

Zoning Session - Common Council, April 24, 1973,  
 In the Council Chambers of the Municipal Building  
 from 7:30 p.m. to 12:00 midnight, with Council  
 President Charlotte T. Zietlow presiding

Present: Councilmembers Akcerman, Behen, Fix,  
 Davis, Mizell, Morrison, Towell, De St. Croix,  
 and Zietlow. Councilman Davis arrived after the first  
 vote; Councilman Morrison arrived after the  
 first three votes.

Others: About 20 people including members of  
 the press.

City Officials Present: Tom Crossman, Planning  
 Director; Grace Johnson, City Clerk.

Councilman De St. Croix moved that Section 20.05.04.02 (page 18)  
 be amended by adding, at the end of the section, the following  
 sentence:

"Special Conservancy Districts shall be designated SC  
 for all floodways, sink holes or areas restricting  
 permanent construction and SC hyphen with a conventional  
 zone designation in floodway fringe areas where land use  
 is subject to floodway fringe requirements."

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 Section 20.06, NONCONFORMING  
 USES AND STRUCTURES, be amended to read as recommended by the  
 planning department, with the two changes that in subsection  
 20.06.01.10, the words "and structures" would be deleted from the  
 title and subsection B (Amortization of Signs) would be deleted  
 from the section to be considered when the entire sign section  
 is dealt with. Section 20.06 was moved to read as follows:

#### 20.06 NONCONFORMING USES AND STRUCTURES

##### 20.06.01.00 Non-Conforming Uses

The lawful use of any building, structure, or land exist-  
 ing at the time of the enactment of this Ordinance may be  
 continued, although such use does not conform with  
 the provisions of this ordinance, provided the following  
 conditions are met:

20.06.01.01 Unsafe structures. Nothing in this Ordinance shall  
 prevent the strengthening or restoring to a safe  
 condition of any portion of a building or structure  
 declared unsafe by a proper authority.

20.06.01.02 Alterations. A non-conforming building or structure  
 may be altered, improved or reconstructed provided  
 such work is not to an extent exceeding in aggregate  
 cost thirty percent (30%) of the assessment value of  
 building or structure, unless the building or structure  
 is changed to a conforming use.

- 20.06.01.03 Extension. A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
- 20.06.01.04 Changes. No non-conforming building, structure or use shall be changed to another non-conforming use.
- 20.06.01.05 Construction approved prior to ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within nine (9) months of the date of the permit, and which entire building shall be completed according to such plans as filed with twelve (12) months from date of this ordinance.
- 20.06.01.06 Restoration. Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this ordinance, wherein the expense of such work does not exceed 150 percent of the assessed value of the building or structure at the time such damage occurred.
- 20.06.01.07 Wear and Tear. Nothing in this Ordinance shall prevent the reconstruction, repairing or rebuilding of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed forty (40) percent of the assessed value of such building or structure at the time such work is done, nor prevent compliance with the provisions of the City's approved building code relative to the maintenance of buildings or structures.
- 20.06.01.08 Abandonment. A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned:
- A. When the intent of the owner to discontinue the use is apparent, or,
  - B. When the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months, unless other facts show intention to resume the non-conforming use, or,
  - C. When it has been replaced by a conforming use.

20.06.01.09 Displacement. No non-conforming use shall be extended to displace a conforming use.

20.06.01.10 Amortization of Land

A. The non-conforming use of land where no building is involved shall be discontinued within five years from the date of its passage except where farming is the primary use lawfully existing at the time this chapter became effective.

20.06.01.11 Cessation--Junk and Wrecking Yards.

No junk or automobile wrecking yard not within an enclosed masonry building or which has not been granted a special exception by the Plan Commission under the provisions of Chapter 20.11 of these regulations shall be operated or maintained for more than twelve (12) months after a zoning change to a use district within which such yard is not permitted, except that in a light-industrial district, where the Board of Appeals determined that it is impractical to roof over a large area containing junk material or an automobile wrecking yard, the Board may permit the construction around such area of an eight (8) foot high masonry wall or substantial slightly tight or semi-tight fence, whichever in its opinion is the more appropriate in the surroundings of the property, and may then permit, for a specified time, the continued use of such property for such purposes.

