfort, convenience, and general welfare;
- (c) To protect the character and stability of residential, institutional, business, industrial and natural areas;
- (d) To minimize or avoid congestion in the public streets and to ensure safe, convenient and efficient traffic circulation;
- (e) To secure adequate light, air, convenience of access, and safety from fire and other danger, which may include providing adequate open spaces for light, air and outdoor uses;
- (f) To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction;
- (g) To encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- (h) To regulate and restrict the location and intensity of use of buildings, structures and land for trade, industry, residence and other uses;
- (i) To define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this zoning ordinance;
- (j) To further such other purposes as are stated hereinafter within specific provisions of this zoning ordinance. (Ord. 95-21 § 3 (part), 1995).

20.01.03.00 SCOPE OF AUTHORITY.

20.01.03.01 Jurisdiction.

This zoning ordinance shall apply to all land, uses, buildings and structures within the incorporated city and any other area contiguous to the city over which the city exercises planning authority.

► 20.01.03.02 General Applicability.

After the effective date of this Zoning Ordinance, no buildings, structures, or uses of land ~~or structures~~ existing or hereafter established, shall be altered, erected, constructed, **reconstructed**, moved, divided, **enlarged**, **demolished** or maintained except in accordance with the provisions of this Zoning Ordinance except as otherwise hereinafter provided.

This title shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Bloomington Municipal Code which are necessary for an understanding of this title and the attainment of its purpose.

In the event of conflict in the terminology of any section or part thereof or between different sections of this title, or wherever the requirements of another law or ordinance are applicable, the provisions of that law or ordinance which impose greater restrictions upon the use or bulk of buildings, or require larger yards, courts or open spaces shall govern. (Ord. 95-21 § 3 (part), 1995).

Chapter 20.03

ADMINISTRATIVE AND DECISIONMAKING BODIES AND OFFICIALS

Sections:

20.03.01.00	SUMMARY OF AUTHORITY.
20.03.02.00	COMMON COUNCIL.
20.03.03.00	PLAN COMMISSION.
20.03.04.00	BOARD OF ZONING APPEALS.
20.03.05.00	PLANNING DEPARTMENT.
20.03.06.00	HISTORIC PRESERVATION COMMISSION.
20.03.07.00	HEARING OFFICER.
20.03.08.00	PLAT COMMITTEE.

20.03.04.00 BOARD OF ZONING APPEALS.

20.03.05.00 PLANNING DEPARTMENT.

20.03.05.01 Authority.

Pursuant to Chapter 2.14 of the Bloomington Municipal Code, the planning director or his designee, hereinafter referred to as “planning staff,” shall be charged with the administration of this zoning ordinance and, in particular, shall have the jurisdiction, authority and duties described in this chapter:

(a) To meet with and counsel those persons maintaining an interest in this zoning ordinance, other questions of land use, and related city ordinances, plans and policies;

► (b) To conduct zoning compliance reviews regarding any permit pertaining to the ~~use of land~~ **alteration, erection, construction, reconstruction, moving, division, enlargement, demolition, use or maintenance of lands**, buildings, or structures, and to issue ~~certificates of zoning compliance~~ **or refuse to issue Certificates of Zoning Compliance.**

(c) To approve temporary uses requiring administrative approval;

(d) To review any site plan submitted for such review, which shall include the power to approve with conditions, to permit to require commitments, and to require bonding for public improvements, and to make decisions or recommendations to the plan commission, as appropriate and as authorized in Chapter 20.05;

(e) To make written interpretations of permitted use and other specific provisions of this zoning ordinance pursuant to the provisions of Section 20.05.13;

(g) To approve, or forward to the plan commission, applications for approval of final planned unit development plans, which shall include authority to permit or require commitments and impose reasonable conditions, as authorized elsewhere in this title.

20.03.05.02 Staff Assistance to the Board of Zoning Appeals and Plan Commission.

The planning department shall make staff and consulting assistance available to the board of zoning appeals and the plan commission, and to any hearing officer or plat committee as may be authorized by the plan commission in its rules, and shall in that capacity:

- (a) Attend the meetings of each such body;
- (b) Inform each such body of all facts and information at the planning department's disposal with respect to any matter brought before each such body;
- (c) Assist each such body by performing research and making recommendations on matters brought before each such body; and
- (d) Perform such other duties as may be assigned to the planning staff by this zoning ordinance.

~~20.03.05.03 — Building Permits and Certificates of Zoning Compliance~~

► **20.03.05.03 Building and Demolition Permits and Certificates of Zoning Compliance.**

Except as otherwise provided in this zoning ordinance, until a certificate of zoning compliance has been issued by the planning staff upon its determination of compliance with this zoning ordinance, none of the following shall occur and no permit shall be issued for the following:

- (a) **Alteration, erection, construction, reconstruction, division, enlargement, or moving relocation of any building, structure or mobile home; provided further, any such action that would result in partial demolition of any exterior portion of a building or structure that is listed as Outstanding, Notable or Contributing on the 2001 City of Bloomington Survey of Historic Sites and Structures adopted on October 17, 2002, by the Bloomington Historic Preservation Commission (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey"), shall also be subject to subsection (e) of this Section (20.03.05.03(e));**
 - (b) Establishment of a use or change in use to another use (see definition of "change in use");
 - (c) enlargement in the area used for any use or relocation of a use to another portion of a lot, site or building;
 - (d) Grading, improvement, or other alteration of land, including paving or the establishment of drives or parking areas.

Where a site plan review is required by Section 20.05.08, planning staff shall review the site plan prior to the issuance of the certificate of zoning compliance.

Single-family residences, including the establishment therein of a home occupation, day care home, or bed and breakfast, are exempt from site plan review; however, a plot plan showing the lot, structures, and yard and setback dimensions shall be submitted and reviewed prior to the issuance of a certificate of zoning compliance for construction, enlargement, or alteration of a single-family residence.

- (e) **Demolition of any building or structure, which shall include any partial demolition of a building or structure described in 20.03.05.03(a) above, provided:**
 - (1) **No certificate of zoning compliance authorizing release of a permit allowing the demolition of a building or structure, or any part of any exterior portion of a building or structure, that is listed as Outstanding, Notable or Contributing on the Historic Survey, shall be issued earlier than ninety (90) or one hundred (120) calendar days after notice has been given as provided in Subparagraph (A) (20.03.05.03(e)(1)(A)), below. The ninety (90) day period shall apply in all cases unless the Director of the Housing and Neighborhood Development Department finds that an additional thirty (30) day delay period is needed in order for the HPC to responsibly consider and determine whether to recommend designation of the**

property. The Director shall make such finding only where there are multiple demolition permits and/or historic designation proposals pending or expected to come before the HPC during the 90 day period; or, where the demolition request presents unusually complex public policy issues due to the location or survey classification of the structure. Location within an area that contains multiple surveyed properties and/or location within an area designated on the National Register of Historic Places and/or survey classification of the structure or building proposed for demolition as notable or outstanding shall be sufficient, but not necessary, to justify a determination that the 120 day period will apply. The HAND Director will give notice of his/her determination to apply the 120 day period to a demolition request in accordance with Subparagraph (A) ((20.03.05.03(e)(1)(A))), below.

- (A) Planning Staff shall give notice, by hand delivery, interdepartmental mail, or U.S. Mail, to the Director of the City Housing and Neighborhood Development Department, or his/her designee, and to the Chairman of the HPC, or his/her designee, within three (3) business days after receipt of a complete application for a demolition permit, or within three (3) business days after a pre-application conference for any petition involving a demolition covered by this Section, whichever occurs first. Such notice shall include the name, address and telephone number of the owner of the structure. Not later than thirty (30) days after such notice is given by Planning staff, the HAND Director shall give notice by hand delivery, interdepartmental mail, or U.S. mail, to the Planning Staff, the Chairman of the HPC or his/her designee, and to the owner, if the one hundred twenty (120) day waiting period is to be imposed. All such notices shall be deemed effective on the date of mailing, deposit in interdepartmental mail, or hand-delivery of the notice; and,
- (B) The owner, within three (3) business days after the pre-application conference or the application for demolition permit, whichever occurs first, shall place upon the property where the building or structure is located, in plain public view, a notice to the public of the proposed demolition of the building or structure. Such notice shall be in such form as approved by the Planning Staff and shall include the titles and telephone numbers of the persons to whom notice was given under subsection (e)(1)(A). Such notice shall remain in place until termination of the waiting period and the owner shall have the affirmative duty to replace such notice as needed in order to comply with this requirement.

(2) Exceptions. Exceptions to this section shall be as follows:

- (A) Early Termination of Waiting Period. If within the ninety (90) or one hundred twenty (120) day period the Historic Preservation Commission votes affirmatively not to recommend local historic designation to the Common Council, or votes on a motion to recommend local designation and the motion fails, and in either case, the vote is not reversed by proper action taken at the same meeting on the same calendar day; or if within such ninety (90) or one hundred twenty (120) day period the Common Council disapproves a recommended local historic designation of the subject property; then the

- remainder of the waiting period shall be considered waived and the certificate of zoning compliance shall be issued forthwith if all other requirements are met.
- (B) **Locally Designated Buildings or Structures are Subject to Title 8 Provisions Regarding Demolition.** This section shall not apply to any building or structure that is within a property or district locally designated historic pursuant to Title 8, Historic Preservation and Protection, of the Bloomington Municipal Code. Such buildings and structures shall be governed by the provisions of that Title.
 - (C) **Emergency Waiver of Waiting Period.** The waiting period may be waived upon a written determination by the City Manager of Engineering Services that there is an emergency condition dangerous to life, health or property that requires demolition prior to the expiration of the waiting period.
 - (D) **Building or Structure Not Subject to Demolition Waiting Period More than Once in any One-Year Period.** No building or structure that has been subjected to the waiting period under this Section shall be subject to a second waiting period until the passage of one year from the date of expiration of the first waiting period or, where interim protection is placed upon the property pursuant to BMC 8.08.015 during the demolition waiting period but Council final action to reject local designation occurs after the waiting period, for a one-year period after such final Council action. During this one year period, no action of the HPC or the Common Council may prevent issuance or effect revocation of a certificate of zoning compliance or permit allowing demolition that is otherwise properly issued or application for which meets all requirements of the Bloomington Municipal Code.

(3) Issuance of Certificate of Zoning Compliance authorizing Demolition.

- (A) If within the ninety (90) or one hundred twenty (120) day waiting period the property is placed under interim protection or is locally designated historic pursuant to Chapter 8.08 of the Bloomington Municipal Code, then no certificate of zoning compliance authorizing demolition may be issued except: upon termination of interim protection without local designation being placed upon the property; or, where local designation is placed upon the property, in accordance with and after all approvals required by Chapter 8.08.
- (B) This paragraph shall apply where no interim protection or local historic designation is placed upon the property within the waiting period, or where interim protection expires prior to the end of the waiting period without local designation being placed upon the property. After expiration of the waiting period provided for herein, which shall include early termination of the waiting period pursuant to 20.03.05.03(e)(2)(A), a certificate of zoning compliance authorizing demolition shall be issued if owner has submitted a complete application and all other requirements of the Bloomington Municipal Code are met. No action of the HPC may prevent issuance or effect revocation of such certificate of zoning compliance, or a demolition permit issued in reliance upon such certificate of zoning compliance, for a period of one (1) year from the end of the waiting period.

(C) For any building or structure that is exempt from the waiting period of this Section pursuant to subsections 20.03.05.03(e)(2)(A), (C), or (D) a certificate of zoning compliance authorizing release of a demolition permit shall be issued within a reasonable time following receipt by the Planning Department of a complete application, provided all other requirements of the Bloomington Municipal Code are met. For buildings or structures covered by Subsection 20.03.05.03(e)(2) (A) or (D), during the one year period provided by those subsections, a certificate of zoning compliance shall be issued where all other requirements are met, and if properly issued may not be revoked by any action of the HPC or Common Council involving interim protection or local designation.

