

Zoning Session - Common Council

Monday, March 26, 1973, in the Council Chambers from 7:30 p.m. to 10:00 p.m., with Council president Charlotte Zietlow presiding.

Present: Councilmembers Ackerman, Behen, Fix, De St. Croix, Towell, Zietlow, and Morrison. (Councilman Morrison was present only for the first part of the meeting.)

Absent: Councilmembers Davis and Mizell.

City Officials present: Tom Crossman, planning director; Grace Johnson, City Clerk.

Tom Crossman presented to the Council the recommendations of the committee meeting of 3/22 on the definition of family. He also recommended changing the definition of dwelling unit in the text and including definitions of apartment, apartment building and four-plex in the text. (The specific wording of these recommendations will be included below with the appropriate motions for adoption.)

Mr. Crossman presented a memorandum to the council concerning the landlord-tenant or housing quality ordinance and various other ordinances relating to housing:

MEMORANDUM

TO: Council Members DATE: 3/26/73

FROM: Planning Department

In conjunction with considerations of household definitions it must be emphasized that density and space control are appropriately considered in other codes such as the Landlord Tenant Ordinance and the housing code. The following points should be noted:

1. At present owner occupied and rental structures are treated differently. All rented structures are subject to the Landlord Tenant Ordinance.
2. All rental structures or dwelling units are subject to City inspection and certification requiring compliance with building and housing codes.
3. Present housing codes specify minimum space per occupant of any housing unit. If these minimums are believed inadequate by Council the housing code could be amended.
4. By enforcing housing codes and the Landlord Tenant Ordinance the City can specify the number of occupants permitted in any structure or dwelling unit and certify the dwelling unit for that number of occupants.
5. By enforcing the zoning code (as proposed) and the Landlord Tenant Ordinance the City can inspect leasing arrangements to determine in fact that such arrangements are unitary.
6. If structural modifications are deemed necessary for rental units such specifications could be incorporated in the building codes and enforced in conjunction with the City inspection and certification.
7. A combination of enforcement of existing regulations can accomplish all factors discussed in preserving structural quality and limiting density. No new ordinances should be required.

Councilman De St. Croix moved that the word family be deleted throughout the zoning ordinance and the words "household" or "dwelling unit", as appropriate, be substituted for it, and that household be defined as follows: "A single individual living upon the premises as a separate housekeeping unit or a collective body of persons living upon the premises as a single housekeeping unit," and that the definition of Dwelling, Single Family Detached be redefined as Dwelling, Detached (Single Household): "A building designed for the occupancy of no more than five (5) adults (i.e., persons sixteen (16) years of age or older) and any dependent children of the household. Such dwellings shall be characterized by but not limited to: 1. a single house number with a single mailbox for the receipt of materials sent through the United States mail; 2. a single kitchen adequate for the preparations of meal; and 3. a tenancy based upon a legal relationship of a unitary nature, i.e., single lease, mortgage or contractual sales agreement for the entire premises," and that the designation of "single family dwelling" in the use tables would be replaced by "dwelling, detached (single household). Councilman Towell seconded the motion. (This motion is essentially what was reported out of the committee meeting on 3/22/73.)

The MOTION WAS CARRIED by a ROLL CALL VOTE OF AYES 6, Nays 1 (Nay: De St. Croix).

Councilman De St. Croix moved that the zoning ordinance be amended to include a definition of Day Care Home and Day Care Center as follows:

"Day Care Home - A private residence which receives for care, maintenance and supervision one or more but no more than 10 children including resident children under the age of 14, for less than 24 hours a day, unattended by a parent or legal guardian."

"Day Care Center - which is (a) a place which receives children for care, maintenance and supervision in a structure other than a private residence for less than 24 hours per day and unattended by a parent or legal guardian, and (b) any place, including a structure attached to but separate from a private residence which receives more than ten children for care and maintenance and supervision for less than 24 hours per day unattended by a parent or legal guardian.

Councilman Ackerman seconded the motion.

The motion was CARRIED by a ROLL CALL VOTE OF Ayes 7, Nays 0.