20.06.01.12 Unlawful Use Not Authorized.

Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

20.06.01.13 Certificate of non-conforming uses.

Upon the effective date of this Ordinance the City Engineer shall, upon application by the landowner, issue a "Certificate of Non-conforming Use" to all owners of property, the use of which does not conform to the provisions of the use zone in which the property is located.

A. In accordance with the provisions of this section no use of land, buildings or structures shall be made other than that specified on the "Certificate of Non-conforming use," unless said use shall be in conformity with the provisions of the use zone in which the property is located.

B. A copy of each "Certificate of Non-Conforming Use" shall be filed with the office of the Plan Commission: No permit or license shall be issued to any property for which a "Certificate of Non-Conforming Use" has been issued until said permit or license has been approved by the Planning Commission consistent with the terms of the Site Plan Ordinance of February 22, 1973, Ordinance No. 73-11.

- 20.06.01.14 District changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.
- 20.06.01.15 Application. The provisions of Chapter 20.06 of this code shall also apply to building structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter and any time periods specified for discontinance of non-conforming uses shall be measured from the date of such reclassification or change.

Councilman Behen seconded the motion.  
THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF Ayes 8, Nays 0.

Councilman Ackerman moved that Section 20.15, FLOODWAY AND FRINGE AREAS, be amended as follows:

subsection 20.15.01.00, Establishment of Floodway Zoning Districts, would read as follows:

"The floodplain areas within the jurisdiction of this ordinance are hereby divided into two districts: Floodway Districts designated SC and Floodway Fringe Areas designated SC hyphen and a conventional zone indicator. The Floodway districts are adjacent to the stream channel (except where otherwise mapped) and are the areas of the most frequent and severe flooding. The Floodway Fringe Areas lie beyond the Floodway District and are subject to less severe flooding." (see page 80)

subsection 20.15.07.10, on page 83, would read as follows:

"20.15.07.10 Areas lying outside the SC District, as shown on the zoning map of Bloomington, Indiana, but subject to flood as defined above, shall be identified as SC hyphen with a conventional zone designation and shall be subject to the following regulations."

subsection 20.15.07.20, on page 84, would read as follows:

"20.15.07.20 Uses permitted in the SC hyphenated districts shall be the same as those uses permitted in the conventional zoning district indicated after the hyphen, (i.e.) uses permitted in an SC-RH zone shall be those permitted in the RH zone and uses permitted in an SC-BA shall be the same as those permitted in the BA zone."



Councilman De St. Croix moved that Section 20.11.20.01 be amended by changing the word "Day Care Facility" to read "Day Care Center" and by replacing sections 20.11.21.01 and 20.11.21.02 with a section to read as follows:

"There shall be an enclosed yard for outdoor play of 1000 square feet for the first 10 children and 75 square feet for each child over the first 10."

The motion was seconded by Councilman Towell and CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that the density maximum for RH be changed from sixteen to twenty units per acre and the bulk and height tables be amended to reflect the recommendations of the planning department as follows:

Density of 20 units per acre:

Amend bulk table by changing additional DU column from 2500 to 2000 sq. ft. and FAR from 0.50 to 0.60.

At 20 units per acre:

Max. Bld. coverage = 30.2%  
Max. parking coverage = 33.0%  
Min. Open Space = 36.7%

Councilman Towell seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 7, Nays 1, Abstention 1 (Nay: Mizell; Abstention: Fix)

Councilman De St. Croix moved that the density of the RH PUD be raised to 25 with the height and bulk recommendations of the planning department accepted as follows:

Density of 25 units per acre:

Amend bulk table by changing additional DU column to read 1600 square feet and FAR to 0.70.