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SURFACE PARKING

Chapter 20.02 DEFINITIONS AND RULES OF WORD USAGE

Sections:

- 20.02.01.00 DEFINITIONS.
- 20.02.02.00 DEFINITIONS SPECIFIC TO INDUSTRIAL PERFORMANCE STANDARDS.
- 20.02.03.00 DEFINITIONS SPECIFIC TO SPECIAL FLOOD HAZARD AREAS.
- 20.02.04.00 DEFINITIONS SPECIFIC TO COMMUNICATIONS FACILITIES.
- 20.02.05.00 DEFINITIONS SPECIFIC TO SCENIC/GATEWAY CORRIDORS.
- 20.02.06.00 RULES OF CONSTRUCTION.

20.02.01.00 DEFINITIONS.

...

“Lot” means a parcel of land intended for use as a unit in terms of its ownership or development. May be either a “lot of record” or a “zoning lot.”

- ▶ Lot, zoning. ~~“Zoning lot” means~~ A single tract of land which (at the time of filing for a building permit or other approval) is designated by its owner or developer for purposes of compliance with this Zoning Ordinance as a tract to be used, developed, or built upon. A “zoning lot or lots” may coincide with one or more lots of record. **Provided, however, in the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding the foregoing definition or any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot is included with one or more other lot(s) in a Zoning Lot. For purposes of this definition, in any situation where two or more lots of record are aggregated into a single zoning lot, a lot of record used for parking is considered to be used “solely as a parking lot” unless the parking use is accessory to a principal use that is located on at least fifty percent (50%) of the lot area of the lot of record on which the parking is located.**

“Lot area” means the area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.

Lot Line, Front. “Front lot line” means that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public right-of-way.

Lot Line, Side. “Side lot line” means any lot boundary between the front and rear lot lines.

Lot Line, Rear. “Rear lot line” means that boundary of a lot which is most distant from, and is most nearly parallel to the front lot line.

“Lot of record” means a lot which was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the office of the county recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the office of the county recorder; “legally established” means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

“Lot width” means the distance parallel to the front lot line through a building erected or to be erected, measured between side lot lines through the part of the building where the lot is narrowest.

Chapter 20.06

DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

Sections:

- 20.06.01.00 USE OF LAND AND BUILDINGS AND BULK REGULATIONS.**
- 20.06.02.00 OFF-STREET PARKING.**
- 20.06.03.00 OFF-STREET LOADING.**
- 20.06.04.00 ENVIRONMENTAL AND URBAN DESIGN STANDARDS.**
- 20.06.05.00 ENVIRONMENTAL PERFORMANCE STANDARDS.**
- 20.06.06.00 SIGN REGULATIONS.**
- 20.06.07.00 TEMPORARY USES.**

20.06.02.00 OFF-STREET PARKING.

20.06.02.01 Purpose and Scope.

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the city, off-street parking and loading spaces for every use shall be provided in accordance with the standards established in this zoning ordinance.

► **20.06.02.02 Required Number of Off-Street Parking Spaces.**

(a) Off-street parking is not required in the ~~commercial downtown district~~ **Downtown Commercial (CD) district, and any off-street parking provided therein shall be subject to the provisions of Section 20.06.02.05, Paragraph (d), of this Zoning Ordinance.**

(b) In all other districts, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 6-1 of this subsection, except as provided in Section 20.07.15.05. In the event of a change of use of any structure or lot, or the addition of dwelling units, gross floor area, seating capacity, or other units of measurement used in Table 6-1 which would require the provision of more off-street parking, parking facilities shall be provided as required in Table 6-1 for the entire use.

(c) In cases where the number of required off-street parking spaces is based on gross floor area in Table 6-1 an applicant may provide planning staff with a notarized affidavit stating the square footage of the assignable area in the building. When such an affidavit is provided, the number of parking spaces required shall be calculated based on assignable area rather than gross square footage. In the absence of such a statement, gross floor area shall be used to calculate the number of required parking spaces. Space which is designated as nonassignable may not be used as assignable area without provision of required off-street parking.

(d) When any calculation results in a fraction of a parking space, any fraction shall be rounded to the next highest whole number.

(e) In the event a specific use is not listed in Table 6-1, the planning staff shall determine the number of spaces required. In making this determination, the planning staff shall consider the following criteria:

- (1) The number of parking spaces required for a use listed in Table 6-1 that is the most similar to the proposed use in terms of the parked motor vehicles that are anticipated to be generated;
- (2) The square footage to be occupied by the proposed use; and
- (3) The number of employees and patrons that are anticipated for the proposed use.
- (4) Handicapped accessible parking shall be provided subject to Section 20.06.02.04 of this chapter and to the requirements of the Americans with Disabilities Act (ADA) of 1990.

...

20.06.02.05 Location of Parking Spaces.

(a) Street Setbacks.

(1) Single-Family Districts. Parking for single-family residential uses shall be prohibited within the setback between the street and the building except on a single driveway not exceeding the width of an attached garage facing the street or twenty-two feet in width where there is no attached garage facing the street. Parking on any other portion of the setback between the street and the building or on a lawn shall be prohibited. Parking shall not be permitted in driveways serving parking lots.

(2) Multi-Family Districts. Parking for multi-family residential uses shall be prohibited within the required street setback as set forth in Table 7-3 found in Section 20.07.16.02. Parking shall not be permitted in driveways serving parking lots. Parking shall be prohibited on lawns.

(b) Side and Rear Yards.

(1) Single-Family Districts. Parking areas may occupy a maximum of fifty percent of the area extending from the rear of the principal structure to the rear lot line between side lot lines.

(2) Multi-Family Districts. The side and rear parking setback requirement shall be one-half the building setback for the district or five feet, whichever is greater.

(c) Off-Site Parking as Conditional Use. Except as otherwise provided herein, all required parking spaces shall be located on the same zoning lot as the principal use. Off-site parking may be used to satisfy parking requirements if the board of zoning appeals determines that such off-site parking facility conforms to the conditional use criteria found in Section 20.05.04.00.

► **(d) Commercial Districts. In the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot of record is otherwise included with one or more other lot(s) in a Zoning Lot. Parking lots in these Districts may be provided only as an accessory use that is located on the same lot of record as the principal use. In any situation where two or more lots of record are aggregated into a single zoning lot, this requirement is satisfied only if the principal use occupies at least fifty percent (50%) of the lot area of the lot of record on which the accessory parking lot is located.**

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Chapter 20.07

ZONING DISTRICTS

Sections:

20.07.01.00	ESTABLISHMENT OF ZONING DISTRICTS AND MAP.
20.07.02.00	ESTATE RESIDENTIAL 2.5.
20.07.03.00	ESTATE RESIDENTIAL 1.
20.07.04.00	SINGLE DWELLING RESIDENTIAL.
20.07.05.00	TOWNHOUSE RESIDENTIAL.
20.07.06.00	MULTI-DWELLING RESIDENTIAL.
20.07.07.00	LIMITED COMMERCIAL.
20.07.08.00	GENERAL COMMERCIAL.
20.07.09.00	ARTERIAL COMMERCIAL.
20.07.10.00	DOWNTOWN COMMERCIAL.
20.07.11.00	LIMITED INDUSTRIAL.
20.07.12.00	GENERAL INDUSTRIAL.
20.07.13.00	BUSINESS PARK.
20.07.14.00	SPECIAL DISTRICTS.
20.07.15.00	OVERLAY DISTRICTS.
20.07.16.00	SUMMARY OF DISTRICT USES AND REGULATIONS.

20.07.08.00 GENERAL COMMERCIAL.

20.07.08.01 Purpose.

The intent of the general commercial district is to provide areas within the city where shopping centers can be located in such a way that they will be accessible to the larger Bloomington community without creating detrimental impacts on surrounding land uses. This district provides a location for commercial uses of a significant scale that attract customers from throughout the area. The specific intent of this district is to:

- (a) Establish areas of compatible commercial uses;
- (b) Improve the visual quality of commercial areas;
- (c) Create an environment of well planned and coordinated commercial development.

20.07.08.02 Permitted Uses.

The following uses are permitted in the CG district subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. Some uses are permitted only under specific conditions or with certain limitations. For such uses a number or numbers will appear in parentheses. Refer to said number(s) in Table 7-2 found in Section 20.07.16.01 of this zoning ordinance, to ascertain what conditions or limitations may apply to that use in this zoning district.

Amusement arcade
Animal hospitals and veterinarians' offices
Appliance and furniture repair
Auditoriums
Automotive repair (9)
Bars and taverns

Bed and breakfast (14)
Brewpub
Business services in enclosed buildings
Car washes
Churches
Community centers
Convalescent, nursing and rest homes
Cultural facilities
Day care centers
Drive-through facilities serving another permitted use (10)
Financial institutions
Fire stations
Gasoline service stations (11)
Home occupations (16)
Hotels and motels
Lodge halls
Mortuaries
Multi-family dwellings
Offices
▶ Parking lots and garages (15)
Personal services
Police stations
Recreation centers
Residential care homes for developmentally disabled individuals (2)
Residential care homes for mentally ill individuals (3)
Residential care homes for up to five individuals other than those described above (4)
Restaurants
Retail sales in enclosed buildings, provided no individual enterprise shall exceed sixty thousand square feet
Rooming/lodging houses
Schools, elementary, middle, and high
Schools, trade and business
Single-family detached dwellings
Social service uses
Theaters, indoor
Utility substations and transmission facilities (5)
Wholesale sales in enclosed buildings, provided no individual enterprise shall exceed twenty thousand square feet

20.07.09.00 ARTERIAL COMMERCIAL.

20.07.09.01 Purpose.

The purpose of this district is to provide well planned major commercial centers along major thoroughfares, access to which is primarily automotive. These centers require significant transportation and parking facilities which are not appropriate in more congested or less auto oriented parts of the city. The intent of this district is to provide a planning mechanism that ensures efficient use of space, minimal congestion, and attractive development which creates a pleasant and healthy environment for the residents of the Bloomington area.

20.07.09.02 Permitted Uses.

The following uses are permitted in the CA district subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. Some uses are permitted only under specific conditions or with certain limitations. For such uses a number or numbers will appear in parentheses. Refer to said number(s) in Table 7-2 found in Section 20.07.16.01 of this zoning ordinance, to ascertain what conditions or limitations may apply to that use in this zoning district.