Councilman Ackerman moved that the definition section of the text be amended by incorporating the following definitions into that section: 1. Dwelling, Two-Family, Semi-detached be defined as Dwelling, Duplex; 2. Dwelling, Fourplex be defined as a structure containing four apartments; 3. Apartment - A suite or set of rooms with necessary appurtenances in a house, apartment building, or hotel occupied or suitable to be occupied as a dwelling unit; 4. Apartment Building - An apartment building is a building arranged in several suites of connecting rooms, each suite designated for independent housekeeping, but with certain mechanical conveniences such as heat, and elevator services in common to all tenants occupying the building; 5. Dwelling Unit - One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living, sanitary, and sleeping facilities; and that the word "garden" as in garden apartment be stricken wherever it appears in the ordinance. Councilman Towell seconded the motion.

The motion WAS CARRIED by a ROLL CALL VOTE OF AYES 7, Nays 0.

Councilman De St. Croix moved that the planning department be instructed to prepare an analysis of the applicability of percentage zoning to Bloomington's zoning ordinance and that a preliminary report be given by the planning department to the Council at the first regularly scheduled council meeting in October 1973. Councilman Towell seconded the motion.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 7, Nays 0. (Councilman Morrison left at this point in the meeting.)

Councilman Towell moved the meeting be adjourned. Councilman Behen seconded the motion. The motion failed by a vote of ayes 4, Nays 2 (Nay: Zietlow, Ackerman)

Councilman Towell moved that the recommendations of the plan department of March 7, 1973, concerning amendment of the special exception section of the ordinance-20.11.62-be adopted with the exception of section 20.11.62.04 which should be changed to permit some sort of referendum procedure. Councilman Ackerman seconded the motion.

The recommendations are as follows:

20.11.62.00 The BZA may grant a special exception for retail uses in any residential district providing only uses listed below may be permitted and only if the following conditions are met.

20.11.62.01 Retail uses permitted as a special exception shall be limited to: bakery products, dairy products, drugs and sundries, groceries and meats, florists, variety stores, and beauty or barber shops.

20.11.62.02 All retail uses so permitted shall have principal access from at least a collector street.

20.11.62.03 No retail use shall be permitted in a structure exceeding 3000 square feet.

20.11.62.04 (The wording to be modified to permit a referendum procedure is: To insure the proposed retail use is desired by the neighborhood a petition of over 50% of the residents of the area shall be submitted in support of the proposed retail use.)

20.11.62.05 Not more than five (5) percent of the land area as determined by the geographic boundaries covered by the petition in sections 20.11.62/04 above may contain structures devoted to retail uses.

20.11.62.06 No commercial structure permitted under these regulations shall have exposed block or construction walls. All exterior surfaces shall be faced with an architectural siding.

20.11.62.07 In any single family residential district any permitted commercial structure shall have a pitch roof equal to the average roof pitch of the structures on the same block.

20.11.62.08 To insure neighborhood compatibility business hours for retail uses permitted under these regulations shall be between 7:00 a.m. and 7:00 p.m.

20.11.62.09 Since one purpose of neighborhood business facilities is to provide services within walking distance of dwellings parking requirements may be reduced to one half normal regulations.

20.11.62.10 No parking may be provided in front yards and all front yard setbacks shall be landscaped.

20.11.62.11 All yard and lot coverage provisions shall be the same as for residential uses in the zone in which the special exceptions are granted.

After some discussion, Councilman De St. Croix moved that the motion be tabled until the council can come up with language for neighborhood delineation, the petitioning-referendum procedure and other items of the motion, such as hours of business to be

permitted. Councilman Ackerman seconded the motion.

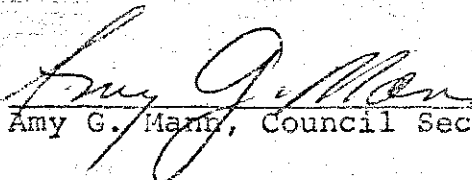
The MOTION WAS CARRIED by a ROLL CALL VOTE OF Ayes 6, Nays 0.

Councilman Fix moved that section 20.05, as amended, and section 20.06 be adopted. Councilman Ackerman seconded the motion.

After some discussion Councilman Towell moved that the meeting be recessed until 7:30 p.m. on March 27, 1973.

Councilman Ackerman seconded the motion.

THE MOTION WAS CARRIED BY A UNANIMOUS VOICE VOTE.


Amy G. Mann, Council Secretary