At 25 units per acre:

Max. Bld. coverage = 12.8%  
Max. parking coverage = 41.3%  
Min. Open Space = 45.9%

And a sentence be added to the Total Open Space requirements given in section 20.13.02.04, on page 59, as follows:

"In no case will less than 800 square feet of open space per dwelling unit be allowed."

Councilman Towell seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 6, Nays 1, Abstentions 2 (Nay: Mizell; Abstentions: Morrison, Fix)

Councilman Ackerman moved that the entire section 20.17, SIGNS, pages 28 and following, be deleted, to be considered in the near future when adequate time and consideration can be given to this matter, and that the sign regulations in the existing zoning and other ordinances be kept in force until revisions are made.

Councilman Towell seconded the motion.

THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 5, Nays 4.  
(Nay: Towell, Mizell, De St. Croix, Zietlow)

Councilman De St. Croix moved that the first sentence of 20.04.31.55, USABLE OPEN SPACE, be expanded to read as follows:

"That portion of the lot that is not covered by buildings, streets, parking areas, or paved walkways." and that the rest of the section remain intact.

Councilman Ackerman seconded the motion. The MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

It was the consensus of the Council that the Council recommend to the plan commission that the Commission follow a policy of encouraging developers to preserve existing landscaping wherever possible, and that the plan commission make a recommendation to incorporate this provision into the zoning or site plan ordinance or into administrative procedures, as it seems most appropriate.


Councilman Morrison moved that the Plan Commission be asked to consider the land use that the Westside PAC has agreed upon, in the final preparations of the maps. Councilman Ackerman seconded the motion. The motion was carried by a ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that section 20.13.04.05, concerning mobile home parks, on pages 69 and 70, be amended by DELETING the entire subsection B and, in Subsection G, changing the minimum paved road width from twenty-four feet to thirty (30) feet.) Councilman Mizell seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman Towell moved that a Six month grace period be allowed, forgiving administrative charges during that time for people who want to apply for a rezoning for a use which was legal before the new ordinance goes into effect, for areas included in the Westside PAC area, and for all cases left unresolved by the Common Council, but SPECIFICALLY EXCLUDING the fee waiver for those cases already decided by the Common Council. Councilman Ackerman seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0.

Councilman De St. Croix moved that Ordinance No. 73-3, as amended, be returned to the Plan Commission as a preliminary report. Councilman Mizell seconded the motion. THE MOTION WAS CARRIED BY A ROLL CALL VOTE OF AYES 9, Nays 0, and a blare of trumpets was heard in the land.

Councilman Towell moved the meeting be adjourned. The motion was seconded by Councilman Ackerman and carried by ACCLAMATION. The meeting was adjourned at Midnight.

  
Amy Mann, Council Secretary

RESOLUTION No. 73-41

June 21, 1973

BUDGET TRANSFER

BE IT HEREBY RESOLVED by the Common Council of the City of  
Bloomington, Indiana, that the City Controller of said City  
may adjust the appropriation of the following budget, to-wit:

CITY COURT

FROM #121-Special Judges	\$200.00
TO #212-Postage	\$200.00

Charlotte T. Zietlow  
Charlotte T. Zietlow, President  
Common Council, City of Bloomington

APPROVED:

Francis X. McCloskey  
Francis X. McCloskey, Mayor  
City of Bloomington, Indiana

ADOPTED: June 21, 1973



Resolution 73-42

WHEREAS, prior to the passage of Ordinance 73-3 there had not been sufficient time to consider the entire impact upon property affected by such Ordinance.

THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, THAT FOR SIX MONTHS FROM THIS DATE ANY OWNER OF PROPERTY ADVERSELY AFFECTED BY SUCH ZONING ORDINANCE BE PERMITTED, WITHOUT THE PAYMENT OF ANY FEE THEREFOR, TO FILE WITH THE PLAN COMMISSION AN APPLICATION FOR REZONING.

Passed and adopted this 21st day of June, 1973.

Charlotte Zietlow, President

Francis X. McCloskey, Mayor

ATTEST:

Grace E. Johnson, City Clerk

*Defeated 6/21/73*