- Amusement arcade
- Animal hospitals and veterinarians' offices
- Auditoriums
- Automotive repair (9)
- Bars and taverns
- Bed and breakfast (14)
- Brewpub
- Building trade shops
- Business service
- Car washes
- Churches
- Community centers
- Convalescent, nursing, or rest home
- Cultural facilities
- Day care centers
- Drive-through facilities (10)
- Financial institutions
- Fire stations
- Gasoline service station (11)
- Home occupations (16)
- Hotels and motels
- Kennels
- Lodge halls
- Mini-warehouses
- Minor communications facilities (17)
- Mortuaries/crematoriums
- Multifamily dwellings
- Newspaper printing
- Nurseries/greenhouses

Offices

► Parking lots and garages (15)

Personal service

Police stations

Radio/TV stations

Recreation centers

Residential care homes for developmentally disabled individuals (2)

Residential care homes for mentally ill individuals (3)

Residential care homes for up to five individuals other than those described above (4)

Restaurants

Retail sales, indoor and outdoor

Rooming/lodging houses

Theaters, indoor

Schools, elementary, middle, and high

Schools, trade and business

Single-family detached dwellings

Social service uses

Utility substations and transmission facilities (5)

Wholesale trade

Cemeteries without funeral home or crematorium	P	P	C	C	C								P			
Churches	C	C	C	C	C	C	P	P	P	C		C	P	C		
Colleges or universities													P			
Commercial print shop													P			
Commercial use as principle use															C	C
Community centers			C	C	C		P	P	P			C	P			
Conference center													P			
Contractors offices																
Convalescent, nursing, or rest homes						C	P	P		C		P	P	P		
Correctional facilities								C			C		C			
Crematoriums																
Crops and pasturage	1	1														1
Cultural facilities						C	P	P	P	P			P		P	C
Day care centers	C	C	C	C	C	P	P	P	P	P		P	P	P		
Downtown devel. oppor. overlay					C		C	C	C				C	C		
Drive-through facilities								10								
Drive-through facilities serving a permitted use						C	10		C							
Drive-in theaters									C							
Dwelling units located on the second floor or above						P			P							
Emergency shelter facilities													P	C		
Financial institutions							P	P	P							
Fire stations	C	C	C	C	C	C	P	P	P	P	P		P	C	P	
Gasoline service stations							11	11								
Golf courses		C														
Swim clubs	C	C														
Tennis clubs	C	C														
Government institutions												P	P		P	

Heavy manufacturing												P					
Historic adaptive reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Home occupations	C	C	C	C	C	16	16	16	16								
Hospitals													P		P		
Hotels and motels							P	P	P				C			P	
Industrial uses with potentially adverse effects													C				
Kennels											P		C				
Light manufacturing												P	P	C			
Limited commercial												C	C	C			
Lodge halls							P	P	P								
Machinery and equipment repair												P	P				
Mental health facilities																P	
Mini-warehouses											P		P				
Mortuaries							P	P									
Multiple family dwellings					P		P	P	P								
Newspaper printing											P						
Nurseries/greenhouses											P						
Off-site parking						C	C	C			C	C	C	C	C	C	C
Offices						P	P	P	P	P	P	P	P	P	P	P	P
Outdoor retail and wholesale uses																	
Outdoor Storage as an accessory use to a permitted use in enclosed building													C				C
Outpatient care facilities																P	
Parking garages							15	15	P							C	
► Parking lots							15	15								C	
Parks and playgrounds	P	P	C	P	P	P									P		P C
Personal services						P	P	P	P								
Police stations	C	C	C	C	C	C	P	P	P	P	P			P	C	P	
Print shops											P	P					

Table 7-2

TABLE OF SPECIAL CONDITIONS

- (1) Livestock shall be permitted only in a pasturage context subject to the following:
 - (A) Pasture use shall be limited to one unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen percent shall not be considered in establishing the livestock limit for a pasture. Animal units per animal shall be determined as follows:

All larger animals, including cattle, horses, swine (excluding miniature pigs kept as pets), ponies, etc.	1.0 animal unit
Goats, sheep, miniature horses, etc.	0.5 animal unit
All smaller animals including fowl	0.2 animal unit

All animals less than four months of age shall be calculated at one-half the unit value of their respective category above
 - (B) All other agricultural business involving livestock are prohibited, including but not limited to concentration point, confined feeding, feedlot, feeder pig operation, livestock auction, livestock dealer, sale barn, stock yard, transfer station.
 - (C) Livestock shall not be kept on any parcel of less than five acres in area and three hundred feet in width, except that chickens and ducks may be kept within the density limits on parcels of two acres or more.
 - (D) Structures containing livestock or livestock waste shall meet the following minimum setbacks:

Front	75 ft.
Side	50 ft.
Rear	75 ft.
- (2) As described in Indiana Code Section 12-28-4-8 and licensed by the State under a program authorized by Indiana Code Section 12-11-1.
- (3) As described in Indiana Code Section 12-28-4-7 and licensed by the State pursuant to Indiana Code Section 12-22-2-3(2)-(6), provided that no such home shall be located within three thousand feet of any other residential care home, measured between lot lines.
- (4) Provided all state licensing provisions are complied with, and provided that no such home shall be located within three thousand feet of any other residential care home, measured between lot lines.
- (5) Shall provide vegetative buffer which shall completely screen fenced area around the facility.
- (6) Shall be located on a street classified as collector or arterial; shall be adequately screened from adjacent residential uses.
- (7)
 - (A) The operator or manager of the facility must reside on the premises.
 - (B) Maximum of five guest rooms.
- (8) Permitted only on lots of record established before the effective date of this zoning ordinance.
- (9) All major overhaul, body and fender work, upholstery and welding shall be conducted within a completely enclosed building and all spray painting shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar materials, or outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be permitted.

Table 7-2 (Continued)

- (10) (A) Shall not be provided with additional driveways except as authorized by the city engineer.
- (B) Design of maneuvering and stacking aisles shall not interfere with circulation or visibility for traffic either on or off site and shall be designed to minimize headlight glare to adjacent properties.
- (C) The radius and width of maneuvering areas shall be as required by the city engineer.
- (11) (A) Outdoor storage of auto parts or supplies is prohibited.
- (B) A maximum of three cars awaiting repair may be stored outside.
- (12) Recycling Conditions. Recyclable materials stored on site must be sorted and enclosed in buildings, appropriate containers, or bales no smaller than four hundred pounds. All unprocessed materials must be stored in buildings or enclosed containers and may remain on site no longer than seven (7) working days. Processed materials are defined as baled materials, or materials in shippable containers. Unrecyclable materials must be stored in enclosed buildings.
- (13) Outdoor storage yards shall be screened so as to mitigate the appearance and impact of the proposed storage use, and its level of activity, in a manner consistent with the purposes of the IG district.
- (14) Resident manager not required; number of guest rooms limited only by parking and bulk constraints.
- (15) If intended to be used to provide required off-street parking for a use on another lot, parking lots and garages are required to obtain conditional use approval.
- (16) Must meet standards for home occupation as set forth in Section 20.05.04.06(w). Commercial activity above and beyond those limits shall be subject to the requirements of the zoning district, including site plan review.
- (17) Subject to the provisions of Section 20.05.15.00.

Table 7-4

20.07.16.03 Bulk, Density, Height, Area, and Aesthetic Requirements

(a) No yard, open space, or lot area required for a building or structure shall be occupied by, or counted as open space for, any other building or structure.

(b) The following structures or parts of structures are exempt from the height limitations set forth in the zoning districts: Silos, windmills, chimneys, rooftop mechanicals, derricks, observation towers, power transmission towers, and water towers. Height restrictions in the area of the Monroe County Airport are regulated by the Federal Aviation Administration.

(c) Fences may be constructed in any yard if they are a maximum of eight feet in height. Fences constructed at the building setback line or within the buildable area of the lot are subject to the height limitations of the zoning district. Barbed wire fences are prohibited within the corporate limits of Bloomington.

(d) The following structures or facilities may be constructed in any yard: sidewalks, arbors and trellises, retaining walls, landscape features and planting boxes.

(e) Any substandard lot of record which was recorded prior to the effective date of this zoning ordinance shall be permitted to exist in its present dimensions. Such lots may have reduced side yard requirements as shown below:

In any RE district:	fifteen feet minimum each side
In any RS district:	six feet minimum each side

► **(f) In the Downtown Commercial (CD), General Commercial (CG), and Arterial Commercial (CA) districts, notwithstanding any other provision of this Zoning Ordinance, no lot of record shall be used or developed solely as a parking lot, even where such lot of record is otherwise included with one or more other lot(s) in a Zoning Lot. Parking lots in these Districts may be provided only as an accessory use that is located on the same lot of record as the principal use. In any situation where two or more lots of record are aggregated into a single zoning lot, this requirement is satisfied only if the principal use occupies at least fifty percent (50%) of the lot area of the lot of record on which the accessory parking lot is located.**

► **(g)** The following table shows dimensional and locational requirements which are exceptions to the general bulk controls applicable to each zoning district.

Where the symbol “NP” is seen, such object or structure is not permitted within that required setback.

Where the symbol “P” is seen, such object or structure is permitted subject to any other requirements in this zoning ordinance.

Type of Structure or Use Encroachment	Front Setback	Side Yard	Rear Yard
Air-conditioners which are window units may extend from the structure;	30"	30"	30"
Air-conditioners which are ground units may project into the required setback, providing they are properly screened, by:	5'	5'	5'
Antennae are subject to the provisions of Section 20.05.15.03(c)(1).			
Awnings and canopies may extend into the required setback by;	3'	3'	3'
Balconies, steps, decks, and patios, and uncovered open porches may extend into the required setback by:	6'	6'	6'
Bay windows which are one story high and occupy no more than thirty-five percent of the front building face may extend into the required setback by:	3'	3'	3'
Belt courses, window sills and other architectural features may extend into the required setback by:	3'	3'	3'
Chimneys which shall not occupy more than thirty-five percent of the front building face may project into the required setback by:	3'	3'	3'
Clothes lines and poles shall be located no closer to a property line than:	35'	5'	5'
Cornices may extend from the structure no more than:	18"	18"	18"
Detached garages, carports, and storage sheds may be no higher than fifteen feet and shall be located no closer to a property line than:	35'	5'	5'
Eaves may extend from the structure no more than:	3'	3'	3'
Entrance canopies no larger in horizontal area than one square foot per each two feet of lot frontage are permitted in non-residential districts subject to site distance regulations.	P	P	p
Fallout shelters (completely underground)	35'	5'	5'
Fire escapes may project from the structure no more than:	NP	6'	6'
Flagpoles may be no more than the permitted building height and shall be located no closer to an adjacent property line than:	12'	5'	5'

Handicap ramps may project into the required setback by:	20'	8'	8'
Marquees, at least ten feet above the level of the sidewalk or right-of-way over which it projects, not beyond a line parallel to and one foot back of the back line of the curb fronting the property, no wider than the building to which it is attached, and any signage or device attached to such marquee may not extend below or above the vertical face of the marquee except that a sign or device not more than forty-eight inches in length and thirteen inches high may be hung from the underside of the marquee if installed perpendicular to the adjacent property line and containing only the name of and nature of the business conducted in the adjacent property. Such sign must be in compliance with Section 20.06.06.00 of this zoning ordinance.			
Pool and filtering equipment shall be located proximate to the pool and no closer to an adjacent property line than:	35'	5'	5'
Public art (see Section 20.06.04.05)	15'	5'	5'
Recreational equipment, satellite dishes, pethouses and playhouses may be located no closer to a property line than:	35'	5'	5'

(Ord. 01-01 § 3, 2001; Ord. 98-24 §§ 21—23, 1998; Ord. 97-13 § 13, 1997; Ord. 95-41 §§ 10, 11, 1995; Ord. 95-21 § 3 (part), 1995).



**MARK KRUZAN
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December 6, 2004

Dear Plan Commissioners,

I write to urge your support for ZO-32-04 as will be presented by staff for your consideration.

- While we may each as individuals have our own ideas about what the perfect legislation on this topic would look like, I think it is most productive to compare the proposed legislation as presented with the status quo. I think there can be no disagreement that this legislation creates a fair process and ensures a degree of predictability, both absent under current rules and procedures. Accordingly, I firmly believe this legislation benefits both the development and preservation communities.

For example, today a potentially valuable historic structure could disappear virtually overnight with no public input into preservation options. Alternatively, a property owner today can receive all necessary zoning approvals and variances from statutory bodies — such as the Plan Commission and the Board of Zoning Appeals (BZA) — for zoning plans that include structure demolition only to have the Historic Preservation Council act later, potentially *much* later, to prohibit demolition that the Commission or the BZA has already condoned.

- I believe it is also important to keep in mind that any concerns about the duration of the interim protection that comes with a Historic Preservation Commission recommendation to the Council, prior to Council action on that recommendation, are not related to demolition review or the proposal before you. That issue applies to *any* such recommendation the Commission might make to the Council — including all those completely outside the context of demolition or this legislation. If it chose, the City Council could independently take up the issue of the duration of interim protections through an ordinance amending the sections of the Bloomington Municipal Code dealing with historic preservation, not zoning.
- I respectfully request that you do not divorce provisions regarding surface parking as a *primary* permitted use from the rest of this legislative proposal. I believe these provisions are part and parcel of the proposed legislation and further the goals of this legislative package. Due to marketplace dynamics, *by-right* surface parking is a significant land use incentive and can encourage demolition of potentially valuable historic structures. Furthermore, this legislation *does not prohibit* such surface parking lots per se; it requires only that the



property owner go before the BZA for a public hearing to receive approval for a variance permitting such a use. As you know, the BZA handles variances requests on a regular and routine basis.

Again, I'd be grateful if you would pass these proposals as submitted tonight by my administration onto the City Council with your favorable vote. If, after implementation of these changes, we find that certain provisions need to be modified — for example, if we find there are unintended consequences as the result of some aspect of the legislation — it is certainly within the authority of the Commission, the Council, and the administration to propose Code changes for future consideration.

Thanks!



Mark Kruzan

GREATER BLOOMINGTON CHAMBER OF COMMERCE

Position Statement on Demolition Delay Ordinance Amendment December 6, 2004

The Chamber supports the public's legitimate interest in the preservation of historically significant buildings. But in order for business and investors to be successful, and for those persons who own/live in historic buildings to preserve their investments, the system by which buildings are designated as historic must be predictable. The proposed 90-120 day delay on deciding on a permit for building demolition would be reasonable and acceptable if it were inclusive of all possible reviews. But, that limit must be absolutely firm, with no possibility of delay.

The Chamber has several concerns with regard to the proposed ordinance and recommends –

1. That the Historic Preservation Commission, the Plan Commission and the City Council work together to create a process that is predictable for all parties concerned. This process must have ample time allowed for comprehensive community comment, especially from those individuals/corporations that may not be aware that the building is considered "historic;"

2. That the portion of the proposed ordinance that addresses surface parking be removed and re-introduced during such time as the GPP-related ordinance is discussed. More dialogue and public input is needed regarding surface parking. It needs to be discussed separately;

3. That the penalty aspects of the ordinance be made unambiguous so that a known, finite amount is levied against a party who violates the ordinance and we can be assured that the proposed penalties are lawful; and

4. That the City notify all owners whose properties are listed on the interim report, and which could fall under a demolition delay. This notification should be made in such a way as to give affected entities and persons sufficient time to understand the impact of the proposed ordinance, and to provide comment about it.

To: Members of the Plan Commission

From: Jim Murphy - President, CFC, Inc.

Date: December 6, 2004

RE: Demolition Delay and Surface Parking Lots Ordinance

I would like to take this opportunity to comment on the proposed Demolition Delay and Surface Parking Lots Ordinance. CFC, Inc. has always been an advocate of preserving properties based on their merit. We also recognize the need for future development and necessity of balancing the two.

First and foremost, I would suggest that the two issues be separated and not addressed in the same ordinance. Taking them forward as presented only clouds the issues and makes it even more difficult to identify the objectives of the individual issues. While demolition review may not be the optimal solution, it is a necessary process to a degree. Having sat on the Demolition Review Committee, I had the opportunity to hear both sides of the issue. As for the surface parking lots issues, it is my recommendation that any action be postponed until the zoning ordinance is reviewed and amended in 2005.

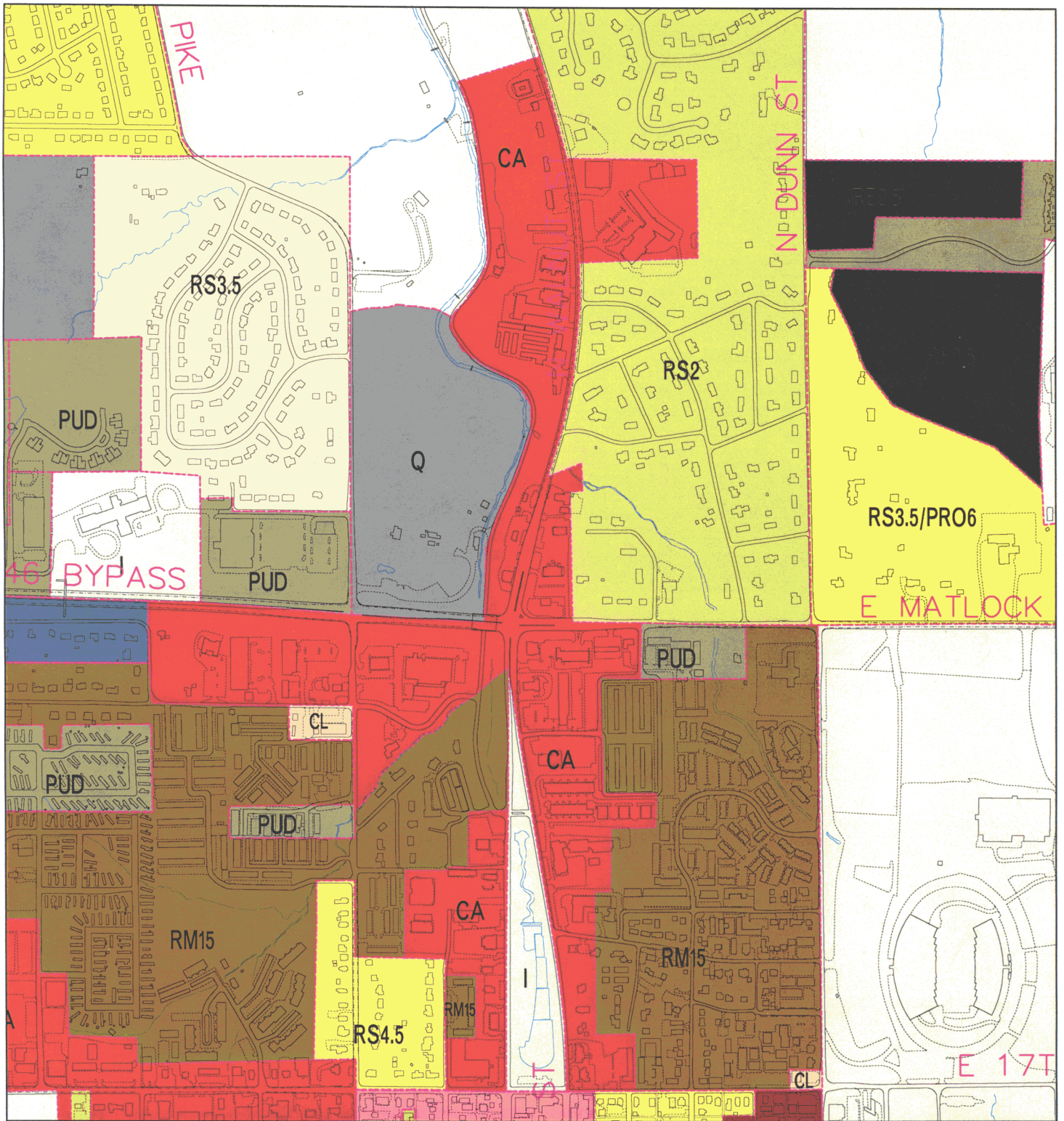
Most importantly, the process must be understood. The proposed ordinance is meant to protect properties that are listed in the Interim Report. A property is included in the report and rated as an "Outstanding, Notable, Contributing, or Non-Contributing" property; however, whether it is contributing or non-contributing is irrelevant at this time. The reason for a review process prior to demolition is to determine the validity of their inclusion.

Until the listings are challenged, one must assume that the property qualifies and the property will not be granted a demolition permit. However, it is imperative that this tool be used for the intended purpose, which is to preserve truly historic properties and not as a deterrent to development. The following will permit the intention of the ordinance:

- The ordinance must be predictable and consistent.
- The ordinance must have a definitive and reasonable timeframe to process and act on the demolition permit application. A reasonable timeframe would be 45 days.
- There should be a specified period of time to respond to the applicant, beginning with date of application.
- Failure by the review board to respond to an application within the given timeframe constitutes approval for a demolition permit.

The language regarding the penalty for illegal demolition is not definitive in the proposed ordinance and should be clarified prior to passing the ordinance. The proposed penalty appears excessive and should be reconsidered.

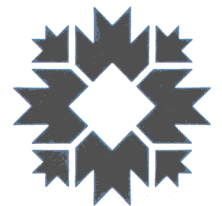
Lastly, although it is not a legal obligation, I think it is ethically appropriate to notify all owners of properties listed in the Interim Report prior to passing the proposed ordinance. It is the responsibility of the principal body, in this case the Historic Preservation Commission to give proper notice of said listings. I would recommend not acting on this ordinance until the owners of these properties are notified and given the opportunity to comment on the proposed ordinance.



By: roachja
6 Dec 04

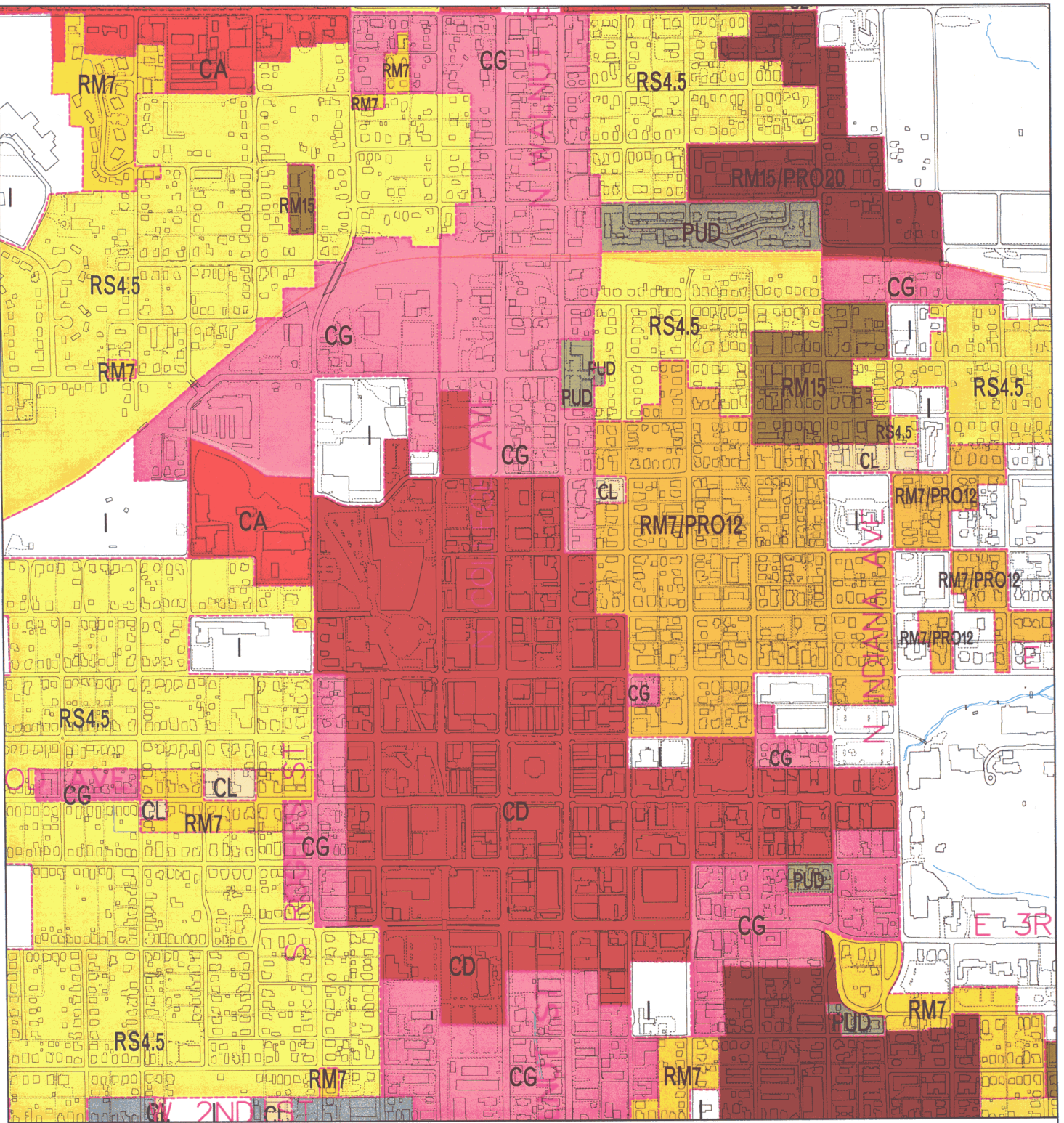


City of Bloomington
Planning



Scale: 1" = 800'

For reference only; map information NOT warranted.



By: roachja
6 Dec 04

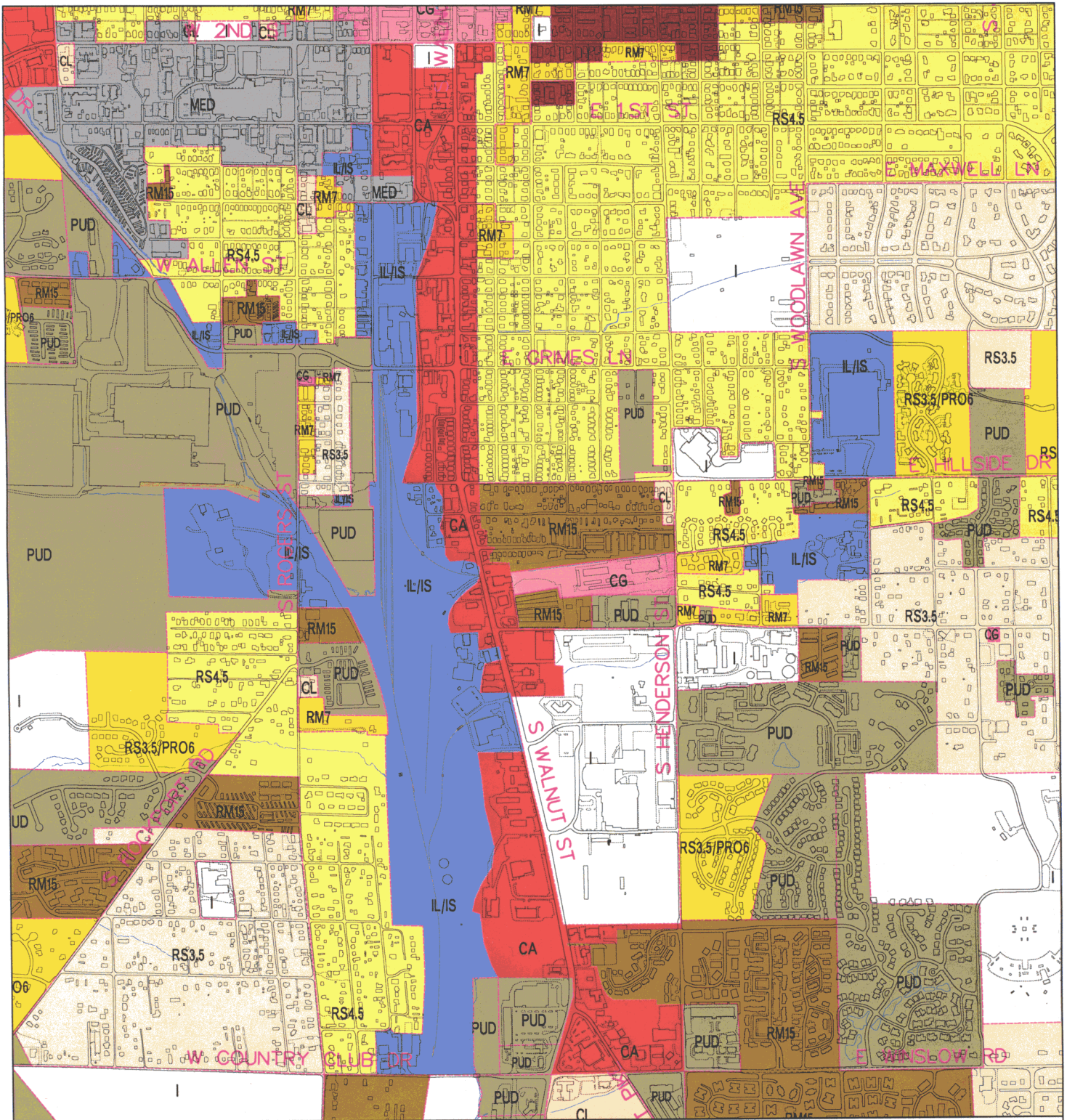


City of Bloomington
Planning

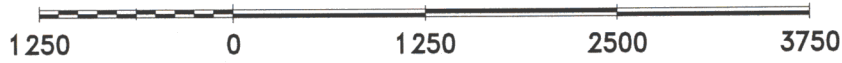


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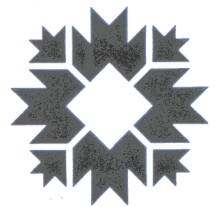
For reference only; map information NOT warranted.



By: roachja
6 Dec 04



City of Bloomington
Planning



Scale: 1" = 1250'

For reference only; map information NOT warranted.

ORDINANCE 05-02

**TO AMEND TITLE 8 “HISTORIC PRESERVATION AND PROTECTION” AND
TITLE 17 “CONSTRUCTION REGULATIONS”
OF THE BLOOMINGTON MUNICIPAL CODE
TO IMPLEMENT DEMOLITION DELAY FOR CERTAIN STRUCTURES**

WHEREAS, the City of Bloomington has a rich historic and architectural heritage, which has been catalogued in the 2001 City of Bloomington Survey of Historic Sites and Structures; and

WHEREAS, amendments to Title 20 “Zoning Ordinance” of the Bloomington Municipal Code being considered contemporaneously with this Ordinance will, if adopted, impose a delay upon demolition of certain buildings and structures that have been listed on the Survey but not yet protected by formal historic designation; and

WHEREAS, such a demolition delay will allow the Historic Preservation Commission (“HPC”) and the Common Council, where applicable, to consider prior to demolition whether formal preservation action should be taken, and will also allow property owners and the community to discuss and identify alternatives to demolition that may result in preservation of such buildings or structures; and

WHEREAS, parallel amendments to the Historic Preservation and Construction Regulations sections of the Bloomington Municipal Code are needed in order to implement the aforementioned amendments to the Zoning Ordinance;

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

Amendments to Title 8 “Historic Preservation and Protection”

SECTION I. Chapter 8.08 “Historic Districts and Standards” shall be amended to add Section 8.08.016, “Limited Effect of Interim Protection or Historic Designation in Certain Situations.”

8.08.016 Limited Effect of Interim Protection or Historic Designation in Certain Situations. Placing a property under Interim Protection pursuant to 8.08.015, or Historic designation of a property pursuant to 8.08, shall not result in revocation of, or prevent issuance of, any permit or Certificate of Zoning Compliance authorizing demolition of a property in the following situations:

(a) During any one-year period after the termination of a demolition waiting period pursuant to BMC 20.03.05.03(e); or

(b) During any one-year period following a final vote of the Common Council not to adopt an ordinance designating a property as historic, where the council was acting during a demolition waiting period pursuant to BMC Section 20.03.05.03(e) or was acting after the expiration of such a waiting period but as a result of an HPC recommendation that included interim protection and was made during a demolition waiting period under that Section.

Amendments to Title 17 “Construction Regulations”

SECTION II. Section 17.04.050, Definitions, shall be amended to add a new subdivision (k) as follows:

(k) Demolition shall include not only complete destruction of any building or structure but also any action that would result in partial demolition of any exterior portion of a building or structure that is listed as Outstanding, Notable or Contributing on the 2001 City of Bloomington Survey of Historic Sites and Structures adopted on October 17, 2002 by the Bloomington Historic Preservation Commission (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey").

SECTION III. Chapter 17.08 "Administration and Enforcement" shall be amended to add Section 17.08.100 "Permits Involving Demolition" to read as follows:

17.08.100. Permits Involving Demolition. Any permit issued by Monroe County or the City of Bloomington authorizing demolition of any building or structure within the City corporate boundaries, whether denominated a "demolition permit" or any other type of permit authorizing demolition, shall require approval by City Engineering, which shall not approve such permit until the Planning Director or his designee has approved such permit. Approval by the Planning Director shall indicate that the proposed demolition complies with all applicable provisions of Title 8 and Title 20 of the Bloomington Municipal Code, including but not limited to those provisions restricting demolition of certain buildings and structures on the Historic Inventory.

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 of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

_____, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 8 and Title 17 to implement the demolition delay provisions added to the zoning ordinance by Ordinance 05-01.

ORDINANCE 05-02

TO AMEND TITLE 8 “HISTORIC PRESERVATION AND PROTECTION” AND TITLE 17 “CONSTRUCTION REGULATIONS” OF THE BLOOMINGTON MUNICIPAL CODE TO IMPLEMENT DEMOLITION DELAY FOR CERTAIN STRUCTURES

Background Material

This ordinance amends Title 8 and Title 17 of the BMC in order to implement the demolition delay procedures set forth in Ord 05-01.

Please see the memo on Ord 05-01 for an explanation of these procedures.

<p>strike – proposed deletion bold – proposed addition ▶ -- relevant section</p>
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**TITLE 8 “HISTORIC PRESERVATION AND PROTECTION”
and
TITLE 17 “CONSTRUCTION REGULATIONS”
OF THE BLOOMINGTON MUNICIPAL CODE**

AS AMENDED BY ORDINANCE 05-02

Section 1 of Ord 05-02 amends Chapter 8.08, “Historical Districts and Standards” by adding §8.08.016, “Limited Effect of Interim Protection or Historic Designation in Certain Situations.”
Section 2 of Ord 05-02 amends §17.04.050, “Definitions” by adding a new subdivision.
Section 3 of Ord 05-02 amends Chapter 17.08 “Administration and Enforcement” by adding §17.08.100, “Permits Involving Demolition.”

Title 8
HISTORIC PRESERVATION AND PROTECTION

Chapters:

- 8.02 Purpose and Definitions
- 8.08 Historic Districts and Standards
- 8.12 Demolition and Public Safety
- 8.16 Administration and Enforcement
- 8.20 List of Designated Historic Districts

Chapter 8.08
HISTORIC DISTRICTS AND STANDARDS

Sections:

- 8.08.010 Establishment of historic districts and conservation districts.
- 8.08.015 Interim protection.
- 8.08.020 Certificates of appropriateness.
- 8.08.025 Staff approvals.
- 8.08.030 Maintenance standards.
- 8.08.040 Development standards.
- 8.08.050 Preservation of historical and architectural character upon alteration or relocation mandated.

8.08.010 Establishment of historic districts and conservation districts.

(a) Initiating an Historic District Recommendation. All recommendations for establishment of an historic district shall be in the form of a written report and must be based on the criteria outlined in this title. A recommendation for establishing an historic district may be initiated from either of the following two sources:

(1) Based on its survey, the commission may draw and submit historic district maps for common council approval.

(2) Owners of property in fee simple wishing to establish an historic district which includes their property may petition the commission to consider drawing and submitting a map of such a district to the common council for its approval. The commission may establish in its rules criteria to be met before it considers a petition. The commission shall determine its recommendation within ninety days of receipt of a petition.

(b) The commission may recommend, and the council may provide that the establishment of an historic district shall occur in two phases. Under the first phase, to be called a conservation district, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building, or structure subject to view from a public way.

(1) After a conservation district has been in effect for three years, the common council shall decide whether or not to pass an ordinance to elevate the district to historic district status.

(2) Once established a conservation district shall continue, unless removed by ordinance.

(c) Commission Preparation of Historic District Maps. In order to establish an historic district, the commission shall first prepare a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted or adopted by the commission which identifies historic buildings, structures, and places located within the city.

(2) A district may be limited to the boundaries of a property containing a single building, structure, or site.

(3) The map may divide the district into primary and secondary areas as follows:

(A) Primary area: The principal area of historic and architectural significance;

(B) Secondary area: An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(4) The commission shall classify and designate all buildings and structures within each proposed district as historic or non-historic. Historic buildings or sites may include those buildings or sites that meet the architecturally worthy criteria set out in subsection (e)(2) of this section. The commission shall further classify and designate all buildings and structures within a proposed historic district as follows:

(A) Historic buildings and structures shall be further classified as Outstanding, Notable, or Contributing, as established by the Indiana State Division of Historic Preservation and Archaeology and the local survey.

(B) All non-historic buildings shall be classified as non-contributing.

(5) A written report shall accompany all recommendations for designation before the common council, in accordance with the criteria for designation, stating the case for accepting the district.

(d) Common Council Approval of Maps of Historic Districts. Before an historic district or conservation district is established and the building classification takes effect, the map setting

forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance by the common council. The procedure for doing so shall be as follows:

(1) The commission must take official action deciding whether or not to submit a map to the common council for its approval.

(2) Prior to taking action at a meeting, the commission shall hold a public hearing to allow public comment. A public hearing may be held separately or in conjunction with the meeting where action on the district is to occur.

(3) A public hearing held by the commission for the purpose of allowing comment on a proposed historic district designation shall be preceded by public notice as set forth in Indiana Code 5-3-1-1 et seq. In addition, the commission shall adopt rules that ensure that owners of all property within the proposed historic district, and all adjacent property owners, as determined by the most recent real estate tax lists, shall receive written notice of the hearing on the proposed historic district.

(4) A written report shall accompany the map submitted to the common council validating the proposed district by addressing the criteria listed in this section.

(e) Historic District Criteria. An historic district shall include a building, groups of buildings, structure(s), site(s), monument(s), streetscape(s), or neighborhood(s) which meet at least one of the following criteria:

(1) Historic:

(A) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

(B) Is the site of an historic event; or

(C) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

(A) Embodies distinguishing characteristics of an architectural or engineering type; or

(B) Is the work of a designer whose individual work has significantly influenced the development of the community; or

(C) Is the work of a designer of such prominence that such work gains its value from the designee's reputation; or

(D) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

(E) Contains any architectural style, detail, or other element in danger of being lost; or

(F) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or

(G) Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

(f) An ordinance approving the establishment of an historic district, may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under Section 8.08.020 before a permit may be issued or work begun. (Ord. 95-20 § 1 (part), 1995).

8.08.015 Interim protection.

(a) When submitting a map to the city council under Section 8.08.010 of this title, the commission may declare one or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two working days after declaring a building, structure, or site under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building structure or site with a written notice of the declaration. The written notice must:

(1) Cite the authority of the commission to put the building, structure or site under interim protection under this section;

(2) Explain the effect of putting the building, structure, or site under interim protection; and,

(3) Indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under subsection (a) remains under interim protection until the map is:

(1) Submitted to; and

(2) Approved in an ordinance or rejected by the common council of the city.

(d) While a building, structure, or site is under interim protection under this section:

(1) The building, structure, or site may not be demolished or moved, and,

(2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:

(a) Addition:

(b) Reconstruction

(c) Alteration

(e) The commission may approve a certificate of appropriateness at any time during the interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in Section 8.08.020 and any proposed preservation guidelines prepared for the building, structure, or site, but the certificate of appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the common council of the city. (Ord. 98-43 § 1, 1998).

► **8.08.016 Limited Effect of Interim Protection or Historic Designation in Certain Situations.**

Placing a property under Interim Protection pursuant to 8.08.015, or Historic designation of a property pursuant to 8.08, shall not result in revocation of, or prevent issuance of, any permit or Certificate of Zoning Compliance authorizing demolition of a property in the following situations:

(a). During any one-year period after the termination of a demolition waiting period pursuant to BMC 20.03.05.03(e); or

(b). During any one-year period following a final vote of the Common Council not to adopt an ordinance designating a property as historic, where the council was acting during a demolition waiting period pursuant to BMC Section 20.03.05.03(e) or was acting after the expiration of such a waiting period but as a result of an HPC recommendation that included interim protection and was made during a demolition waiting period under that Section.

8.08.020 Certificates of appropriateness.

(a) Certificates of appropriateness required. A certificate of appropriateness must be issued by the commission before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of an historic district:

(A) The demolition of any building,

(B) The moving of any building,

(C) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or

(D) Any new construction of a principal building or accessory building or structure subject to view from a public way;

(2) Within a primary area of an historic district:

(A) A change in walls and fences, or the construction of walls and fences along public ways,

(B) A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change;

(3) Within a conservation district:

(A) The moving of any building,

(B) The demolition of any building, or

(C) Any new construction of a principal building or accessory building or structure subject to view from a public way.

(b) Application for Certificates of Appropriateness. An application for certificate of appropriateness shall be made in the office of the commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the commission.

(c) Approval or Denial of Certificate of Appropriateness. The commission may approve or deny certificates of appropriateness for any actions covered by this title. If an application for a certificate of appropriateness is approved by the commission, or is not acted on by the commission within thirty days after it is filed, a certificate of appropriateness shall be issued. The commission may grant an extension of the thirty-day limit if the applicant agrees to it. The commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application.

(d) Right to Commission Review. In any case where an applicant does not receive a certificate of appropriateness or otherwise feels aggrieved by an action of the commission, the applicant shall have the right to a rehearing by the commission upon submission of additional evidence or new information.

(e) Criteria for Considering Effect of Actions on Historic Buildings. The commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of an historic building or structure, or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the commission shall consider, among other things, the following:

(1) Purposes of this title;

(2) Historical and architectural value and significance of the building, structure, or appurtenance;

(3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;

(4) The texture, material, color, style, and detailing of the building, structure or appurtenance;

(5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;

(6) The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same historic district, including for primary areas, visual compatibility as defined in Section 8.08.040 (b); and

(7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures. (Ord. 95-20 § 1 (part), 1995).

8.08.025 Staff approvals.

(a) The commission may authorize the staff of the commission, on behalf of the commission, to grant or deny an application for a certificate of appropriateness.

(b) The commission must specify the types of applications for minor classifications of work that the staff of the commission is authorized to grant or deny. The staff shall not be authorized to grant or deny an application for a certificate of appropriateness for the following:

(1) The demolition of a building, structure, or site

(2) The moving of a building or site.

(3) The construction of an addition to a building or structure.

(4) The construction of a new building or structure. (Ord. 98-43 § 2, 1998).

8.08.030 Maintenance standards.

(a) Conformance to Statutory Requirements of Buildings. Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features. Historic buildings shall be maintained to meet all applicable requirements established under statute and ordinance for buildings generally, including but not limited to Chapters 16.04 and 16.12 of the Bloomington Municipal Code (Property Maintenance Code and Housing Quality) where applicable.

(b) Ordinary Repairs and Maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.

(c) A certificate of appropriateness is not required for the following:

(1) Ordinary repairs and maintenance as defined in subsection (b) of this section;

(2) Repairs and maintenance designated by the commission under its rules;

(3) Special exceptions granted by the commission. (Ord. 98-43 § 3, 1998; Ord. 97-06 § 18, 1997; Ord. 95-20 § 1 (part), 1995).

8.08.040 Development standards.

(a) For new construction, contemporary design, and nonhistoric buildings: The purpose of this section is to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work. The construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of

any nonhistoric building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

(b) Criteria for considering visual compatibility within historic primary areas: Within the primary area of an historic district, new buildings and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

(1) Height: The height of proposed buildings must be visually compatible with adjacent buildings.

(2) Proportion of building's front facade: The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings and places to which it is visually related.

(3) Proportion of openings within the facade: The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of solids to voids in front facades: The relationship of solids to voids in the front facade of a building must be visually compatible with buildings and places to which it is visually related.

(5) Rhythm of spacing of buildings on streets: The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections: The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with the buildings and places to which it is visually related.

(7) Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.

(8) Roof shapes: The roof shape of a building must be visually compatible with the buildings to which it is visually related.

(9) Walls of continuity: Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of the building: The size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation: A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character. (Ord. 95-20 § 1 (part), 1995).

8.08.050 Preservation of historical and architectural character upon alteration or relocation mandated.

(a) An historical building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved,

reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(b) An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (a) of this section. (Ord. 95-20 § 1 (part), 1995).

Title 17
CONSTRUCTION REGULATIONS

Chapters:

- 17.04 General
- 17.08 Administration and Enforcement
- 17.12 License Requirements and Boards
- 17.16 Unsafe Building Law

Chapter 17.04
GENERAL

Sections:

- 17.04.010 Title.
- 17.04.020 Purpose.
- 17.04.030 Scope.
- 17.04.040 Violations and penalties.
- 17.04.050 Definitions.
- 17.04.060 Adoption of building rules, code and standards by reference.
- 17.04.070 Jurisdiction.
- 17.04.080 Change in use.
- 17.04.090 Property owner doing own work.
- 17.04.100 Appeals and variances.

17.04.010 Title.

These regulations shall be known as "Construction Regulations", may be cited as such and will be referred to herein as "this title" (Ord. 82-6 § 1 (part), 1982).

17.04.020 Purpose.

The purpose of this title is to provide for the administration and enforcement by the City of the technical codes adopted by the State of Indiana and the City and to provide minimum standards for the protection of life, limb, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and residences. (Ord. 82-6 § 1 (part), 1982).

17.04.030 Scope.

The provisions of this title shall serve as the administrative, organizational, and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures, building service equipment and systems within the City of Bloomington and its jurisdiction. These rules and regulations shall be supplemental to those adopted by the Indiana Fire Prevention and Building Safety Commission and other sections of the municipal code.

Where these regulations may conflict with rules established in the Indiana Administrative Code, such rules shall take precedence. Any provision of this title governing the interpretations of or variance from the provisions of the adopted rules shall be consistent with those of the Indiana Fire Prevention and Building Safety Commission. (Ord. 87-28 §§ 1 (part), 2, 1987; Ord. 82-6 § 1 (part), 1982).

17.04.040 Violations and penalties.

It shall be a violation of this code to fail to comply with regulations set forth in this title. Where specific penalties are not provided, a violator may be subject to the fines provided in the general penalty clause of Section 1.01.130. (Ord. 82-6 § 1 (part), 1982).

17.04.050 Definitions.

As used in this title, the following terms have the following meanings and where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used.

(a) Board means the electrical examination and registration board as established by this title.

(b) Building Official means the city engineer or his designee and has no link to the term used in state rules, codes, etc.

(c) Building Sewer means the pipe which is connected to the building or house at a point approximately three feet outside the foundation walls of the building and which conveys the building's sanitary sewage discharge from that point to the public sewer.

(d) City Engineer means the City Engineer and his designees.

(e) Commercial, Industrial, Electrical Contractor means one who may undertake electrical construction of multi-family dwellings over two stories, commercial and industrial electrical construction as well as the type of electrical construction permitted residential electrical contractors, in subsection (i), below.

(f) Planning Jurisdiction means the corporate limits of the city and the two-mile fringe as defined by the plan commission.

(g) Plumber, Journeyman means a person engaged in the practice of plumbing for hire who is qualified to install plumbing in accordance with the standards and regulations set forth by the state and this chapter.

(h) Plumbing Contractor means a person engaged in the plumbing business for the general public, or who maintains a plumbing shop, and is qualified to install plumbing in accordance with the standards and regulations set forth by the state and in this chapter.

(i) Residential Electrical Contractor means one who undertakes electrical construction for single, duplex, and two story or less multi-family dwelling with single-phase electrical service.

(j) Technical codes means the codes, standards, rules and regulations made a part of this title by Section 17.04.060. (Ord. 87-28 § 3, 1987; Ord. 82-6 § 1 (part), 1982).

► **(k) Demolition shall include not only complete destruction of any building or structure but also any action that would result in partial demolition of any exterior portion of a building or structure that is listed as Outstanding, Notable or Contributing on the 2001 City of Bloomington Survey of Historic Sites and Structures adopted on October 17, 2002 by the Bloomington Historic Preservation Commission (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey").**

17.04.060 Adoption of building rules, code and standards by reference.

(a) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this title, and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

- (1) Article 13 - Building Codes.
 - (A) Fire and Building Safety Standards;
 - (B) Indiana Building Code;
 - (C) Indiana Building Code Standards;
 - (D) Indiana Handicapped Accessibility Code.
 - (2) Article 14 - One and Two Family Dwelling Codes.
 - (A) Council of American Building Officials One and Two Family Dwelling Code;
 - (B) CABO One and Two Family Dwelling Code Amendments;
 - (C) Standard for Permanent Installation of Manufactured Homes.
 - (3) Article 16 - Plumbing Codes.
 - (A) Indiana Plumbing Code.
 - (4) Article 17 - Electrical Codes.
 - (A) Indiana Electrical Code;
 - (B) Safety Code for Health Care Facilities.
 - (5) Article 18 - Mechanical Codes.
 - (A) Indiana Mechanical Code.
 - (6) Article 19 - Energy Conservation Codes.
 - (A) Indiana Energy Conservation Code;
 - (B) Modifications to the Model Energy Code.
 - (7) Article 20 - Swimming Pool Codes.
 - (A) Indiana Swimming Pool Code.
- (b) Copies of adopted building rules, codes, and standards are on file in the city clerk's office. (Ord. 88-12 § 1, 1988).

17.04.070 Jurisdiction.

This title shall apply to the Planning jurisdiction of the City of Bloomington. (Ord. 82-6 § 1 (part), 1982).

17.04.080 Change in use.

The provisions of this title shall apply to all buildings which are to be devoted to a new use or occupancy for which the requirements of this title, or of the zoning regulations, are in any way more stringent than the requirements covering the previous use of the building. (Ord. 82-6 § 1 (part), 1982).

17.04.090 Property owner doing own work.

No section or provision in this title is to be interpreted as prohibiting a property owner from doing work on a residence which he owns and in which he lives or plans to live. Property for resale is not included in this exemption. Permits are required when work or construction equals or exceeds the scope set forth in this title. (Ord. 82-6 § 1 (part), 1982).

17.04.100 Appeals and variances.

The board of zoning appeals of the city is established as the official hearing board for disputes or variances from the rules and regulations set forth in this title, but it shall not be empowered to grant variances from any of the state technical codes adopted by this title, unless such variances are approved by the Indiana Fire Prevention and Building Safety Commission. The city engineer shall be the final local authority over disputes with regard to the interpretation of the technical

codes. Appeals and variances shall be through the Indiana Fire Prevention and Building Safety Commission in accordance with I.C. 22-13-2-7 and I.C. 4-21.5-3-7. (Ord. 88-12 § 2, 1988; Ord. 87-28 § 5, 1987; Ord. 82-6 § 1 (part), 1982).

Chapter 17.08
ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.08.010 Engineering department.
- 17.08.020 Scope and permits required.
- 17.08.030 Permit application.
- 17.08.050 Fees.
- 17.08.060 Certificate of occupancy.
- 17.08.070 Inspections.
- 17.08.080 Special plumbing regulations.
- 17.08.090 Special electrical regulation.

► **17.08.100 Permits Involving Demolition.**

Any permit issued by Monroe County or the City of Bloomington authorizing demolition of any building or structure within the City corporate boundaries, whether denominated a “demolition permit” or any other type of permit authorizing demolition, shall require approval by City Engineering, which shall not approve such permit until the Planning Director or his designee has approved such permit. Approval by the Planning Director shall indicate that the proposed demolition complies with all applicable provisions of Title 8 and Title 20 of the Bloomington Municipal Code, including but not limited to those provisions restricting demolition of certain buildings and structures on the Historic Inventory.

17.08.010 Engineering department.

It shall be the duty of the City Engineer to administer all of the provisions of this title as required in I.C. 36-7-2-9.

(a) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the City Engineer may appoint building inspectors, and other related technical officers and inspectors and other employees as shall be authorized from time to time.

(b) Stop Work Orders. Whenever any work is being done contrary to the provisions of this title, the City Engineer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop until authorized by the City Engineer to proceed with the work. It shall be a violation of the ordinances of the City of Bloomington to continue work on any project after a stop work order has been duly issued.

(c) Returning Site to Original Condition. After a stop work order has been issued and/or after a person or firm is denied a permit to continue the work the site or structure must be returned to its original condition. (Ord. 87-28 § 6, 1988; Ord. 82-6 § 1 (part), 1982).

17.08.020 Scope and permits required.

It shall be a violation of this title for any person firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure or make any installation, alteration, repair, replacement or remodel any building service equipment regulated by this title without first obtaining a separate, appropriate permit for each building, structure or building service equipment from the building official.

It shall be a violation of this title for any person to make any connection in any manner with the water or sewage system of the City, or to install any plumbing in any building which connects with the City water or sewage system until a permit has been granted by the City; provided, however, that a plumbing permits shall not be required for repairing or replacing a fixture, fitting, faucet or valve by one to be used for the same purpose, for forcing out stoppage, repairing leaks or relieving frozen pipes and fittings. However, when such repairs or alterations include new vertical or horizontal lines of soil, waste or vent pipes, or where their location is changed, a permit is required and the work is subject to inspection by the City building inspector.

(a) Exempted Work. Ordinary repairs and maintenance to buildings may be done without application or notice to the City Engineer but such repairs shall not include the cutting of any wall partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor, shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(b) Responsibility. It shall be the duty of the property owner to see that all necessary permits as required by this title have been secured from the City Engineer, before any work has been started. Failure of the party responsible for the securing of such permit to do so, shall be subject to a fine as provided in Section 1.01.130 of the Bloomington Municipal Code.

(c) Failure to Obtain Permit. When any person proceeds to do any work or construction covered by this chapter without the required permit, a penalty of three times the applicable permit fee shall be charged. In addition the applicable permit fee shall also be charged. The payment of this penalty does not release the person in default from any other penalties provided. If the person can prove that failure to obtain a permit was: (1) an error made in good faith, (2) resulted in no advantage to him, and (3) that the construction which resulted conformed to all city building and zoning regulations, the city engineer may waive the penalty. (Ord. 93-41 § 14, 1993; Ord. 82-6 § 1 (part), 1982).

17.08.030 Permit application.

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city engineer. When a design release issued by the State Building Commission is required pursuant to rules of the Indiana Fire Prevention and Building Safety Commission (675 IAC 12), no permit shall be issued until the design release is received by the city engineer. Every applicant shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by street address, lot number, addition and/or legal description.
- (3) Indicate the use or occupancy for which the proposed work is to be used.

(4) Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection 7(a) below.

(5) State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

(6) Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority.

(7) Give such other data and information as may be required by the city engineer. Plans, engineering calculations, diagrams, and other data shall be submitted in two sets with each application for a permit. The city engineer may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

(a) Information Required. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this title.

(b) Exceptions. The city engineer may waive the submission of plans, calculation, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Expiration of Plan Review. Applications for which no permit is issued within one hundred eighty days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the city engineer.

(d) Expiration. Every permit issued by the city engineer under the provisions of this title shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within three hundred sixty days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned for a period of three hundred sixty days after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained. In order to renew action on a permit after expiration a new application must be made, reviewed, and the current permit fee paid.

(e) Suspension or Revocation. The city engineer may, in writing, suspend or revoke a permit issued under the provisions of this title whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of this title or upon revocation of the State Building Commission design release. Said revocation shall be effective immediately.

(f) Renewal. A permit may be renewed only one time. Application for renewal must be made at least ten days before the permit's expiration date. The fee for renewal shall be fifty percent of the original fee. (Ord. 93-41 § 15, 1993; Ord. 91-9 § 1, 1991; Ord. 87-28 § 7, 1987; Ord. 82-6 § 1 (part), 1982).

ORDINANCE 05-03

TO AMEND THE ORDINANCE WHICH FIXED THE SALARIES OF APPOINTED OFFICERS AND EMPLOYEES OF THE CIVIL CITY FOR THE YEAR 2005 (ORDINANCE 04-19)

Re: Positions in the Animal Control Division, Mayor's Office, and Planning Department

WHEREAS, the Animal Control Division of Public Works would like to add two Kennel Worker positions; and

WHEREAS, the Mayor's Office would like to add the position of Sustainable City/Community Events Coordinator; and,

WHEREAS, the Planning Department would like to add an Assistant Director;

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

SECTION I. Section 1 of Ordinance 04-19 (Civil City) shall be amended by deleting the following lines regarding job title and grade as indicated below:

<u>Department</u>	<u>Job Title</u>	<u>Grade</u>
Animal Control	Kennel Worker (7)	103

SECTION II. Section 1 of Ordinance 04-19 (Civil City) shall be amended by adding the following lines regarding job titles and grade as indicated below:

<u>Department</u>	<u>Job Title</u>	<u>Grade</u>
Animal Control	Kennel Worker (9)	103
Mayor	Sustainable City/ Community Events Coordinator	7
Planning	Assistant Director	9

SECTION III. If any sections, 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 IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2005.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the City of Bloomington Civil City Salary Ordinance for the year 2005 (Ordinance 04-19) by adding two Kennel Workers (grade 103) in the Animal Control Division of Public Works, a Sustainable City/Community Events Coordinator (grade 7) in the Mayor's Office, and an Assistant Director (grade 9) in the Planning Department.

Memorandum

To: City Council members
From: Daniel Grundmann, ES Director
CC: Dan Sherman, Mayor Kruzan, James McNamara, Kevin Robling, Tom Micuda,
Laurie Ringquist, Julio Alonso, Susan Clark
Date: 12/30/2004
Re: Proposed Salary Ordinance Amendment (Ordinance 05-03)

We respectfully request the following proposed changes to the 2005 Civil City ordinance.

Animal Control

While staffing levels in the Animal Control Division historically have been less than truly needed, the growing population of animals served coupled with the increased attention on Animal Control service provision in the community, creates a pressing need to address staffing issues. The volume of animals cared for by shelter staff increased 13% this year over 2003, and the cleaning area for which the kennel staff is responsible is 80% greater than in the former facility.

A recent review conducted by Employee Services concludes that, by Humane Society of United States (HSUS) standards, the kennel is at least 50.6 hours per week short of adequate staffing. Those numbers assume a holding period averaging five days per animal. The average holding period at our facility is at least twelve days. The corresponding shortage of labor hours, considering current staffing levels, benefit time, and HSUS standards for optimal care levels, leaves us *several hundred* hours below desired weekly staffing levels in the kennel.

The immediate results of this staffing shortage include an inability to complete essential tasks, reduced levels of care for our animals, and decreased public satisfaction with service provision. In turn, stress levels and compassion fatigue are exacerbated and turnover and overtime increase. In order to address this problem, we would like to add two part-time Kennel Workers, budgeted at 0.6 FTE each, to the salary ordinance. The 2005 fiscal impact for both positions totals \$46,974, including PERF, FICA, and benefits.

Office of the Mayor

If approved, the Sustainable City/Community Events Coordinator will oversee the City of Bloomington Sustainability Commission and coordinate sustainability initiatives among City departments. The Coordinator will also direct City participation in local civic events and will facilitate City involvement and/or sponsorship in social service agency and other community organization activities. Both roles will foster the notion that sustainability, social service agencies, and community civic groups play a vital role in the local economy.

The position received preliminary review in Employee Services placing it in grade 7. The fiscal impact for 2005, depending upon knowledge, skills, abilities, experience, and date of hire of the successful applicant, is approximately \$56,000 including salary, PERF, FICA, and benefits.

Planning

Creating the Assistant Director position in the Planning Department would achieve two goals. First, it adds a badly needed additional 1.0 FTE in a department with a tremendous workload that will only increase in the coming years. Specifically, the development of the Downtown Plan and the Zoning Ordinance (Title 20 of the Bloomington Municipal Code) revision, as well as their implementation, will keep the Department thoroughly engaged for the foreseeable future.

Second, the Assistant Director position will allow us to continue developing the most effective and efficient organizational architecture for the Planning Department. While precise job descriptions, including reporting lines, are still being finalized, one goal will be to allow the Director of Planning to focus more of his precious time on strategic and long-term issues, and less on the day-to-day operations of the Department.

The position received preliminary review in Employee Services placing it in grade 9. The fiscal impact for 2005, depending upon knowledge, skills, abilities, experience, and date of hire of the successful applicant, is approximately \$66,000 including salary, PERF, FICA, and benefits.

In the Council Chambers of the Showers City Hall on Wednesday, November 10, 2004 at 7:30 pm with Council President Diekhoff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 10, 2004

Roll Call: Banach, Diekhoff, Ruff, Rollo, Sturbaum, Volan, Sabbagh, Mayer
Absent: Gaal

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

Octavia Matthews, President of the Delta Sigma Theta Sorority thanked the council and city clerk for participating in a reception for their members that had been held immediately before the council meeting. She outlined the mission of the Bloomington Chapter and likened their issues to those which are dealt with by the council. She called for more role models for young African American women, especially in the area of education. She offered their chapter and the Dr. Betty Shabazz Delta Academy for Girls as resources to the council.

PRESENTATIONS

Isabel Piedmont, board member of the South Central Community Action Program, presented information to the council. Included were details about an upcoming fundraiser and holiday cards made by Head Start children.

PUBLIC HEARINGS ON
PROPOSED ANNEXATIONS

It was moved and seconded that Ordinance 04-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Ordinance 04-25 An Ordinance
Concerning the Annexation of
Adjacent and Contiguous Territory
(Hoadley Quarries Area)

Susan Clark, Controller, announced that the public comment portion of the deliberations on the three annexation ordinances would serve as an advertised public hearing. She proceeded to review the timeline for all three annexations outlining the legal notification, publication dates, and remonstrance periods. She said that since each of the annexations were located in the Perry Clear Creek Fire Protection District, another taxing body, the ordinances would take effect on January 1, 2006, city tax rates would begin with the assessment of March 2006, and the tax revenue would not be forwarded to the city until June of 2007.

Clark also mentioned that the Hoadley Quarries was included in the Areas Intended for Annexation, and gave the summary of costs for the annexation. Clark noted there would be two persons affected by this annexation.

Rollo asked if there had been a site inspection to determine if there had been any dumping in the abandoned quarry. Clark said she would check into it, but that there was no inspection process connected to the annexation process.

Public Comment included a statement by Duncan Campbell, resident at 2300 Tapp Road, one of the two persons who would be annexed into the city with this ordinance. He said he was very surprised by the proposal. He said a noticeable disadvantage of this annexation for him would be an additional \$400 in taxes. He said that with the exception of city police and fire protection he provides most of the services that come with annexation himself.

Campbell said that for years he had been complaining of storm water drainage from city property flooding his property and added that the probable first year cost of annexation for the city (\$300) would not solve this problem. He said the area is virtually unpopulated and that he lives in a historic house which was grandfathered in as residential. He asked what benefit the city expected in annexing his property, adding that he could think of none except for filling in what might look like a gap in the maps. He said this issue that had been neglected by the city had been causing him grief for years; he hoped that the annexation would be beneficial for him in regards to a resolution of his stormwater problem. He called for a dialogue with the city regarding the problem, but asked if it couldn't be resolved, for the city to leave him in the county.

Ordinance 04-25 (cont'd)

David R. Grubb said that the waste problem and sewer problems were causing a failure of septic systems. He said the city should manage this problem before it added to its growth. He said human waste and gasses were blowing into the city, causing health problems, and that common sense dictated the need for this to be back under county control. He said the waste system was overloaded and the waste treatment plant was in the wrong spot, and should be to the northeast of the city. Mr. Grubb noted as he was leaving the podium, that he hadn't really accomplished anything with this admonition to the council.

Sturbaum asked what could be done about the stormwater problem. Rollo said that the runoff originates up stream and comes off the parking lot at the Southern Indiana Medical Park. Rollo said this should be looked at as a problem that could be solved.

Volan said the only person who would be annexed had just stated that the costs involved in this annexation were not sufficient for solving problems in that area. He said he was reluctant to approve this annexation if it meant that the city could expect a lawsuit in the future. He said he had been influenced by Mr. Campbell's statements and now wasn't sure what to do in this case.

Banach responded to Volan by saying that the financial considerations were not the driving force behind annexations to the city. He said he understood the point of Mr. Campbell, but would support the ordinance.

Sabbagh said the stormwater utility only dealt with issues within city limits and therefore annexation actually would help solve the problem. He said that the annexation would take effect in January of 2006, and that would start Mr. Campbell's city services.

Clark said that the city was required to provide non-capital services within one year of the effective date while capital services would be provided within three years from that date. She said this might be a maintenance issue, and would talk to the utilities department about it.

Sabbagh said, again, the best way for Campbell to have his problem solved would be annexation.

Mayer noted that the problem originated when the State of Indiana upgraded State Route 37 and the problem was exacerbated with the Sudbury development.

The motion to forward Ordinance 04-25 to December 15, 2004 for final action received a roll call vote of Ayes: 7, Nays: 1 (Volan).

It was moved and seconded that Ordinance 04-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as

Ordinance 04-26 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Rhorer/Gordon Area)

the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Ordinance 04-26 (cont'd)

Susan Clark, Controller, described the area of the proposed annexation. She said the five year plan for annexation was agreed upon with the county and the city and specified the areas over which the city held planning jurisdiction. She said the county had expressed concern over rights of the citizens in the Areas Intended for Annexation (AIFA) and had initiated this agreement. Clark noted the importance of the city's planning oversight in areas that were adjacent to the city boundaries.

Clark reviewed services that needed to be furnished to the area in the first year after the effective annexation date of January 1, 2006. She said there were two rental properties in the area which would need to be registered with the Housing and Neighborhood Development Department for inspection. She reiterated services that would be provided to this area adding that property owners with functioning septic systems would not be forced to hook onto city sewers, but owners who may wish to hook on will do so at their expense.

Rollo asked about institutional zoning in the area, to which Clark responded that it was probably left over from the Winston Thomas plant that was near this area. Clark noted that there were thirteen property parcels and eleven owners involved. She said most of the area was zoned commercial/arterial but the three residences were zoned institutional.

Public comment included a statement from Ginny Farrow who attended with her husband Gary. She said they moved into one of the three homes on Gordon Pike in March and had no knowledge of the intended annexation until they got the certified letter from the city in September. She said there would be no changes in the services that they and their two neighbors (also included in the proposed annexation) were currently receiving. She noted that the road couldn't be left with half of it unplowed just because the residents across the street didn't live in the city. She added that these homes were not "industrial," but rather residential regardless of their proximity to businesses and industrial land. She said there would be no benefit for her or her neighbors to be annexed, and she asked that the annexation be denied.

Volan said his relative lack of understanding of the annexation process was reason for him to abstain on the ordinances. He said because this ordinance was part of an ongoing process which included several pieces of legislation, he felt the best thing for him to do at this point was to abstain from voting until he had visited the areas and better understood advantages and disadvantages of annexations for both residents and the city.

Ruff thanked the residents of the area for speaking to the annexations and noted that the votes tonight were to forward the legislation to the December 15th meeting. He said that the action would allow more time to investigate their comments and gather information.

Sturbaum echoed Ruff's comments and said it was important for the residents to know that they are being listened to.

Mayer said that it was important to remember that we don't live in a vacuum, and that when citizens drive on city streets, use city parks, they're using services that the city has to offer. He said it's good to be reminded that these are costs borne by the city. He added that the negotiations between the city and county had been going on for several

years and that now, finally, we'd come to this part of the annexation plan.

Ordinance 04-26 (cont'd)

The motion to forward Ordinance 04-26 to December 15, 2004 for final action received a roll call vote of Ayes: 6, Nays: 0, Abstain: 2 (Rollo, Volan).

It was moved and seconded that Ordinance 04-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Ordinance 04-27 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (St. James/ East Wingfield/ Rolling Hills Area)

Susan Clark, Controller, described the area under consideration, giving particulars about the residences and roads in the area. She reviewed city services to be provided to the area, adding that capital services would be provided within three years. She also noted that there is one rental unit in the area and that the landlord should list his property with the Housing and Neighborhood Development Department for inspection. She said there would be no change in status in the area for water and sewer, and added that any streetlights in the area would be paid for by Public Works within one year. She said there were still houses under construction in the area. She added that there were presently 31 homes (population: 78) in the area, but with the area fully built out there would be about 65 homes (population: 148).

Banach asked if the area was totally surrounded by city property. Clark said that the area was bordered by city limits on the north and west side and would be 57% contiguous.

Rollo asked which areas were in the city's planning jurisdiction. Clark responded that the Rolling Hills area along Smith Road was included.

Mayer asked if an entire road was included in the annexation if an the annexed area was delineated by a road. Clark said that since 1998, the city was required to take any adjacent right of way into the city also and was required to maintain the entire road and clear it of snow. Mayer noted that this was not germane to this particular annexation, but it was to the previous annexation (Ord. 04-26).

Clark, to Sabbagh's question, said that the current streets in the area had been accepted by the Highway County Roads Departments, and had been found to be suitable for annexation. She said that the undeveloped area would be accepted by the Highway department and then would be accepted into the city at that time. Mayer noted the purpose of this procedure.

There was no public comment at this time.

The motion to forward Ordinance 04-27 to December 15, 2004 for final action received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Volan).

Dan Sherman, Council Attorney/Administrator, noted that the proposed annual calendar had been circulated in the last two packets. He explained the deadlines for prospective legislation and exceptions to the rule that the council meets the first four Wednesdays of the month by adding the Budget related meetings and the statutorily required first meeting of the year.

APPROVAL OF COMMON
COUNCIL ANNUAL SCHEDULE
FOR 2005

Banach asked what required the council to meet once a month. Sherman replied that council procedures were prescribed by local code. Banach noted that the local code was much more stringent than state law which required one meeting per month. Mayer asked Sherman to clarify if it were a statute or custom. Sherman said it was included in Title 2 of the Bloomington Municipal Code.

APPROVAL OF COMMON
COUNCIL ANNUAL SCHEDULE
FOR 2005 (Cont'd)

It was moved and seconded to adopt a schedule for the council activities for the year 2005. The motion received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 8:43 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

Unapproved